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Combatting Human Trafficking: The Russian Federation

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The evolution of policy on combating trafficking in human beings

In Russia, the problem of human trafficking (HT) became pressing in the 1990's, when after the collapse of the Soviet Union due to economic, political and social conditions, the citizens of the newly independent states began to actively seek means of subsistence and, as a result, became - both willingly and unwillingly - involved into human trafficking. Poverty, scarcity of employment and the degradation of social security institutions were forcing individuals into risky economic behaviour and careless actions, including consent to exploitation and slave labour conditions.

In the second half of the 1990s, trafficking in human beings became widespread. Of particular importance were such factors as: weak law enforcement, criminalisation of the environment, the organization of international channels of slave trade, the lack of appropriate legislation, legal illiteracy of the population, and the increased scale of illegal migration. Russia became a sending country (mainly to the Western European countries and the Middle East) and a receiving and transit country (mainly for citizens of the former USSR). In the meantime, the domestic human trafficking market was formed. These developments attracted the attention of social scientists, first and foremost, experts in the field of migration and gender studies.¹

In the meantime, HT began to attract attention of the wider public.² This was due, on the one hand, to the active accession of the Russian Federation to the international treaties and agreements regulating individual rights and freedoms, and, on the other hand, to the resonance of law cases in the West, which revealed active participation of the Russian criminal circles in human trafficking.

However, little notable progress in combating human trafficking was visible until the early 2000s. Until 2001, the key actors in fight against human trafficking in Russia were international and non-governmental organizations. After the signing of the United Nations Convention against Transnational Organized Crime (Convention) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention (the Palermo Protocol), the state became increasingly involved into anti trafficking activities. A series of actions followed, which eventually led to the adoption of new laws criminalizing human trafficking in Russia.

In this process, the main role was played by the Interdepartmental Working Group of the State Duma of the Federal Assembly of the Russian Federation for Civil, Criminal, Arbitration and Procedural Law on the preparation of draft federal law on combating human trafficking, and its coordinator Elena Mizulina (Tyuryukanova 2006: 13).

The situation began to change before the ratification of the Palermo Protocol by the Russian Federation.³ In December 2003, Articles 127.1 "Trafficking in Human Beings" and 127.2 "The use of slave labour," which criminalized the use of slave labour, were introduced into the Criminal Code of the Russian Federation. From that moment onwards, the law enforcement agencies obtained legal tools to combat trafficking in human beings (previously, the traffickers were convicted under other articles of the Criminal Code).

In parallel, public authorities were establishing cooperation with international organizations. In order to improve understanding, coordination and cooperation in the implementation of initiatives to combat human trafficking, a joint working group with the participation of the UN and the IOM agencies was set up in March 2004. The UN participation in the Working Group was represented by

¹ See Bibliography.

² The representatives of international organizations within the UN system specify that trafficking became the object of public attention in 1997 (De Roy, 2006; UN 2012).

³ The Russian Federation signed the Protocol on December 12, 2000, and ratified it on April 26, 2004. At the same time, Russia also ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air.

such agencies as the ILO, the UNICEF, the UNDP, the UNFPA, the UNODC and the Office of the UN Resident Coordinator in the Russian Federation (De Rooy 2006: 8).

The Russian NGOs, working closely with international organizations and experts, made an invaluable contribution to prevention of, and fight against, human trafficking in the early 2000s. According to the leading specialist in the field of combating trafficking in human beings Elena Tyuryukanova, the initiatives of the Russian NGOs and international organizations had a serious, if not decisive, impact on the revitalization of the Government activity in this area, as well as on the rise of awareness of the general public and groups at risk (Tyuryukanova 2006: 13).⁴

The activity of the Russian Government encompassed several domains. Firstly, the organizational domain: in April 2007, a sub-department specialized in human trafficking within the Department for combating organized crime and terrorism of the Ministry of Internal Affairs of the Russian Federation was created. Guidelines for the investigation of cases of human trafficking were elaborated. Earlier, in 2004, the federal courts of general jurisdiction and magistrates' courts were obliged to keep statistics of cases under the Article 127 of the Criminal Code (SC 2004).

Second, the cooperation with the competent authorities of the UK, Germany, Israel, the US, and other foreign countries was expanded. In 2010, changes were introduced into the model draft agreement on cooperation between the Ministry of Internal Affairs of the Russian Federation and the Ministry of the Interior (competent authority) of a foreign state, in which special attention was paid to the cooperation in prevention, detection, suppression and prosecution of crimes in the area of trafficking in persons, especially women and children, as well as human organs and tissues (Resolution 2010).

Third, a structural unit – the Russian National Contact Point for Europol - was created within the Interpol National Central Bureau for Russia of the Russian Ministry of Internal Affairs. Its functions include organization and implementation of cooperation between the competent authorities of the Russian Federation and the European Police Office (HRC 2009: 80). The annual exchange of data between the law enforcement agencies on problems of human trafficking amounts to hundreds of documents.⁵

Fourth, the expansion of cooperation in the framework of the Commonwealth of Independent States (CIS) was put forward. In November 2006, the CIS Council developed and adopted a Programme of Cooperation of the CIS member states on fight against trafficking in human beings for 2007-2010. In 2008-2010, over 650 cases of trafficking in human beings took place in the CIS (Lebedev 2011).

Fifth, an attempt was made to synchronize the laws of the CIS countries. In particular, the Inter-parliamentary Assembly of the CIS Member States elaborated two model laws: "On combating trafficking in human beings" and "On Assistance to Victims of Trafficking in Human Beings".⁶

⁴ The results of their work since the late 1990s were summed up at the first National Assembly of the NGOs involved in anti-trafficking, held in January 2004. The Second All-Russian Assembly of non-governmental organizations, attended by 63 NGOs, was held in Moscow on March 26, 2006. The Report on fight against human trafficking and slavery in Russia, prepared by the Interdepartmental Working Group, was made public for the first time at the Assembly (IOM 2011 a).

⁵ Thus, during the 11 months of 2010, 192 documents were processed by the police forces of the countries-members of Interpol on the issue of combating trafficking in human beings for the purposes of economic exploitation. Regarding the fight against trafficking in human beings for the purpose of sexual exploitation, the number of documents circulated between the law enforcement authorities of Interpol amounted to 427 documents for the 11 months of 2010. In addition, in the framework of the project "Waistcoat" ("Life Vest"), developed by the General Secretariat of the Interpol, the Russian law enforcement agencies collect, analyze and process information on international criminal groups involved in trafficking in women and children for sexual exploitation (ECOSOC 2011: 40-41).

⁶ Adopted in St. Petersburg on April 3, 2008 at the 30th plenary session of the Inter-parliamentary Assembly of the CIS Member States.

Forms, groups at risk and scale of human trafficking

The main forms of international trafficking in persons (TIP) in Russia are: trafficking for sexual exploitation, trafficking for slave labour and, to a lesser extent, trade in children for adoption. The domestic market saw an increase in trafficking in children and persons with disabilities for begging.

Table 1. Groups at risk according to forms of exploitation

Form of exploitation	Group at risk
HT for sexual exploitation	Young women, especially those with low levels of education; the unemployed; sex-workers; the poor; migrants; children (boys and girls), especially from disadvantaged families and orphanages
HT for labour exploitation (slave labour)	Young and middle-aged men and women with low levels of education; immigrants; the unemployed; the homeless; children from disadvantaged families and children without parents
HT, especially of children and the disabled, for begging	Children from disadvantaged families and children without parents; the disabled; the homeless; mothers with many children; single mothers
Trade in children for adoption ⁷	Families from "social risk" groups (alcoholism, violence, etc.); poor families; large families with many children; single mothers

Source: Tyuryukanova 2006: 36

In addition to the listed above, experts highlight such forms of HT as: marriages for the purpose of exploitation (including the use of "mail-order brides"); HT for forced commercial surrogacy; HT for use in armed forces, as well as the use of soldiers and prisoners for forced labour (Tyuryukanova 2006: 24-25).

The attention of the public and the media focuses on trafficking for the purpose of sexual exploitation. However, the extent of trafficking for slave labour is disproportionately higher due to a significantly larger numbers of migrants exposed to this type of exploitation (the number of labour migrants is approximately 5.4 million people. Most of them do not have grounds to be employed).

Enforcement

The national legislation broadly complies with the obligations arising from the Palermo Protocol. The reclamation of international organizations generally comes to two points. First, the federal law does not provide for specific grounds for the extension of stay on the territory of the Russian Federation for the victims that are foreign citizens and persons without citizenship, which is in conflict with Article 7 of the Protocol. Second and more importantly, there are no specialized programs for the prevention of trafficking and protection of victims of trafficking in Russia, which follows from the obligations under Article 9 of the Protocol (IOM 2011b: 161).

Despite that, since the introduction of special Articles for human trafficking into the criminal law of Russia, several dozens of organized criminal groups and over 2,000 people were identified as involved into crimes on human trafficking and recruitment of Russian citizens for the purpose of sexual exploitation both abroad and inside the country by 2009 (HRC 2009: 79).

⁷ During the discussion of the law that prohibits adoption of children by the US citizens (Federal Law 2012 b), legal adoption was interpreted by legislators and their supporters as "child trafficking."

In 2009, 78 criminal cases under the Art. 127.1 and 8 criminal cases under the Art. 127.2 were registered. Of these, 71 and 8 criminal cases were solved, respectively. In 2010, 103 criminal cases were registered under the Art. 127.1, and 15 criminal cases were registered under the Art. 127.2. Of these, 73 and 10 cases were solved, respectively. In 2011, 46 criminal cases were registered under the Art. 127.1, of which 17 were solved (Ovodkov 2012: 67).⁸

The US Department of State, with reference to the Legal Department of the Supreme Court of Russia, offers the following statistics regarding the convictions for human trafficking in 2011: 32 persons were convicted under the Article 127.1, and 11 persons were convicted under the Article 127.2 (State Department 2012: 295).

In cooperation with the competent authorities of other states, the activity of a number of international criminal networks was suppressed. The arrest of the members of two criminal groups that operated since the year 2000 was reported. The first group consisted of approximately 150 people (30 of them were based in Russia). Several thousand people fell victims to their criminal activity. In April 2011, 83 active members of this criminal group were under investigation in Israel, Italy, Uzbekistan, Moldova, and Belarus. Another criminal group consisted of 90 members (citizens of Spain, Russia, Ukraine, Belarus), and approximately 900 women suffered from their criminal activity (Skorohodov 2012: 72).

Given the difficulties in tracing these types of crimes, it can be assumed that human trafficking is a business for hundreds, if not thousands of people in Russia, while tens of thousands of people fall victims to HT. It should also be taken into consideration that crimes on human trafficking are not only directly covered under the Articles 127.1 and 127.2 of the Criminal Code, but also under the Art. 240 (incitement to prostitution), Art. 241 (organization of prostitution), Art. 242 (illegal distribution of pornographic materials or objects), Art. 242-1 (production and distribution of materials or objects with pornographic images of minors).⁹

The project activity

Since the early 2000s, dozens of organizations, mostly NGOs, started to deal with the problem of human trafficking.¹⁰ As of 2009, approximately one hundred NGOs concentrated their activity on various aspects of HT. Among them are: the Center for assistance to victims of sexual abuse "Sisters" and Coalition "Angel" (Moscow); the Center Against Violence and Human Trafficking (Perm); Baikal Centre for Legal Reform (Irkutsk region); the International Organization "Save the Child" (Murmansk). The activity of these organizations concentrated on three main areas: preventive measures (information campaigns aimed at potential victims of trafficking), measures to protect and provide legal assistance to victims, and assistance to governmental entities in establishing legal basis for prosecution and punishment of organizers of the HT. Within the framework of the project "Prevention of Human Trafficking in the Russian Federation", launched in 2006 jointly with IOM, a specialized rehabilitation center for victims of human trafficking, where the victims receive medical, psychological and social assistance, was opened in Moscow in 2007. Women's non-governmental organizations founded 47 crisis centers for women in various regions of the Russian Federation. These centres work closely with the executive bodies of subjects of the Russian Federation as well as the local self-government bodies. (HRC 2009: 80, 83).

In recent years, the number of projects elaborated by the international organizations and the Russian NGOs (most of which were sustained with the help of foreign grants) to prevent trafficking and assist victims of trafficking diminished. For instance, the key project "Prevention of Human Trafficking in the Russian Federation", financed by the European Union in cooperation with the US

⁸ For statistics, see: CK 2007; CK 2008; ECOSOC 2011: 37, 38.

⁹ In 2011, over 2,000 criminal cases were solved under these Articles (Ovodkov 2012: 67).

¹⁰ On the activity of the Russian NGOs in the early 2000s, see Tyuryukanova 2006: 140-153.

Department of State and the Swiss Agency for Development and Cooperation, was closed in 2009 due to the tightening of requirements for the Russian NGOs on the part of the authorities, especially after the adoption of the federal law on foreign agents (Federal Law 2012 b). The implementation of specific projects to combat trafficking in human beings by the NGOs is extremely difficult.

Conclusion

In Russia, a considerable positive experience in preventing and combating trafficking in human beings is accumulated, which manifests itself in the adoption of relevant legislation, creation of corresponding structures within the law-enforcement agencies, and elaboration of practices for effective inter-departmental and international cooperation between the law enforcing agencies, as well as between the state authorities, local authorities and the NGOs. The main problems stem from the lack of a national strategy (program) to combat trafficking in human beings and assist victims of trafficking,¹¹ and from the lack of mechanisms to support of the Russian NGOs that work in this direction.

¹¹ The program on Cooperation of the CIS countries against human trafficking for 2011 - 2013, approved by the heads of CIS member states on December 10, 2010, allows for country-specific actions at the national level.

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