

# Fighting Human Trafficking or Instituting Authoritarian Control?

## The Political Co-optation of Human Rights Protection in Belarus

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### Introduction

The idea for this chapter arose from an apparent paradox of human rights protection practices in Belarus. The Belarusian bid to join the UN Human Rights Council was rejected in 2007 due to the country's "appalling human rights record."<sup>\*</sup> Amnesty International USA<sup>†</sup> reported regular abuses of the rights to free expression, assembly, and fair trial in Belarus; the US-Based Freedom House grouped Belarus among 17 countries with "extremely oppressive environments, minimal

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<sup>\*</sup> Human Rights Watch. "UN 'No' to Belarus on Rights Council," May 16, 2007, available at <<http://www.hrw.org/en/news/2007/05/16/un-no-belarus-rights-council>>.

<sup>†</sup> Amnesty International USA. "Annual Report: Belarus 2011." May 28, 2011, available at <<http://www.amnestyusa.org/research/reports/annual-report-belarus-2011>>.

basic rights and persistent human rights violations.”<sup>‡</sup> At the same time, Belarus was lauded by the US Department of State and the United Nations Office on Drugs and Crime as a regional leader in protecting its citizens against human trafficking.<sup>§</sup> Using the example of Belarus, we examine how human rights indicators can be used to create a façade behind which further human rights abuses are perpetrated. We argue that the authoritarian Belarusian government chose to pursue an eclectic combination of anti-trafficking measures with excessive zeal because they (1) improved the international image of Belarus and (2) allowed the state to further its isolationist political agenda. We suggest that the reductionist nature of indicators creates opportunities for countries that selectively comply with international human rights regulations to engage in subversive contestation of the indicator-based regime of global governance.

## **Repressive regimes, human rights norms, and theories of non-compliance**

States’ imperfect compliance with ratified international human rights agreements is well-documented in academic and policy circles.<sup>\*\*</sup> Countries that are notorious abusers of human

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<sup>‡</sup> Naviny.by, “Belarus Ranks Among Worst Human Rights Abusers,” April 6, 2010, available at <[http://naviny.by/rubrics/english/2010/06/04/ic\\_news\\_259\\_332461](http://naviny.by/rubrics/english/2010/06/04/ic_news_259_332461)>.

<sup>§</sup> US Department of State, Trafficking in Persons Report 2010, Country Narratives A Through F, June 14, 2010, available at <<http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>>; UN Office on Drugs and Crime, International Symposium on International Migration and Development Trafficking in Persons: Global Patterns, June 30, 2006, available at <[http://157.150.195.10/esa/population/migration/turin/Turin\\_Statements/KANGASPUNTA.pdf](http://157.150.195.10/esa/population/migration/turin/Turin_Statements/KANGASPUNTA.pdf)>.

<sup>\*\*</sup> Emilie Hafner-Burton, Kiyoteru Tsutsui, and John W. Meyer, “International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties,” *International Sociology* 23 (2008): 115; Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2009).

rights are surprisingly willing to sign international human rights treaties.<sup>††</sup> For example, by 2006 Sudan had ratified four of seven major international human rights treaties, Algeria and the Democratic Republic of Congo had ratified six, and China had ratified five and signed two more. In comparison, the United States has ratified only three international conventions.<sup>‡‡</sup>

Hafner-Burton and Tsutsui<sup>§§</sup> argue that the expanding international normative regime centered on human rights is a double-edged sword. On the one hand, international treaties have practically no enforcement mechanisms, offering an attractive option for “window dressing” state cooperation. Given the universal legitimacy of human rights protection, “empty” ratification is attractive to countries whose international reputations are suffering as they can diminish international pressure for reforms, even when their actual compliance is minimal.<sup>\*\*\*</sup>

Beth Simmons calls such states *strategic ratifiers*: by endorsing international treaties, they avoid criticism, improve their international image, and develop useful diplomatic relations.<sup>†††</sup> The reduction in international pressure can then actually enable these countries to engage in increased repressive policies domestically.<sup>††††</sup>

In many cases treaty ratification does translate into adoption of internationally recognized standards of human rights protection, even if partial or gradual. The endorsement of human rights treaties can change the ways that governments respond to the forced disappearances of

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<sup>††</sup> Wade Cole, “Sovereignty Relinquished? Explaining Commitment to the International Human Rights Covenants, 1966–1999,” *American Sociological Review* 70 (2005): 473.

<sup>‡‡</sup> Hafner-Burton et al., “International Human Rights Law and the Politics of Legitimation,” 119.

<sup>§§</sup> Emilie Hafner-Burton and Kiyoteru Tsutsui, “Human Rights in a Globalizing World: The Paradox of Empty Promises,” *American Journal of Sociology* 110 (2005): 1373.

<sup>\*\*\*</sup> Rein Mullerson, *Human Rights Diplomacy* (New York: Routledge, 1997).

<sup>†††</sup> Simmons, *Mobilizing for Human Rights*, 59.

<sup>††††</sup> Oona Hathaway, “Do Human Rights Treaties Make a Difference?” *Yale Law Journal* 111 (2001–2002): 1935; Hafner-Burton and Tsutsui, “*Human Rights in Globalizing World*,” 1398.

their citizens and treat their citizens during police interrogations and detention in jails and prisons.<sup>§§§</sup> However, due to lack of enforcement mechanisms embedded in international law, complete non-compliance with ratified regulations is also common. Meyer et al.<sup>\*\*\*\*</sup> argue that institutional decoupling facilitates recalcitrant policies of the repressive governments. Authoritarian states tend to have low internal political integration and high autonomy that allow them to subscribe to international regulations without changing their abusive practices.<sup>††††</sup> The literature abounds with examples of repressive governments' domestic policies that blatantly contradict their international obligations.<sup>‡‡‡‡</sup>

We argue that there is also a third model of authoritarian state behavior vis-à-vis the ratified international human rights norms whereby states use selective compliance tactics, tailored strategically to promote their own political agendas. The ratification and adoption of selective provisions allow authoritarian leaders to pursue their own interests behind a façade of compliance, while benefiting from international approval and reduced pressure for reform. In this model, selectively tight coupling rather than decoupling of regulations from on-the-ground policies enables the simultaneous compliance and worsening of authoritarian repression.

The rapidly growing norm of indicator-based international governance exacerbates the problem of selective compliance. We argue that the very nature of indicators makes them a convenient tool for **countries which are abusers** of human rights to improve their international

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<sup>§§§</sup> James Ron, "Varying Methods of State Violence," *International Organization* 51 (1997): 275; Ellen Lutz and Kathryn Sikkink, "International Human Rights Law and Practice in Latin America," *International Organization* 54 (2000): 633.

<sup>\*\*\*\*</sup> John Meyer, and Brian Rowan, "Institutionalized Organizations: Formal Structure as Myth and Ceremony," *American Journal of Sociology* 83 (1977): 340.

<sup>††††</sup> Hafner-Burton et al., "International Human Rights Law and the Politics of Legitimation."

<sup>‡‡‡‡</sup> Linda Camp Keith, "The United Nations International Covenant on Civil and Political Rights: Does it Make a Difference in Human Rights Behavior," *Journal of Peace Research* 36 (1999): 95; Hathaway, "Do Human Rights Treaties Make a Difference?"

image through the pursuit of select mandated policies without changing their behavior on other counts. As argued by Davis et al. in the framing chapter of this volume, simplification and distillation of large amounts of complex, imperfect data into a condensed, often numeric, form lies at the heart of the indicator project. Through uncertainty absorption, indicators of a state's compliance generate spaces where human rights offences and other manifestations of non-compliance can be successfully hidden from the international community.<sup>§§§§</sup> In contrast to complete non-compliance that rarely escapes indicators, selective compliance often allows for evasion of the equally selective assessment by the ranking entities.

In this chapter we discuss the case of Belarusian anti-trafficking initiatives as an illustration of the selective compliance model, and show how international indicators may fail to accurately assess human rights protections in cases of strategic selectivity by the ranked government. In the last several years the international community has interpreted the ratification and strict enforcement of some anti-trafficking policies as an indicator of Belarus's growing commitment to the human rights regime. This reaction created a space within which the Belarusian government could pursue its authoritarian interests with reduced interference. Belarusian authorities used some mandated policies in ways that actually fortified the country's totalitarian regime. President Lukashenka instituted certain anti-trafficking reforms with such excessive zeal that they curbed crucial rights and freedoms of Belarusian citizens, thus increasing the physical and ideological isolation of Belarusians, augmenting the state's control over the country's institutions, and, ironically, improving the international image of Belarus.

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<sup>§§§§</sup> Wendy Espeland and Mitchell Stevens, "A Sociology of Quantification," *European Journal of Sociology* 49 (2008): 401.

# Methodology

The data for this study were collected through the content analysis of materials prepared by international human rights organizations, statistics made available by the Belarusian government, news reports from independent and oppositional media in Belarus, materials helpfully provided by anti-trafficking NGOs in Minsk (the capital of Belarus), interviews with NGO representatives, and interviews with Belarusian students and university instructors.

First, we analyzed the accounts of the human rights situation in Belarus since the breakdown of the Soviet Union made public by the UN Office on Drugs and Crime, Amnesty International USA, United Nations Development Program in Belarus, Human Rights Watch, and the US Department of State. We then compared and contrasted these records with the information and statistics made public by (1) three Belarusian governmental or government-controlled sources: the Ministry of the Internal Affairs of Belarus (Ministerstvo Vnutrennih Del Respubliki Belarus), The National Legal Portal of Belarus (Natsional'niy Pravovoy Portal Rspubliki Belarus), and the Belarusian Mission to the UN; and (2) several local independent and oppositional media and human rights organizations such as Charter97.org, Bellona.org, Belarus Digest.com, Belarusian Institute for Strategic Studies, Malady Front, Naviny.by, and others.

These data were complemented by the materials of two international anti-trafficking NGOs in Minsk—the International Organization for Migration (IOM) and La Strada. IOM is the largest inter-governmental organization addressing social issues related to migration flows worldwide, which has been operating in Minsk since 2005. La Strada, run by the YWCA and funded by several northern European governments, works specifically on the prevention of human trafficking and rehabilitation of its victims in Eastern and Central Europe since January 2003. We also conducted in-depth interviews with three employees of IOM Belarus as well as the

Director and two employees of La Strada Belarus about the work of their respective organizations, their interactions with governmental agencies, and their opinions about the state-based anti-trafficking campaign in Belarus.

Finally, we conducted a series of interviews with university students and instructors. We interviewed three political science and two international relations professors from Belarusian State University—the leading higher educational establishment in the country. We also interviewed three professors, including the co-founder and former Vice-President of the European Humanities University that was prosecuted and shut down by President Lukashenka’s government. These interviews lasted one to two hours each and elicited both expert opinions on the human rights situation in Belarus and accounts of personal experiences from the members of the Belarusian intellectual elite. We also interviewed 35 students about restrictions on their mobility resulting from the Lukashenka government’s anti-trafficking campaign.

## **Belarus and the problem of human trafficking**

According to the US Department of State’s annual Trafficking in Persons (TIP) Report, the post-Soviet Bloc is both the region of origin and a place of transit in human trafficking victims headed to Western Europe and the Middle East. The countries buffering Russia from the European Union offer ripe grounds for human trafficking: they are ridden with unemployment, low quality of life, and gender discrimination and violence. Every year thousands of people look for opportunities to improve their livelihood abroad, with many falling prey to human traffickers.<sup>\*\*\*\*\*</sup> Over the last six years, Belarus has putatively established itself as a regional leader in combating human trafficking. According to international indices, it has been both

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\*\*\*\*\* US Department of State, Trafficking in Persons Report 2010. Country Narratives A Through F.

successful in decreasing the incidence of this crime on its own territory and in promoting various within-region and international anti-trafficking initiatives. Since 2003, Belarus has improved its ranking by the US Department of State, moving from Tier 3 to a less ominous classification as a Tier 2 country.<sup>††††</sup> The Ministry of Internal Affairs of Belarus (MIAB) reports a decline in the number of trafficking-related crimes from 555 in 2005 to 219 in 2009.<sup>‡‡‡‡</sup> IOM has commended Belarus for being a “vocal advocate of the need for better international cooperation in the field of anti-trafficking.” The IOM reports that in the course of 2008–2009, Belarus proposed “two draft resolutions at the United Nations General Assembly calling for more rational and effective coordination mechanisms at the international level, was active in ensuring that fighting trafficking in human beings is included in the agenda of Collective Security Treaty Organization” and has continued to be “a driving force behind the drafting of the 2007–2010 CIS Programme of Cooperation on Trafficking in Persons.”<sup>§§§§</sup> In its report for the UN’s Universal Periodic Review, the YWCA joined the IOM in praising Belarus for demonstrating “strong political will and undertaking significant efforts to fight human trafficking, and giving high priority to the problem nationally and internationally.”<sup>\*\*\*\*\*</sup>

## **Belarus and human rights: “Appalling record”**

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<sup>††††</sup> Ibid.

<sup>‡‡‡‡</sup> Ministerstvo Vnutrennih Del, Diagrammy, 1998–2010, available at <<http://mvd.gov.by/modules.php?name=Content&pa=showpage&pid=725>>.

<sup>§§§§</sup> International Organization for Migration, “The Assessment of the National Counter-Trafficking Context and Activities in Belarus,” 2006, available at <<http://www.iom.int/jahia/page809.html>>.

<sup>\*\*\*\*\*</sup> YWCA of Belarus, “Written Submission to Universal Periodic Review,” 2010, available upon request from La Strada Belarus.

Belarus's anti-trafficking zeal is puzzling in light of the country's continued abuse of human rights since the mid-1990s. Elected president in 1994, the authoritarian leader Alyaksandr Lukashenka has built an isolated, inward-looking state based on repeated election fraud, violent suppression of the opposition, economic dependence on Russia, and fear among its citizens.

Maintenance of a corrupt authoritarian regime in an increasingly globalized world of informational abundance requires systematic oppression of citizens' freedom of choice and expression. The US Freedom House 2010 Report ranked political freedom in Belarus with a score of 7 on a 1 to 7 scale, where higher grades indicate the lack of freedom.<sup>†††††</sup> Various international observers have documented repeated abuse and voting fraud during Belarusian presidential and parliamentary elections and referenda.<sup>†††††</sup> According to Amnesty International, the Belarusian government "has cracked down on opposition leaders and movements, trade unions, non-Orthodox Christian churches, civil society organizations."<sup>§§§§§</sup> According to the UN report, Belarus continues to use political imprisonment to silence its opposition.<sup>\*\*\*\*\*</sup> Belarusian citizens run the risk of imprisonment for criticizing the government, participating in unregistered NGOs, demonstrations, and civil society organizations. Every year the US Department of State reports new cases of arbitrary detention and imprisonment without procedural rights to due process in Belarus. Numerous university students, journalists, and activists have been arrested

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<sup>†††††</sup> Charter97, "Freedom House Called Regime in Belarus Authoritarian." June 30, 2010, available at <<http://charter97.org/en/news/2010/6/30/30251>>.

<sup>†††††</sup> UN Human Rights, "Special Rapporteur on Belarus Condemns the Human Rights Violations during Recent Presidential Elections," March 23, 2006, available at <<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=7191&LangID=E>>; Human Rights Watch, "Belarus: Events of 2008," 2008, available at <<http://www.hrw.org/en/node/79332>>.

<sup>§§§§§</sup> TheNewFederalist.eu, "From Freedom to Death: A Narrative of Human Rights in Belarus," March 17, 2010, available at <<http://www.thenewfederalist.eu/From-Freedom-to-Death-A-Narrative-of-Human-Rights-in-Belarus>>.

<sup>\*\*\*\*\*</sup> Charter97, "Report on Human Rights Violations Filed to UN," March 5, 2010, available at <<http://charter97.org/en/news/2010/3/5/27054>>.

and imprisoned for progressively oriented social action.<sup>††††††</sup> Anti-governmental demonstrations are routinely broken up with the use of force. Participation in unregistered organizations often results in a targeted economic pressure from the government.<sup>††††††</sup> There is a continuing persecution of sexual, religious, and ethnic minorities, including governmental involvement in anti-Semitic activities,<sup>§§§§§§</sup> ill-treatment of gays and lesbians,<sup>\*\*\*\*\*</sup> and state-orchestrated harassment of the Union of Poles.<sup>††††††</sup> Freedom of the press is also significantly limited by the state. Reporters without Borders ranked Belarus as 151st out of 175 countries in their Global Press Freedom Listing,<sup>††††††</sup> where the countries with low rankings have the most controlled mass media. At present there are no independent TV channels, and the few existing pro-democratic Internet resources are openly persecuted by the government.<sup>§§§§§§</sup>

## Why human trafficking?

Given the dubious human rights record of Lukashenka's government, its anti-trafficking crusade should be understood as an effort to consolidate authoritarianism. The beginnings of the

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<sup>††††††</sup> United States Department of State, 2008 Human Rights Report: Belarus, 2009, available at <<http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119069.htm>>.

<sup>††††††</sup> Radio Free Europe/Radio Liberty, "Belarusian Activist Expelled from University," May 29, 2009, available at <[http://origin.rferl.org/content/Belarusian\\_Activist\\_Expelled\\_From\\_University/1742304.html](http://origin.rferl.org/content/Belarusian_Activist_Expelled_From_University/1742304.html)>.

<sup>§§§§§§</sup> NCSJ: Advocates on Behalf of Jews in Russia, Ukraine, the Baltic States, and Eurasia, "Belarus Country Page," available at <<http://www.ncsj.org/Belarus.shtml>>.

<sup>\*\*\*\*\*</sup> Natalya Makovska Podvergaetsya Presledovaniyu Na Rabote, September 25, 2011, available at <<http://gaybelarus.by/naviny/belarus/natalya-mankovskaya-podvergaetsya-presledovaniyu-na-rabote.html>>.

<sup>††††††</sup> Viasna Human Rights Center, "News on the Topic: Union of Poles," 2010, available at <<http://spring96.org/en/tags/union-of-poles>>.

<sup>††††††</sup> Reporters Sans Frontières, "Press Freedom Index 2009," available at <<http://en.rsf.org/press-freedom-index-2009,1001.html>>.

<sup>§§§§§§</sup> Index on Censorship, "World Press Freedom Day: Belarus," May 3, 2010, available at <<http://www.indexoncensorship.org/2010/05/belarus-lukashenka-charter97-natalia-radzina>>.

campaign can be traced to 2004 when the international image of Belarus reached an all-time low. In April 2004, the Council of Europe condemned the human rights violations of the Belarusian government and imposed a set of restrictions on Belarusian officials' travel privileges. The US also imposed sanctions on Lukashenka's government through the Belarus Democracy Act that announced support of pro-democratic political parties, NGOs, and mass media.\*\*\*\*\*

Domestically, the situation was also precarious for the President, whose last constitutionally permitted term in office was nearing its end. Although Lukashenka was clearly unpopular, the presidential elections of 2001 resulted in his victory with a suspicious margin of more than three quarters of the votes. International observers challenged and the public dismissed the legitimacy of the election.†††††††††† The pro-democratic Orange Revolution in neighboring Ukraine added a further threat to Lukashenka's regime. Widely supported by the West, this grass-roots protest against the falsification of presidential election results shook up the former Soviet bloc and was taken by many to signify a new era of populace-driven democratization in the region.

Lukashenka responded to these internal and external pressures by increasing repressions inside Belarus while simultaneously ramping up initiatives designed to soften his reputation abroad.

As a part of his internal "crackdown," Lukashenka initiated blatant repression against the strongholds of the country's free thought—its higher educational institutions—by replacing the deans of several universities and shutting down the European Humanities University, where

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\*\*\*\*\* BBC News, "Belarus Timeline," July 10, 2010, available at <<http://news.bbc.co.uk/2/hi/europe/1118391.stm>>; Charter97. "Belarus Democracy Act Full Text," October 27, 2004, available at <<http://charter97.org/eng/news/2004/10/27/act>>.

†††††††††† "Lukashenko's Rival Had No Chance," *The Moscow Times*. September 7, 2001, available at <<http://www.themoscowtimes.com/news/article/lukashenkos-rival-had-no-chance/251752.html>>; BelarusGuide.com, "Belarusian Presidential Elections 2001," October 2001, available at <[http://www.belarusguide.com/politics1/Belarusian\\_Elections.html](http://www.belarusguide.com/politics1/Belarusian_Elections.html)>.

social sciences and humanities were taught in a liberal-arts manner.<sup>+++++</sup> The President also imposed stricter controls on political parties, unions, and community organizations; banned oppositional leaders from running in legislative elections; and imprisoned a prominent pro-democratic activist, Mikhail Marinich.<sup>§§§§§§§§</sup> Simultaneously, in an effort to demonstrate popular support of his leadership to international observers, Lukashenka held an allegedly open referendum on a constitutional amendment that allowed him to run for additional terms in office, which again was reported to elicit an overwhelming support of the electorate.<sup>\*\*\*\*\*</sup>

In this context, the war on trafficking was a new way to assuage the West and respond to The Council of Europe's accusations of multiple human and civil rights abuses. The choice of human trafficking was both safe and beneficial to the regime as not all human rights offenses yield themselves equally well to a plausible crusade. Given the seriousness of the problem of trafficking in the former Soviet bloc and the lack of adequate response from the regional governments,<sup>+++++</sup> there was little doubt that the efforts of Belarus would be noticed and commended. Most importantly, fighting against human trafficking was an attractive option because it could strengthen Lukashenka's power by limiting the physical and ideological exposure of Belarusian citizens to different societies.

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<sup>+++++</sup> European Humanities University, "About EHU," 2007, available at <<http://en.ehu.lt/about>.

<sup>§§§§§§§§</sup> "Timeline Belarus," 2010, available at <http://timelines.ws/countries/BELARUS.HTML>.

<sup>\*\*\*\*\*</sup> "Belarus Referendum Results Disputed," *Eurasia Daily Monitor*, September 2004, available at <[http://www.jamestown.org/single/?no\\_cache=1&tx\\_ttnews\[tt\\_news\]=27014](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=27014)>; Mikhail Vanyashkin, "Surprise! It's Lukashenka," *Transitions Online* 10 (2004).

<sup>+++++</sup> United Nations Office on Drugs and Crime International Symposium on International Migration and Development. Trafficking in Persons: Global Patterns. June 28–30, 2006, available at <[http://157.150.195.10/esa/population/migration/turin/Turin\\_Statements/KANGASPUNTA.pdf](http://157.150.195.10/esa/population/migration/turin/Turin_Statements/KANGASPUNTA.pdf)>; YWCA of Belarus, "Written Submission to Universal Periodic Review," 2010, available upon request from La Strada Belarus.

# Lukashenka's war on human trafficking

Prior to 2003, the problem of modern slavery<sup>1</sup> was unrecognized officially in Belarus: there was in effect no legal basis for dealing with human trafficking crimes.<sup>2</sup> By 2007, however, Belarus became a recognized regional leader in the fight against human smuggling. In this section we will analyze the Belarusian government's fight against trafficking and its on-the-ground implications.

In December 2004, the Interagency Commission on Crime, Corruption and Drug Trafficking of the Security Council of Belarus initiated the development of a legal and administrative framework for dealing with human trafficking and aligning it with international conventions, such as the UN Convention on Transnational Organized Crime and its Protocol on Prevention and Elimination of Human Trade, especially in women and children.<sup>3</sup> The Belarusian government organized several conferences and training seminars on anti-trafficking regulations, bringing together governmental agencies, NGOs, international organizations, and mass media. Shortly thereafter, Belarus signed seven international conventions addressing various aspects of the fight against trafficking. Simultaneously, Belarus formed several bilateral accords with different countries regarding the law enforcement efforts in the area of human trafficking.

In September 2005, Belarus introduced a Global Partnership Initiative against Slavery and Trafficking in Human Beings in the 21st Century to the UN member states. Aimed at fostering cooperation and exchange of best practices, it led to the establishment of the Group of Friends

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<sup>1</sup> US Department of State, Trafficking in Persons Report 2002, Country Narratives A-G, available at <<http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>>.

<sup>2</sup> United Nations Office on Drugs and Crime, United Nations Convention against Transnational Organized Crime and Protocols Thereto, 2004, available at <<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>>.

United against Human Trafficking, consisting of 20 UN member states and the initiation of the resolution 64/178 on “Improving the Coordination of Efforts Against Trafficking in Persons,” pioneered by Belarus.<sup>\*\*\*\*\*</sup> The Belarusian government also initiated anti-trafficking cooperation with the European Commission, which led to the launch of a joint project addressing the social consequences of trafficking in July 2009.<sup>††††††††††</sup>

At the same time, Belarusian authorities implemented what they claimed to be preventative measures against trafficking—a “massive deliberate campaign with the utmost goal to educate Belarusians on the dangers of modern slavery.”<sup>††††††††††</sup> The bulk of these initiatives were mandated by Presidential Decree # 3 “On Some Measures to Fight Human Trafficking,” passed in March of 2005. The official purpose of this Act was to regulate the previously uncontrolled business and social activity believed to lead to human trafficking. First, this legislation mandated the reporting of all international travel by students to the administrations of their educational institutions, which could choose to withhold the permission to travel. Second, the decree regulated the adoption of Belarusian children by foreigners. It required approval of every adoption personally by the Minister of Education. Third, the decree required that every social medium through which people met (i.e. dating agencies), be registered with MIOB. The Decree also announced a licensing requirement for modeling agencies, mandating that all advertising materials, disseminated in Belarus, be produced by and feature Belarusian citizens exclusively. Arguably the most consequential part of the Decree, however, dealt with licensing of overseas

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<sup>\*\*\*\*\*</sup> Belarus: Permanent Mission to the United Nations, “Human Trafficking,” 2010, available at <[http://www.un.int/belarus/human\\_trafficking.htm](http://www.un.int/belarus/human_trafficking.htm)>; “Trafficking in Women and Girls: Meeting the Challenge Together,” 2010, available at <<http://www.belembassy.org/un/conference.htm>>.

<sup>††††††††††</sup> European Radio for Belarus, “EU Will Continue Supporting Belarus to Fight Trafficking in People,” October 20, 2009, available at <<http://www.euroradio.fm/en/1008/reports/39721>>.

<sup>††††††††††</sup> Ministerstvo Vnutrennih Del Respubliki Belarus, Protivodeystvie Torgovli Ljud’mi, 1998–2010, available at <<http://mvd.gov.by/modules.php?name=Content&pa=showpage&pid=446>>.

employment and educational services. It required that these agencies work directly with employers/educators abroad instead of other liaisons in Belarus or abroad, even if the latter were legally recognized and regulated by the government of the receiving country. §§§§§§§§§§ The anti-trafficking initiatives for 2008–9 were also heavily skewed toward educational outreach activities warning of the perils of foreign travel, strengthening of existing licensing requirements, controlling employment and education of Belarusian citizens abroad, prosecution of crimes, and international cooperation. \*\*\*\*\*

A closer look at Lukashenka’s anti-trafficking methods reveals two core priorities. First, it is clear that international recognition for Belarus’s activism was paramount for Belarusian leaders. On no other social issue has Belarus been as engaged in the international arena as it has been in the anti-trafficking fight. Belarus has become a leader among the UN member states in developing legislative and enforcement mechanisms and fostering cooperation. This role is very unusual for Belarus, given its record of extensive human rights abuses. It is apparent from the timing and substance of Lukashenka’s efforts that the anti-trafficking campaign was launched to salvage the international image of Belarus and to redirect the attention of the international community away from Belarus’s non-compliance on a number of other human rights regulations.

Lukashenka’s domestic anti-trafficking efforts were largely oriented at the fortification of his authoritarian regime. While international norms mandate equal attention to prevention, protection of victims, and the prosecution of trafficking perpetrators, †††††††††† Lukashenka’s

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§§§§§§§§§§ Natsional’niy Pravovoy Portal, Dekret Prezidenta Respubliki Belarus 9-go Marta 2005 g. N 3. 2005, available at <<http://pravo.by/WEBNPA/text.asp?RN=Pd0500003>>.

\*\*\*\*\* Natsional’niy Pravovoy Portal Rspubliki Belarus, Ukaz Prezidenta Respubliki Belarus N 624. 2007, available at <<http://pravo.by/webnpa/text.asp?RN=P30700624>>.

†††††††††† The Action Group, “Recommendations for Fighting Human Trafficking in the United States and Abroad,” 2008, available at <<http://www.freetheslaves.net/Document.Doc?id=96>>.

administration has so far been effective only on the last count. Although the state claims to excel in preventative measures, the authenticity of its efforts is doubtful. A closer look at the Belarusian anti-trafficking campaign suggests Lukashenka's measures aim primarily at restricting the physical mobility and ideological freedoms of Belarusians.

Residents of Minsk like to share a good laugh (of course, for safety reasons, in private) about the idiosyncrasies of Lukashenka who they sarcastically call "Bat'ka" ("dad" in Belarusian) with a mixture of derision and uneasiness. An urban legend has it that during one of Bat'ka's walks across the capital he was appalled by the abundance of foreign models on the city's billboards. Indignant, he exclaimed: "Don't we have a country full of beautiful women? Why do I have to see the faces of Western working girls wherever I look in my country?" According to popular folklore, shortly after this incident Lukashenka introduced the restrictions on the modeling business in his 2005 Decree # 3.

Allegedly designed to keep Belarusian models from seeking employment abroad, the decree puts international companies with non-Belarusian "brand faces" in a very precarious position. The elimination of foreign business is useful in terms of the regime's commitment to decreasing its dependence on foreign manufacturing, the ideological isolation of the population, and the governmental control of the economy. Unfortunately, licensing regulations do little to actually decrease the incidence of human trafficking. As a result of their strictness, the number of modeling agencies, and, consequently, job opportunities for Belarusian models and actors, has decreased since the passage of Decree # 3 (interview with a female anti-trafficking NGO data analyst). The two leading Belarusian modeling agencies were closed right away, while 20

smaller ones were closed in the next several months. \*\*\*\*\* As often happens in situations when high demand is met by an artificially lowered supply, Decree # 3 provided a boost for the informal economy and, ironically, probably contributed to the proliferation of human trafficking.

Decree # 3 had a similar impact on marriage agencies in Belarus. According to the former director of the Lonely Heart agency, “there is a huge demand for this kind of service in Belarus. There are not enough men for all the women in the country; 13 percent of women in their ‘marriage age’ are lonely.” \*\*\*\*\* While some modeling service-providers managed to get licensed under the new regulations, none of the marriage agencies obtained the new registration. Many of them transferred their efforts into the unregulated spaces of the informal economy, in all likelihood exacerbating the problem of modern day slavery in Belarus.

Similarly, the new procedures for adoption of Belarusian orphans, mandated by the Decree, have resulted in the de facto termination of all legal adoptions by foreigners. It became practically impossible to obtain personal permission of the Minister of the Interior, for whom every adoption turned into a huge liability as the Minister risked his job if the child was trafficked. As a result, the number of adoptions by foreigners dropped from about 600 to only a few per year. \*\*\*\*\* According to Natalya Pospelova of the Belarusian Adopting Center, with the passage of this law, “twelve thousand Belarusian orphans have been deprived of the

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\*\*\*\*\* “Slavery and Belarus,” *Belarus News and Analysis*. April 23, 2005, available at <<http://www.data.minsk.by/belarusnews/082005/100.html>>.

\*\*\*\*\* Ibid.

\*\*\*\*\* Charter97, “International League for Human Rights—Belarus Update, August 25, 2005, available at <<http://charter97.org/eng/news/2005/08/25/update>>.



enough to license the liaisons that work with foreign agencies that are themselves certified by their respective governments”(June 2010, Minsk).

Decree # 3 is not effective in fighting human trafficking. According to the data collected by La Strada through the human trafficking hotline, shutting down the official liaison organizations does not decrease the number of people trying to obtain employment and education abroad. Rather, it pushes people to go through informal channels in their quest for migration. In fact, the number of hotline inquiries was the highest when the number of official agencies was the lowest.\*\*\*\*\* The new regulation has probably made foreign travel riskier for Belarusians.

Another highly consequential part of Decree # 3 mandates that educational institutions bear the responsibility for approving students’ foreign travel plans and reporting them to the Ministry of Education and the Ministry of Internal Affairs. As a result, in an effort to decrease organizational liability, Belarusian universities are discouraging their students from travelling. The account below illustrates how difficult it has become for Belarusian youth to leave the country and remain in good standing with their educational institutions.

... I was invited to a leadership workshop in Czech Republic so I needed to go for three or four days and he just wouldn’t let me go [the dean]. I was a freshman, I think, so I was way too “green” to protest. But then the next time it was different. [...] This was my senior year and I got an invitation to an academic conference in the Central European University in Budapest. [...] I felt that I could really learn something there. And all of the documents were in perfect order—I had an invitation letter from the organizers and from the hosting institution, I had a place to stay, etc. ... But, of course, I ran into a wall when I went to ask for dean’s approval. He was vehement that [...] for all he knows I could be

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\*\*\*\*\* LaStradaBelarus, “O Programme La Strada,” 2011, available at <<http://www.lastrada.by/about>>.

going there “to dance on the bar tables for money.” [...] So I walked out of his office and decided that I would go anyway. When I got back, I was on the list for expulsion (27-year-old female alumna of EHU).

Many educational exchange programs were either closed or forced out of operation because selected students were not allowed out of the country. In an infamous 2005 case, 59 Belarusian students—winners of a highly selective academic competition—were denied permission to participate in an educational exchange program with the US, which had successfully operated in Belarus and other CIS countries for 13 years without a single incident of trafficking \$\$\$\$\$\$\$\$\$\$. Students’ mobility is monitored closely through check-in procedures at the time of departure and return. Failure to report back to one’s university upon return results in expulsion, a number of which have taken place over the last five years. \*\*\*\*\*

Although Belarus is vigorously promoting the UN’s 3P anti-trafficking policy (Prevention, Protection, Prosecution) on the international level, the domestic strategy of Belarusian government has a law enforcement emphasis. Prevention and rehabilitation are, as a rule, delegated to the care of NGOs. Irina Alkhovka, the head of La Strada Belarus, suggests that Belarusian authorities promote deterrence through punishment because this punitive philosophy was common in the criminal justice systems of Soviet republics. Additionally, counting victims instead of preventing victimization or working with survivors has definite implications for the international visibility of Belarusian efforts. The more victims are identified, the more effective the country’s anti-trafficking initiatives appear to outsiders.

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\$\$\$\$\$\$\$\$\$\$\$ Slavery and Belarus, *Belarus News and Analysis*, April 23, 2005, available at <<http://www.data.minsk.by/belarusnews/082005/100.html>>.

\*\*\*\*\* Natsional’niy Pravovoy Portal, Dekret Prezidenta Respubliki Belarus 9-go Marta 2005 g. N 3. 2005, available at <<http://pravo.by/WEBNPA/text.asp?RN=Pd0500003>>.



According to interviews with NGO representatives, none of the victims have come to the police voluntarily. Victims prefer working with NGOs that offer social assistance and access to resources, are not associated with bureaucratic demands, and guarantee anonymity. The anti-trafficking NGOs often counsel victims in their negotiations with governmental agencies. Once victims provide their testimony—or the testimony that the governmental officials want to receive—the Ministry of Internal Affairs is no longer interested in them. Most rehabilitation work is carried out by the NGOs. La Strada, for instance, runs a rehabilitation center for trafficking survivors where the state refers victims after their repatriation. \*\*\*\*\* According to IMO and La Strada officials, Lukashenka’s administration relies on their work without providing a fair share of infrastructural and legal support (Interviews June 2010). As a result of insufficient governmental involvement, many victims of trafficking do not receive adequate psychological and physical treatment.

The efforts of MOI focus on increasing the numbers of human trafficking crimes “resolved” by the state, which offer the easiest way to persuade the international community of the effectiveness of Belarusian anti-trafficking efforts. \*\*\*\*\* The way that the state collects statistics is widely criticized by anti-trafficking NGOs. Since the state’s definitions of “crime” and “victim” always involve physical harm and material pressure, many Belarusians affected by human trafficking in less tangible ways fall outside the purview of the state (Interview with Irina Alkhovka, June 2010). Aside from several NGOs that collect their own statistics based on hotlines and direct work with clients, there are no independent data collection agencies that could evaluate the extent of human trafficking and the state’s efficiency in combating it. Through

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\*\*\*\*\* LaStradaBelarus, “O Programme La Strada,” 2011, available at <<http://www.lastrada.by/about>>.

\*\*\*\*\* Ministerstvo Vnutrennih Del Respubliki Belarus Statistika, Protivodeystvie Torgovli Ljud’mi, 1998–2010, available at <<http://mvd.gov.by/modules.php?name=Content&pa=showpage&pid=456>>.

licensing requirements, the government strictly controls most social and political research initiatives. Inasmuch as it is practically impossible to maintain ideological and financial independence from the state, most research organizations have either closed or moved to neighboring countries to operate in exile (i.e. Belarusian Institute for Strategic Studies and European Humanities University moved to Lithuania).\*\*\*\*\*

The strategy of the Belarusian government does not accommodate either preventive work or rehabilitation and reintegration of trafficking survivors. Instead, Belarusian efforts boil down to eclectic punitive and prohibitive measures whose effectiveness is highly debatable. The root causes, social consequences, and actual victims of modern day slavery are not as important to Lukashenka's administration as his international reputation and preservation of authoritarianism.

## **Fighting human trafficking or maintaining the “Belarusian miracle”?**

Ideological isolation of citizens is a pillar upon which Lukashenka's regime rests its long-term stability. The last dictatorship in Europe, Belarus thrives on its economic connections to Russia and rejects the free market foundations of the globalized economy. Both socially and economically, the country is suspended in the state of stagnation that represents Lukashenka's idiosyncratic vision of what the Soviet state should look like in a contemporary European context. Most institutional infrastructure and the administrative tradition are preserved unaltered since the late Soviet era, with only minor concessions to the demands of rapidly developing

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\*\*\*\*\* Belarusian Institute for Strategic Studies, 2010, available at <<http://www.belinstitute.eu>>; European Humanities University, “About EHU,” 2007, available at <<http://en.ehu.lt/about>>.



However, the most important tool of the state-generated hegemonic ideas is the restriction on citizens' mobility. Belarusian anti-trafficking "preventative" measures boil down to a de facto prohibition of foreign travel. Keeping Belarusians in Belarus implies making them think Belarusian, buy Belarusian, and stay Belarusian. By strictly regulating and monitoring who is leaving the country, what they do outside Belarusian borders, and when they come back, Lukashenka's administration is able to maintain its power within the changing geopolitical context, and with the recognition and support of the international community.

The fight against human trafficking in Belarus has assumed a peculiar moralistic tone. Due to the prohibition of travel and extensive anti-trafficking propaganda, public discourse in Belarus connects the foreign with the immoral, the different with the illicit, and the non-Belarusian with the unclean and dangerous. There are multiple examples of the moralization of foreign influences. For instance, in 2010 the Belarusian Morality Council declared that German industrial rock band Rammstein was an enemy of the state and an example of the morally degrading consequences of Western ideology. \*\*\*\*\* Another illustration is offered by the recent attempts to introduce the so-called Economic Morality Code that would allegedly protect Belarusian citizens from the corrupt ideas of free-market proponents. \$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$

Another curious aspect of Belarusian anti-trafficking efforts involves the selection of its primary targets. While university students are not the main victims of human

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\*\*\*\*\* "Belarus Declares Rammstein an Enemy of the State," *The Local*, February 23, 2010, available at <<http://www.thelocal.de/society/20100223-25443.html>>.

\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$\$ United Democratic Forces of Belarus, "Economic Morality Code to Be Introduced in Belarus," November 23, 2009, available at <<http://udf.by/english/economy/5420-economic-morality-code-to-be-introduced-in-belarus.html>>.

traffickers, \*\*\*\*\* the most prohibitive measures are directed primarily against them. This is not surprising given that universities are the threshold of opposition to Lukashenka’s regime. The liberalization and westernization of higher education was seriously undermining his authoritarian grip as universities were encouraging analytical thinking and offering platforms for associations of students and intellectuals. By the 2001 Presidential election, student support rates for Lukashenka reached all-time lows ++++++ and pro-democratic initiatives organized by students became more frequent (Interview with Vladimir Dunaev, the co-founder and former Vice-President of EHU, May 2010). It was after the 2004 pro-democratic Orange Revolution in neighboring Ukraine, where students emerged as adamant opponents of authoritarianism, that Lukashenka’s state tightened its grip on universities. Several pro-Western universities were shut down, obligatory job assignments were reinstated, and students’ exposure to alternative political models was limited under the guise of combating human trafficking. According to the former chair of the International Relations Department of Belarusian State University, “this decree has nothing to do with caring about the young generation. It just proves the growing tendency of the authorities to isolate the country.” ++++++

Disproportionately little attention is paid to the root causes of human trafficking compared to punishing perpetrators or prohibiting citizens from leaving. Belarus suffers from many causes of human trafficking, such as high unemployment, poverty, and ineffective social welfare. Economic problems are further exacerbated by deeply ingrained gender disparities. Belarusian

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\*\*\*\*\* Bureau of Justice Statistics, “Characteristics of Suspected Human Trafficking Incidents,” 2007–2008, January 15, 2009, available at <<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=550>>. ++++++ BelarusGuide.com, “Belarusian Presidential Elections 2001,” October 2001, available at <[http://www.belarusguide.com/politics1/Belarusian\\_Elections.html](http://www.belarusguide.com/politics1/Belarusian_Elections.html)>. ++++++ “Slavery and Belarus,” *Belarus News and Analysis*, April 23, 2005, available at <<http://www.data.minsk.by/belarusnews/082005/100.html>>.

women frequently bear the brunt of the economic hardship. While the number of single mothers is constantly growing, the monthly amount of governmental support is insufficient to cover the basic cost of utilities in an average apartment; women are as a rule paid less than men, kept from promotions, and fired before their male colleagues because “men need to feed the family.”<sup>§§§§§§§§§§§§§§§§</sup> Although Belarusian representatives to international conventions claim that they deal with the root causes of human trafficking, the evidence from independent sources undermines these claims.<sup>\*\*\*\*\*</sup> Twenty-eight percent of Belarusians live in poverty, the real unemployment rate is at 15 percent as opposed to one percent announced by the state, and gender discrimination and violence rates are high.<sup>††††††††††††††††</sup>

## Domestic impact versus international reaction

The anti-trafficking policies in Belarus tend to attack the middlemen instead of dealing with the state that is the real root of the problem. An oppressive regime that does not provide space for self-realization or economic development generates powerful incentives for migration, augmenting the risks of trafficking. Yet, fighting its real causes is hardly possible without

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§§§§§§§§§§§§§§§§ Office of the High Commissioner for Human Rights, Concluding Observations of the Committee on the Elimination of Discrimination Against Women: Belarus, February 4, 2000, available at <<http://www.unhchr.ch/tbs/doc.nsf/0/84980f350885c64fc125695b00362673?Opendocument>>; United Nations in Belarus, Belarusian Women as Seen through an Era, 2010, available at <<http://un.by/en/publications/thema/belwomen/19-02-04-4.html>>.

\*\*\*\*\* Statement by H.E. Natalya Petkevich, Deputy Head of the Administration of the President of the Republic of Belarus, “United Nations International Conference Trafficking in Women and Girls: Meeting the Challenge Together,” March 5, 2007, available at <[http://www.un.int/belarus/conference/statement\\_petkevich\\_en.pdf](http://www.un.int/belarus/conference/statement_petkevich_en.pdf)>.

†††††††††††††††† Central Intelligence Agency, “The World Fact Book: Belarus,” 2012, available at <<https://www.cia.gov/library/publications/the-world-factbook/geos/bo.html>>; Charter97, “Real Unemployment Rate in Belarus is No Less than 15 Percent,” April 2, 2008, available at <<http://charter97.org/en/news/2008/4/2/5390>>.

undermining the incumbent authoritarian regime. Prescribing regulations is both easy and profitable for Lukashenka’s administration. Extensive prohibitions on foreign travel and any business associated with it create the impression of governmental activity, improving the international image of Belarus, generating multiple “criminals,” and allowing Lukashenka to strengthen his authoritarian grip. The Decree # 3 contributes to the physical and ideological isolation of Belarusians, molding a docile and governable population. It allows the Belarusian government to suppress the most dangerous parts of the population—students and intellectuals—while also limiting the exposure of Belarusians to alternative models of governance, and augmenting the ideological control over all citizens by moralizing the retreat from things and thoughts foreign.

Given the actual inefficiency of Lukashenka’s domestic anti-trafficking policies, the international reaction to Belarus’s activity in this area is puzzling. In 2009 Joy Ngozi, the UN Special Rapporteur on trafficking in persons, said: “I am very impressed by the political commitment demonstrated at the highest level to combat all forms of trafficking in Belarus.” UN press releases reported that she “commended the government of Belarus for working closely with bordering countries and other organizations involved in this issue and making significant progress. She also noted some of the good and unique practices, such as [. . .] extensive media campaigns directed at prevention of human trafficking.” Ngozi’s opinion is corroborated by the Director General of the IOM,

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“Belarus Makes Strides in Combatting Human Trafficking, UN Expert Finds,” *US News Centre*, May 26, 2009, available at <http://www.un.org/apps/news/story.asp?NewsID=30914&Cr=human+trafficking&Cr1=>.

Speech by Mr Antonius Broek, UN Resident Coordinator/UNDP Resident Representative about the launch of the project “Preventing, Fighting and Addressing the Social Consequences of Trafficking in Human Beings in the Republic of Belarus,” January 2009, United Nations Development Programme Belarus, available at <http://un.by/en/undp/zayavnews/belarus/21-07st.html>.

Brunson McKinley: “the government of Belarus has shown political will and determination to counter human trafficking and has achieved great results in this area.”\*\*\*\*\*

## **Belarus and Trafficking in Persons Report: The case of subversive contestation**

The approval of the international community is reflected in the US Department of State’s changing attitude to Belarus. Arguably the most influential and the most trusted indicator of states’ performance vis-à-vis human trafficking, the TIP Report of the US Department of State was ineffective in assessing the situation in Belarus. While no specific information provided in the report is inaccurate per se, it creates a false impression of governmental preoccupation with citizens’ human rights. It does not reveal the fact that governmental activity is motivated by the interests of the regime; it does not take into consideration the de facto lack of effectiveness of Lukashenka’s policies targeting low-risk populations and programs; and it does not consider strategically-crafted side effects of these policies.

The TIP Report presents its assessment in two forms—through the placement of countries in one of three tiers indicating their relative effectiveness, and through brief “country narratives” that summarize the data from different sources, such as NGOs, local and Western experts, and governments themselves. Since 2003, Belarus has consistently ranked in the second tier and has received fairly positive evaluations in the country narratives.

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\*\*\*\*\*“Human Trafficking & Modern Day Slavery,” 2010, available at <<http://gvnet.com/humantrafficking/Belarus.htm>>.

In 2010, the narrative of the report admitted to the difficulty of assessing the situation in the country where the government is closed, independent reporting is rare, trials happen “behind closed doors,” there is a lot of governmental corruption, and a general fear of the state. \*\*\*\*\* This disclaimer, however, appears to be made for relieving the pressures for accuracy from the report and for transferring the responsibility of drawing conclusions about Belarus’s performance from the creators of the report onto its audience. As the narrative continues with assessment and recommendations, there is also a brief mention of “reports that some policies described by the Belarusian government as anti-trafficking measures were responsible for restricting Belarusian citizens’ ability to travel abroad for legitimate purposes.” \*\*\*\*\* This finding is offered as a tangential side-note that has no bearing on the rest of the report. The possibility that one type of human rights protection impinges on other human rights is not deemed important enough to affect the evaluation of the country’s performance.

The narrative continues with the discussion of governmental activity aimed at fighting trafficking through prosecution of offenders, prevention of offenses, and protection of victims. It suggests that Belarus is making “sustained efforts” to comply with the “minimum standards of the elimination of trafficking”; its prosecution and prevention efforts are satisfactory, while the protection of victims is worse than desired due to insufficient cooperation between the state and the NGOs and the lack of funding. \*\*\*\*\* Nothing in the assessment suggests that

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\*\*\*\*\* US Department of State, Trafficking in Persons Report 2010, Country Narratives A Through F, 2010, available at <<http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>>.

\*\*\*\*\* Ibid.

\*\*\*\*\* Ibid.

governmental anti-trafficking initiatives are actually detrimental to the basic rights of its citizens, such as the right to free expression, mobility, and political choice.

As argued by Davis et al., \*\*\*\*\* international indicators represent attempts at synthesis and simplification. The decisions regarding what is worth reporting and what can be underplayed or overlooked completely are made by a few non-experts in the name of another rationale behind the “indicators project”—standardization. Given the dearth of data on closed, non-transparent societies, the tendency toward standardization leads to further reductionism and de-contextualization.

The example of Belarus illustrates that these self-reinforcing and circular standardization-reduction processes involved in the production of indicators, make them potent tools for the reversal of power dynamics between the ranker and the ranked. Davis and colleagues suggest that the production and use of indicators create opportunities for the exercise of power through definition of standards, evaluation of compliance, and, potentially, administration of sanctions. Sometimes, however, the usual flow of power is reversed and the recipients of the assessments use their evaluations to their own advantage.

We argue that this venue for the reversal of power dynamics is particularly accessible to states that pursue selective compliance strategy. It is the inherent standardization-reduction quality of indicators that, in the case of Belarus, allowed the less powerful actor and the selective observer of human rights regulations to benefit from the ranking process. Lukashenka used the uncertainty-absorption function of indicators to bury the knowledge about the impact of his policies on other human rights of Belarusians. As the selectivity of the ranking process mapped

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\*\*\*\*\* Kevin Davis, Benedict Kingsbury, and Sally Engle Merry, “Indicators as a Technology of Global Governance,” *Law and Society Review* 36:1 (2012).

onto the selectivity of Lukashenka's anti-trafficking policies, the resulting indicator presented an inaccurate and incomplete picture of the Belarusian situation.

The Belarusian case is an example of subversive contestation of the indicator-based regime of global governance, in which the subject of the evaluation reversed the vector of power by contesting the purpose of indicators. This contestation is subversive because, instead of openly challenging the power of the Western world over the "ranked" and the "sanctioned," the less powerful agent took advantage of the peculiarities of the ranking process itself to advance their own interests, directly contradicting the interest of the more powerful agents.

In the words of Davis and his colleagues, "indicators may mask large areas of missing or incomplete data, inability to draw significant distinctions between entities that are nonetheless hierarchically ranked, much higher levels of underlying uncertainty than the indicator depicts, and choices about weighting of different components of composite indicators." We argue that these qualities of indicators make them vulnerable to subversive contestation specifically by states pursuing selective compliance with international norms. In as much as selectivity is often hidden by reductionist indicators, the global governance regime can be contested by authoritarian states like Belarus that do not fully reject international norms but engage them selectively.

## **Implications for international indicators of human rights**

The Belarusian case reveals the need to better understand how authoritarian states can selectively use human rights indicators to counteract the humanitarian goals of the international community. These indicators can be used to generate an unrealistically positive image of authoritarian states,

while also providing a mechanism by which the international community is led to overlook abuses of human rights. While ostensibly a way of producing knowledge and encouraging reform, international indicators of human rights can actually decrease the protections available to citizens by allowing repressive governments to tighten their authoritarian controls.

The inability of the international community to correctly assess the situation in Belarus and other repressive states is due to the linear understanding of human rights and other related kinds of international indicators. The story of an authoritarian state pursuing its isolationist agenda by means of overzealously carrying out selective policies that are also associated with scoring high on international indicators of human rights protection suggests that these indicators are relational and have to be interpreted vis-à-vis each other. No state can be meaningfully judged “excellent” for selectively observing one kind of human right while simultaneously abusing many other human rights. “Human rights protection” needs to be understood as an analytical category permeated with multiple internal connections and comprised of mutually constitutive phenomena that cannot be meaningfully considered in isolation from each other. International indicators of human rights protections need to be understood and constructed in ways that reflect the interconnectedness of human rights and the governmental activities ostensibly designed to control them. To sum up, the analysis of the Belarusian fight against human trafficking suggests that international indicators of state performance on specific issues need to be (1) broad enough to consider indirect effects of specific measures on related aspects of a country’s population; and (2) also relational in further taking into account connections to other international indicators of governmental activity.

This argument is not intended to suggest that Belarus, or any other non-democratic country, should not be recognized for increased awareness of human rights abuses and compliance, even

if selective and partial, with internationally recommended policies. However, as the story of Lukashenka's isolationist politics under the guise of an anti-trafficking campaign illustrates so clearly, a major problem with international indicators of human rights is not their inherent inaccuracy but, rather, their inaccurate, de-contextualized interpretation. Because it is difficult to ensure that the international community, academics, and the general public understand these indicators in light of other characteristics of individual states, the challenge is to meaningfully incorporate the context into the use of the indicators. The implications and consequences of high performance on various dimensions of human rights indicators need to be reflected in the institutional evaluations assigned to states by the indicator-producing entities. This is the only way to preclude the abuse of indicators designed by non-democratic states to cover up further infractions of human rights.