

HUMAN TRAFFICKING IN THE RUSSIAN FEDERATION

INVENTORY AND ANALYSIS OF THE CURRENT SITUATION AND RESPONSES



Report conducted by E.V.Tiurukanova and the Institute for Urban Economics
for the UN/IOM Working Group on “Trafficking in Human Beings”



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2006 – Focus on the current situation and responses to trafficking in human beings in the Russian Federation.

Report by: Elena V. Tiurukanova with the Institute for Urban Economics

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The opinions expressed in this report are those of the authors and do not necessarily reflect the policies and views of the members from the UN/IOM Working Group.

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This report presents an overview of the current situation and responses to trafficking in human beings in the Russian Federation up to December 2005. However, the UN/IOM working group and the authors are aware that it may not fully document all activities and responses currently taking place across the country.

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The UN/IOM Working Group on Trafficking in Human Beings

HUMAN TRAFFICKING IN THE RUSSIAN FEDERATION

INVENTORY AND ANALYSIS OF THE CURRENT SITUATION AND RESPONSES

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FORWARD

The dramatic changes that have taken place in Russia since 1992 have resulted in increased benefits as well as unforeseen consequences for the people of this country. One of the social consequences has been a marked manifestation of human trafficking. Russia has been an origin, transit, and destination country for women and children trafficked for sexual exploitation to and from numerous countries within the Gulf States, Europe, and North America. Russia has also increasingly become a transit and destination country for labour trafficking, both within the former Soviet Union and from neighbouring countries. Trafficking in Russian children and children from the former Soviet republics into Russia for purposes of pedophilia, and pornography has also been reported. In Russia's transitional economic period, many cities and rural communities have faced extreme financial hardships which also have established an environment for internal trafficking.

Considering that human trafficking in Russia was only first publicly addressed less than ten years ago in 1997, substantial efforts have been taken by both government agencies and organisations within civil society. In 2000, Russia signed the UN Convention against Transnational Organised Crime and its supplementing Protocol on Trafficking in Persons, with ratification in March 2004. During this period, Russia also legally defined trafficking in human beings within its criminal code, which has initiated steps towards responding to trafficking. Forums such as government interagency meetings and anti-trafficking conferences like the All-Russian Assembly of Anti-Trafficking NGOs have fostered dialogue among decision-makers and practitioners in the establishment of strategies to better combat trafficking in human beings.

While these steps have proved critical for initiating human trafficking responses, more actions are needed to allow for effective prosecution of traffickers and assistance to victims. National provisions and coordinating mechanisms to address trafficking have not yet been established which would enable Russia to fully conform to its international obligations under the ratified conventions. Furthermore, human trafficking responses must be directed more from human rights and victim-centred approaches. Human trafficking must not be seen only as a fight against organised crime and illegal migration, but first and foremost as a violation of human rights.

In Russia, anti-trafficking initiatives have been largely fragmented and lacking in coordination. As a means of strengthening understanding, coordination and collaboration on work addressing trafficking issues, a UN and IOM working group was established in March 2004, with UN agency membership including ILO, UNFPA, UNODC, UNDP, UNICEF and the UN Resident Coordinator's Office in the Russian Federation.

Among working group members, it was recognised that while numerous research reports and information on existing responses exist, no one source existed which could provide a clear, consolidated and comprehensive analysis of existing information about and responses to trafficking in human beings in the Russian Federation. The working group initiated an inventory assessment of which the result is this given report. The inventory assessment also underwent a peer review process where the opinions and concerns of representatives from federal

ministries and services, government agencies, as well as a range of civil society organisations were collected and reflected in the final product. It is hoped that this report will serve as an information base for more in-depth research initiatives, anti-trafficking advocacy and overall responses.

The UN/IOM Working Group on Trafficking in Human Beings looks forward to working with key stakeholders to use this report as an advocacy tool as well as to collaboratively develop more effective and coordinated responses for combating trafficking in human beings.

Carel de Rooy

Chair of the UN/IOM Working Group on Trafficking in Human Beings
UNICEF Area Representative
for the Russian Federation and Belarus

INTRODUCTION

Russia today is an origin, transit and destination country for human trafficking

1. Purpose of the Report

The purpose of this report is to obtain and present a clear picture of the overall situation regarding human trafficking in Russia as an origin, transit, and destination country. It is envisioned that this report will serve as an advocacy tool to improve public awareness of trafficking issues and prevention strategies and to strengthen coordination and collaboration of key stakeholders. The report tackles the extent, nature and origins of trafficking, providing a description of high risk groups, patterns used to attract potential victims, and trafficking routes. The report gives an overview of current responses to trafficking and examines roles of different governmental and non-governmental stakeholders, as well as prevention and assistance programmes, relevant legislation and its application in practice.

A key goal of the research is to formulate a holistic and comprehensive approach to the problem of human trafficking. Such an approach is particularly important for the Russian Federation, as criminal legislation against human trafficking has been adopted, but many other trafficking issues remain unaddressed, resulting in ineffective responses. Issues remaining unaddressed include protection of witnesses and aid to victims, principles of working with victims, and defence of their human rights during the investigatory process and court proceedings.

The report promotes implementation of a holistic and comprehensive approach to anti-trafficking responses, which is founded on:

- 1. human rights principles, recognising trafficking as a violation of the rights of the individual, and**
- 2. implementation of victim-centred developed responses, i.e. paying primary attention to the situation and interests of the victims of human trafficking.**

Neither of these principles are yet sufficiently developed or observed in Russia. Implementation of human rights and victim-centred approaches are particularly important for responses by law enforcement authorities and other public organisations providing direct services. Effective use of human rights and victim-centred approaches will only be possible with strong cooperation between state authorities and civil society in carrying out operations, investigations and other activities. Given this fact, the report pays particular attention to opportunities for strengthening such coordination.

2. Methodology & Structure of Report

This report primarily uses a desk review approach to summarise and analyse available information about quantitative and qualitative studies, legislative and regulatory documents, anti-trafficking initiatives, and preventive and legal practices. Sources reviewed include:

- International documents (conventions, protocols, declarations, guidelines, etc.);
- Russian legislative documents (laws and regulations);
- Briefings of Parliamentary hearings of human trafficking related issues;
- Reports of the Ministry of Internal Affairs' briefings and other official meetings;
- Reports of academic and research conferences, training seminars, etc.;
- Criminal, migration and other statistics;
- NGO materials and publications, including hotline accounts;
- Research and academic development work;
- Review of mass media articles.

To address knowledge gaps in existing materials, a series of in-depth interviews and a peer review meeting of key stakeholders were conducted.

Chapter one provides an overview of the situation of human trafficking in the Russian Federation, tackling the extent, nature and origins of the problem; its peculiarities affecting Russia; groups which are particularly vulnerable to trafficking; patterns used to attract potential victims; routes adopted; and purposes and forms of human trafficking. This chapter also examines the wider social and economic context, including an analysis of the problems accompanying the spread of human trafficking, such as the shadow economy, illegal immigration, corruption, as well as the inter-connection between human trafficking and international terrorism and other forms of trans-national organised crime in the region. Particular attention is given to trafficking in children, which is considered the gravest form of human trafficking in terms of its social consequences, requiring measures specifically aimed at combating it.

Chapter two systematically sets out current measures and forms of combating human trafficking in Russia, considering the roles of the different governmental and non-governmental stakeholders, prevention and assistance programmes, and criminal legislation and enforcement practices. Analysis of existing measures to combat human trafficking is aimed at exposing those gaps which exist and the problems associated with this work, and at defining effective anti-trafficking policies and actions.

Chapter three proposes recommendations based on the analysis in chapters one and two. These recommendations focus largely on significant legislative gaps and needs for financing of programmes against human trafficking; development of a system of prevention, prosecution, and protection and assistance to victims; and coordination of activities of all interested parties from the different sectors in society.

3. Defining Human Trafficking

In the past, human trafficking has attracted the attention of the international community and individual states on more than one occasion. Anti-trafficking legislation is comprised of an array of international conventions and declarations calling for all states to unite in their efforts to combat all forms of slavery, including that of human trafficking. The focus of such documents has been, first and foremost, on women and children as being particularly vulnerable to violence and trafficking, including for the purpose of sexual exploitation. Since the beginning of the 20th century, a series of international documents on the problem have been adopted, among them the International Agreement of 1904 for the Suppression of the White Slave Traffic and the UN Convention of 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The latter convention was ratified by the USSR in 1953 with the familiar proviso that “in the Soviet Union the social conditions which spawned prostitution had been removed but it supported the efforts of the world community in the battle against these crimes”.¹ Also ratified by Russia were the Convention on the Elimination of All Forms of Discrimination Against Women (1979); the Convention on the Rights of the Child (1989); the Slavery Convention (1926 with amendments from 1953); the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956); ILO Convention (№ 29) Concerning Forced Labour (1930); ILO Convention (№ 105) Concerning the Abolition of Forced Labour (1957); and ILO Convention (№ 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

Russia has not ratified the Convention (№ 28) on the Civil Aspects of International Child Abduction (1980); the Optional Protocol to the Convention “On the Rights of the Child”, concerning the Sale of Children, Child Prostitution and Child Pornography (2000); or the Conventions of the UN (1990) and the ILO Conventions (№ 97 and № 143) on working migrants. Ratification of these documents is essential for the eradication of gaps in national legislation against human trafficking.

Over the last fifteen to twenty years, human trafficking and other forms of exploitation and slavery has been exacerbated by world-wide developments, such as global economic restructuring; widening of gaps between rich and poor countries; weakening of nation-states’ roles; expansion of tourism, services, leisure and entertainment industries; growth in illegal migration; further entrenchment of transnational organised crime; advancement of information technology; and expansion of transportation networks. The UN General Assembly responded to these challenges with adoption of the Convention Against Transnational Organised Crime (CTOC) at its 55th session. The Convention focuses on addressing organised crime in general as well as specific key activities of transnational organised crime, such as money laundering, corruption and obstruction of investigations or prosecutions. To supplement the Convention, two Protocols, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (further, the Palermo Protocol), and the Protocol Against Smuggling of

A comprehensive anti-trafficking approach is founded on:

1. human rights principles
2. victim-centred responses

1. G. N. Karelova. Presentation of the Fifth Periodical Report on the Russian Federation’s Adherence to the UN Convention for the Elimination of All Forms of Discrimination against Women. “Combating Trafficking in Persons: a Collection of Normative Legal Documents, Russian Association of Crisis Centres, “Stop Violence,” Moscow, 2004, p. 30.

In March 2004, Russia ratified the Palermo Protocol

Migrants by Land, Sea and Air, were also provided with the Palermo Convention. These documents, agreed at the highest international level, have imposed on party states new obligations in combating human trafficking. The Convention was ratified by more than 100 states. After the 40th ratification, the Palermo Convention and the Protocols to it came into force in September 2003. The Russian Federation ratified the Convention on 24 March 2004.²

The Protocol against the Smuggling of Migrants deals with the growing problem of organised criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. The Protocol against Trafficking in Persons (the “Palermo Protocol”) deals with the problem of modern slavery, in which the people’s desires to seek a better life are taken advantage of by organised criminal groups. Migrants are often confined or coerced into exploitative or oppressive forms of employment, often in sex trade or other dangerous occupations, with the illicit incomes generated from these activities going to organised crime.

The most widely accepted international definition of human trafficking is given in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (Article 3a, Palermo Protocol)

Russia’s ratification of the Palermo Protocol in March 2004 underscores Russia’s willingness to combat human trafficking as prescribed by the Protocol’s provisions. Steps undertaken since the ratification of the Palermo Convention and Protocol have resulted in the establishment of new norms of criminal legislation outlawing human trafficking in Russia, articles 127.1 (trafficking in human beings) and 127.2 (use in slave labour). Russia’s criminal definitions to address trafficking in human beings will be examined in greater detail in chapter 1 of this report.

4. Scale of the Problem

The adoption of the UN CTOC reflects the world’s recognition of the universal nature of the problem: cross-border and internal human trafficking affect both countries with developed economies and those which are developing. Trafficking occurs across state borders as well as

2. Federal Law of 24 March 2004, On Ratification of the United Nations Convention against Transnational Organised Crime and the Protocols to it against Smuggling of Migrants by Land, Sea and Air and to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

within states, and in countries which have a long-established tradition of democracy, as well as in those with totalitarian systems of power. The total number of victims of cross-border trafficking is now estimated at 600,000 – 800,000 per annum, or 2 – 4 million, if victims of internal trafficking are included.³ International reports point out that 80 percent of the victims of cross-border trafficking are women and children, 70 percent of whom are sold to other countries for the purpose of sexual exploitation. However, the methods applied in such estimates are not transparent, making it difficult to calculate the accuracy and reliability of these estimates.

The number of victims of cross-border trafficking is estimated at 600,000 – 800,000 per annum

The Central and Eastern European countries, including the territory of the former Soviet Union, rank second after South-East Asia in regards to the scale of trafficking in human beings: 175,000 women are taken out of this area a year for the purpose of human trafficking.⁴ One-third to one-fifth of this figure comprises of women from the Russian Federation, i.e. roughly 57,750 to 35,000 women a year.⁵ Even if this estimate is high, these figures do not take into account the large flows of human trafficking of migrants for criminal purposes from the CIS Republics into Russia or between the CIS Republics. Given that quantitative assessment of trafficking types and forms remains weak, development of new data collecting methodologies should become a priority issue. Nevertheless, the absence of exact evaluations should not delay the work against trafficking, as so often happens when government organisations require “facts and figures” to show that a problem exists before they will take action.

3. TIP Report 2005. US State Department.

4. Francis T. Miko and Grace Park, CRS Report for Congress "Trafficking in Women and Children: The U.S. and International Response". March 2002.

5. UNFPA Report, "Transport of Women and Children from Russia with the Goal of Sexual Exploitation"(materials based on in-depth interviews). Research group: Elena Tiurukanova, Elena Mikhailova, Maia Rusokova, Moscow, 2004.

Russia’s criminal code article 127.1 provides a legal definition for human trafficking

CHAPTER 1. Situation Overview

1.1. Definitions and Classification of the Forms of Human Trafficking (HT)⁶

1.1.1. Legal Definition of Human Trafficking within the Russian Federation

With the ratification of the Palermo Protocol, Russia accepted the responsibility to integrate within its national laws the Protocol’s basic provisions and especially key definitions. Under the criminal code of the Russian Federation, article 127.1 (trafficking in human beings) was added, providing a definition of trafficking in human beings with the goal of exploitation and specifying clear definitions of the term “exploitation” (provided in point two of the article’s commentary).

Table 1. Comparison of Russian Criminal Human Trafficking Definition versus

Provisions of law	Palermo Protocol ⁷
	Human Trafficking shall mean
Human Trafficking Purpose	Carried out for the purpose of exploitation
Interpretation of Purpose	Exploitation shall include, <u>as a minimum</u> ,* the exploitation of others for prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Article 3a)
Actions	Recruitment, transportation, transfer, harbouring or receipt of persons (Article 3a)
Means	<u>By means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person (Article 3a)</u>

* Provisions shown once underlined are those that are included in the Protocol and not in the Russian Federation Criminal Code.

6. This section uses data from the report by T. V. Kholschevnikova, “An Analysis of Russian Federation Anti-Trafficking Legislation in the Context of the Convention on the Rights of the Child (CRC) including the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),” UNICEF, 2004.

On the whole, the definition of human trafficking and exploitation given in the Russian criminal code complies with the definitions found in the Palermo Protocol. However, working experiences with article 127.1 uncover existing gaps and divergences within the existing Russian definition that require substantial revisions.

On the whole, Russia's criminal code provision complies with human trafficking definitions found in the Palermo Protocol

Table 1 shows the differences between the Russian criminal code's and the Protocol's definitions of human trafficking. To facilitate the interpretation of this term, the table analyses three related components:

1. **actions:** the recruitment, transportation, transfer, harbouring or receiving of persons;
2. **means:** threat or use of force, other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, giving or receiving of payments or benefits to achieve the consent of a person having control over another person; and
3. **purpose:** exploitation including, as a minimum, the exploitation of others for prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Article 127.1 of the Russian Criminal Code drops the second component, "means." Instead, "means" is addressed in an abridged form, as a constituent element of the offence in

the Palermo Protocol Definition

Russian Federation Criminal Code Article 127.1	Commentary
<p>Achieved for the purpose of (its) exploitation</p> <p>Exploitation shall mean the exploitation by others of the practice of prostitution or other forms of sexual exploitation, forced labour (services), servitude or the removal of organs or body tissues.</p>	<p>In the Russian Federation Criminal Code, exploitation is defined with the aid of an exhaustive list for forms of exploitation. In contrast to the Protocol, it fails to mention the expression "as a minimum", meaning that certain forms of exploitation already in existence fall outside the definition, as do newly emerging forms of exploitation.</p>
<p>sale-purchase* of a person, or his/her recruitment, transportation, transfer, harbouring or receipt</p>	<p>The Protocol does not use the term "sale-purchase". Some experts think the use of this term is inappropriate and complicates the understanding of the elements of this offence.⁸</p> <p>Article 127.1 does not include a list of means of influence. By not requiring the adoption of these means of influence, Russia has in effect used the Protocol as a minimum standard, having itself adopted a more far-reaching federal law than is required by this international act.</p>

* Provisions shown bold are those included in the Russian Federation Criminal Code and not in the Protocol.

7. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime, UN, 2000.

8. Interview with T. V. Kholschevnikova, Independent Expert.

Practice reflects
difficulties in
implementing
criminal code article
127.1

Paragraph 2 of Article 127.1 of the Russian Federation Criminal Code, as “such offence [human trafficking] committed with the use or threat of force shall be punishable with three to ten years imprisonment.”

Experts believe that as a result of translation difficulties, the Russian term, “trafficking in human beings,” inappropriately uses the civil law term “purchase and sale” in the criminal code’s definition of trafficking in human beings, as this terminology misrepresents the offence’s constituent elements and gives rise to inconsistent interpretations and difficulties in the classification of offences.⁹

In defining “trafficking”, law-makers effectively included “purchase and sale”, “recruitment”, “transportation”, “transfer”, and “harbouring” which, when used either in combination or separately, make up the complex formula of the crime of “human trafficking”. Adoption of such a complex definition of the crime elements is rather unusual for Russian criminal law and law

Article 127.1 Trafficking in Human Beings

1. **Trafficking in Human Beings, that is, a human being's purchase and sale or his/her recruiting, transportation, transfer, harbouring or receiving for the purpose of his/her exploitation** - shall be punishable by imprisonment for a term of up to five years.
2. The same deed committed:
 - a) in respect of two or more persons;
 - b) in respect of a known minor;
 - c) by a person through his official position;
 - d) moving the victim across the State Border of the Russian Federation or illegally keeping him abroad;
 - e) using forged documents, as well as seizing, concealing or destroying the documents certifying the identity of the victim;
 - f) with application of force or with the threat of applying it;
 - g) for the purpose of cutting out the victim's organs and tissues -shall be punishable by deprivation of liberty for a term from three to ten years.
3. The deeds provided for by Parts One and Two of this Article:
 - a) which have entailed the victim's death by negligence, the infliction of major damage to the victim's health or other grave consequences;
 - b) committed in a way posing danger to the life or health of many people;
 - c) committed by an organised group -shall be punishable by deprivation of liberty for a term from eight to fifteen years.

Commentary.

1. The person who has committed for the first time the deed provided for by Part One or Item “a” of Part Two of this Article, has voluntarily released the victim and has contributed to solving the crime shall be released from criminal liability, if there are no other formal components of a crime in his acts.
2. **The exploitation of a person shall mean in this Article the use of the engagement in prostitution by other persons and other forms of sexual exploitation, slave labour (services), subjection, as well as seizure of his organ and tissues.**

9. Report by E. B. Mizulina at the Academic Conference “New Criminal Law in Russia: Cooperation of Law Enforcement Authorities and NGOs in Combating Trafficking.” Nizhny Novgorod, 6-7 April 2005.; Interview with T.V. Kholschevnikova, Independent Expert.

enforcement practices.¹⁰ Application during the first two years of Russia's criminal article 127.1 reflects the difficulties caused through adoption of such a complex definition. Many offences which are effectively human trafficking continue to be classified "in the old way," i.e. under different articles of the criminal code. Furthermore, many criminal cases initially classified under article 127.1 result in prosecution and sentencing on completely different criminal provisions.

Many human trafficking offences continue to be classified under different criminal code articles

In light of the above, many Russian experts think it essential that practical commentaries on article 127.1 be developed, clarifying its application regarding the nature, peculiarities and forms of this offence, as well as methods of its investigation and provision of evidence.¹¹

Application of the Palermo Protocol within Russian Law

Pursuant to the Palermo Protocol, Russian law-makers insist that the description of the mental element of the offence in question (*mens rea*) includes a specific intent for exploitation of the victim. Experts believe that an approach requiring one to have the "specific intent" to exploit a person results in the failure to address trafficking cases where the parties to the deal (or the agent) act without such purpose or intent. For example, a seller's accomplice transferring a person to a buyer for possession, use or disposal, may not have the specific intent to exploit the victim, as the accomplice receives remuneration not as a result of the exploitation but directly from the seller prior to the exploitation. Another example of an act without the goal of exploitation could be a mother who sells her child "for a bottle." These examples show that such socially dangerous acts by the said persons may not fall within criminal code article 127.1 definition, since they are not carried out with the aim of exploiting the "subject of the deal". Case experiences reveal that Russia's existing criminal definition of "exploitation" makes it impossible to prosecute persons participating in human trafficking for mercenary or other motives, when such an act fails to fall under article 127.1's specified provisions on exploitation.¹²

Experts consider particularly ill-advised the inclusion of intent in the definition of offences related to trafficking in children. The Head Researcher from the General Prosecutor's Research Institute, Olga Pristanskaya, emphasises that the repealing of the Russian criminal code's article 152 ("Trafficking in Minors") and its replacement with the more general article 127.1 has resulted in partial decriminalisation of socially dangerous offences committed against minors. Under article 152, any transaction involving children whatever its form or purpose had been considered as a grave criminal offence. The provision under article 127.1 that addresses trafficking in children is inconsistent with international legal standards.¹³

10. However, precedence already exists regarding use of complex legal definitions within the Russian criminal code, such as the legal definition for crimes such as "terrorism."

11. See, for example, the recommendations of the Academic Conference "New Criminal Law in Russia: Cooperation of Law Enforcement Authorities and NGOs in Combating Trafficking". Nizhny Novgorod, 6-7 April 2005.

12. At the same time as the preparation of this report for print, the State Duma Working Group (coordinator, E.B. Mizulina) has reworked the Federal draft law "On Amendments to Article 127.1 of the Russian Federation's Criminal Code," in which the group proposes in part 1 of article 127.1 to include after the word "exploitation" the words "or other mercenary incentives."

13. Prevention and Combating Trafficking in Women in and through the Russian Federation. The report prepared at the request and with the financial support of the Commission of the European Communities by the joint RF-EC team of experts. 2003; Interview with O. V. Pristanskaya (RF General Prosecutor's Research Institution) during the report's peer review.

Table 2. Application of Palermo Protocol in Russian Federation Law

Issue	Palermo Protocol Wording
Area of application	This Protocol shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of the offences established in accordance with article 5 of this Protocol, where those offences are transnational in nature and involve an organised criminal group, as well as to the protection of victims of such offences (Article 4 of the Protocol)
Consent of a Human Trafficking Victim to the intended exploitation	The consent of a victim of human trafficking to the intended exploitation ... shall be irrelevant where any of the means set forth in subparagraph (a) has been adopted. (Article 3b)
Trafficking in children	The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “human trafficking” even if this does not involve any of the means set out in subparagraph (a) of this article. (Article 3c)

The Protocol envisages its standards being applied only in cases where human trafficking is transnational in nature. The combating of human trafficking carried out without crossing national borders should be regulated by countries' domestic legislation. Russia has opted to adopt a more universal criminal standard covering both internal and cross-border human trafficking. Moreover, transportation of persons abroad or their illegal detainment abroad are treated as aggravating factors which extend the minimum prison term to 3 years and the maximum to 10 years (Part 2 Article 127.1).

The Protocol also provides that its standards be applied only in cases of trafficking carried out with the participation of organised criminal groups (OCG). In this case, Russia also has used the Protocol as a minimum standard and has adopted a more extensive provision not limited to the prosecution of OCGs, but outlawing all cases of human trafficking, including those where no OCG has been established and those where OCG involvement has not been proved. Involvement of an OCG is treated as an aggravating factor and extends the minimum prison term to 8 years and the maximum to 15 years (Part 3, Article 127.1).

This Protocol requirement has not yet been reflected in Russian legislation. It is included in the draft law "On Combating Human Trafficking," which has yet to be accepted. References to the "voluntary nature" of the relationship leading to the exploitation have become common in legal proceedings against traffickers and are grounds for refusal to initiate proceedings. This is particularly so where women (including sex workers) are the victims of sexual exploitation. Such practices are not admissible. To this end, it is necessary either to bring the current criminal code in line with the provisions of the Protocol, or to adopt a new legislative act introducing these provisions into the federal human trafficking law.

The Protocol envisages a broader definition of the components of the criminal offence in cases where the trafficking victim is a child. Under the Protocol, all cases should be treated as trafficking of children even where none of the means mentioned in subparagraph 3a (the threat or use of force or other forms of coercion, of fraud, of deception, the abuse of power or of a position of vulnerability or the giving of payments) have been used. Since article 127.1 of the Russian criminal code does not list means of influence at all, it is open to suggestion that, here again, the current Russian legislation adopts a broader approach. Nevertheless, the Protocol sets out different formulations of the components of such crimes: in the case of the definition of trafficking in children, it should be more severe. Russian legislation uses the same criminal standards for defining trafficking in adults and trafficking in children. At the same time, subsection 2 of criminal code article 127.1 treats trafficking in children as an aggravating factor.¹⁴ The Protocol, like the current Russian legislation, addresses trafficking in children for the purpose of exploitation, but many experts are insisting on the approval of new, stricter legislation on trafficking in children without the exploitation requirement.

14. The Brussels Declaration on the Prevention and Combating of Human Trafficking (Article 16) also recommends treating trafficking in children as a crime with aggravated circumstances.

Article 127.1's term, "exploitation of a person," requires additional clarification and expert commentary

To address this legislative gap, many experts suggest amending the criminal code to outlaw trafficking in minors (or other deals involving minors) even where **there is no intent to exploit**.

Many of the current difficulties with law enforcement are caused by the vague and ambiguous definition of the term "exploitation of a person". This definition requires additional clarification and expert commentary. The definition of "exploitation," found in the commentary to article 127.1, provides an exhaustive list of those acts that may fall within this term: "the exploitation by others of the practice of prostitution or other forms of sexual exploitation, slave labour (services), servitude or the removal of organs or body tissues". In contrast, the Palermo Protocol definition leaves possible forms of exploitation "open," with the wording "exploitation includes as a minimum." Wording in the Palermo Protocol's definition of "exploitation" allows a more flexible application to respond to new forms of exploitation within trafficking acts.

There is also an array of other terms used in Russia's criminal code, such as "sexual exploitation," "servitude," and "slave labour," which need further clarification through a supplemental legal statute or criminal code commentary. In particular, it is important to identify and define within the criminal legislation (or, at least, in the commentaries to the relevant articles) the more concrete forms of exploitation connected with human trafficking that are frequently encountered in work practices. For example, until it is clearly established that servitude may include exploitation of people as beggars, effectively being human trafficking crimes, these crimes will not be properly qualified as such. In the process of clarifying forms of exploitation within the Russian definition, reference could be made to the Palermo Protocol's formulations characterising the means used to force people into dependency or exploitation (the use or threat of force, abduction, fraud, etc. - see Article 3a of the Protocol). **For a clearer understanding of "exploitation," it is also important to specify those forms of control one person may exert over another, and the violence and abuse of a person's rights which may qualify as exploitation (e.g. putting a person into debt, forcing someone into hard labour or unprotected sexual contacts, confiscating documents, restriction of one's freedom to movement, blackmail, use of labour without payment, etc.).**

Effective application of the Russian criminal code's anti-trafficking standards is also hampered by the absence of key definitions in Russian law. Some experts consider that it would be more effective to include, along with the complex formula of Russia's existing human trafficking article, separate criminal code articles for each of the different types of offences currently in the existing human trafficking definition (e.g. recruitment, transportation, or transfer). In any case, clear definitions should be included for acts carried out for the purpose of exploitation, such as recruitment or blackmail.

Russian legislation also lacks a definition of a "trafficking victim," which can be found in international acts such as the Brussels Declaration. Absence of this definition makes it difficult to identify victims, and in turn, creates serious law enforcement problems.

Substantial discrepancies in economic development and living standards among the Russian regions mandate that Russia adopt a comprehensive anti-trafficking approach that includes methods to address internal trafficking. Although Russia's criminal code trafficking provision may in theory be applied to internal trafficking cases, lack of special legislative explanations regarding internal trafficking often results in such cases being ignored. There exists a stereotypical attitude that regards human trafficking as essentially a transnational crime.

Russian legislation also lacks a definition of a “trafficking victim”

Attention also needs to focus on principal discrepancies between Russia’s criminal law definition on trafficking and those definitions regarding illegal migration and people smuggling, which are clearly defined in international documents, such as the UN Protocol against the Smuggling of Migrants. In practice, measures against illegal migrants are a greater priority for states than exposure and protection of human trafficking victims.¹⁵ Russia’s migration situation, with a large part of domestic migration from CIS states taking place on a visa-free basis, links the problems of smuggling and human trafficking. Poor border protection and absence of visa requirements result in only a small fraction of people being stopped at borders, and thus limits the use of border control measures as a means to prevent human trafficking at the transportation stage. Practically all “transactions” by human traffickers achieve their goals, i.e. they successfully deliver people to the employer or place of exploitation.

In summary, the definitions of human trafficking and exploitation set out in the Russian Federation Criminal Code are consistent with those in the Palermo Protocol.

On a number of aspects, **Russia has used the Palermo Protocol as a minimum standard**, adopting more severe provisions. However, **Russia’s system of defining key terms essential to the anti-trafficking legal definition still requires further analysis, systematisation, supplementation and enhancement**, particularly as regards to measures used for conducting human trafficking and to exposure of specific forms of human exploitation.

Clarification of key terms would not only facilitate criminal investigation and victim identification, but would remove existing stereotypes that human trafficking is primarily sexual exploitation of women and children. Removal of such stereotypes is important, as human trafficking using labour exploitation is often ignored and not regarded as a crime. Forms of exploitation under Russia’s last proposed human trafficking definition also need to become more “open,” in order to better respond to the constantly changing nature of acts in human trafficking, as well as to consider the specific nuances of child trafficking when no goals of exploitation exist.

1.1.2. Types of Human Trafficking & Forms of Exploitation

Many different types of human trafficking and forms of exploitation exist and are constantly changing.¹⁶ To combat trafficking more effectively, a definition must be implemented which facilitates quantitative evaluation, classification of offences, identification of victims and prevention activities. Attainment of such a definition requires greater study of specific types of human trafficking. The clearer the classification of these types of offences is, the easier its application is in practice.

The study examines the following types of human trafficking:

1. Human trafficking, especially trafficking in women and children, with the purpose of **sexual exploitation**:

¹⁵ Unlike people smuggling and the organisation of illegal migration which are crimes against a state, human trafficking is a crime against the person. In practice, states often ascribe to such crimes a lower status.

¹⁶ For example, see the report, “Putting an End to Forced Labour”, ILO, 2001.

The clearer the classification of human trafficking offences, the easier its application is in practice

- organisation of prostitution, including in areas of military conflict and military presence;
 - organisation of sex tourism;
 - production of pornography, especially through exploitation of both girl and boy children.
2. Human trafficking for the purpose of **slave labour** in:
 - sweat shops;
 - informal and shadow economy;
 - underground productions and production of counterfeit goods;
 - domestic situations;
 - child labour (e.g. car washing, agricultural work).
 3. Human trafficking for the purpose of **begging**:
 - exploitation of children;
 - exploitation of the disabled;
 - “renting” of infants.
 4. **Marriage for the purpose of exploitation**:
 - exploitation in domestic situations (e.g. housemaids);
 - forced pregnancies and child bearing;
 - forced care for sick and aged relatives.
 5. Human trafficking for **forced transfer of organs and tissue**.
 6. Human trafficking for **surrogate mothering or reproduction**.
 7. Trafficking in children for **illegal adoption**.
 8. Human trafficking for **exploitation in military formations**.
 9. **Exploitation of soldiers and prisoners for forced labour**.

This classification is not exhaustive, as the forms of human trafficking have the capacity to reinvent themselves. Traffickers adapt quickly to the anti-trafficking-measures taken against them, as well as to changing social, economic or political situations, with new forms of human trafficking constantly emerging. As a result, it is important to keep this classification open.

Forms of exploitation also vary and should be covered in detail by the law. Forms of exploitation include a wide spectrum of methods such as forced provision of sexual services, labour, begging, surrogate mothering, or marriage. Currently, article 127.1 of the criminal code has a shortened and closed list regarding applicable types of exploitation. In addition to the need for a clearer definition of forms of criminal exploitation, it is necessary to have reflected in the legislation means used to control people in exploitation, such as depriving a person's

freedom of movement; manipulation of employee relationships¹⁷; document confiscation or retention; debt dependency; use or threat of physical force or psychological abuse; blackmail¹⁸; limitation of one's freedom to travel or communicate with relatives; or fraud.

Each of the listed forms of exploitation and use of control over them may be implemented in a variety of ways and change depending on the circumstances. For example, a debt obligation may arise in the form of a loan made available by an employer or agent (e.g. for the purchase of accommodation for migrants); a "fixed" debt, a penalty for some offence; or a fabricated expense. Unpaid work may also come in a variety of forms: holding wages "pending work completion"; illegal wage deductions; or reporting people to police (e.g. in the case of illegal migrants) instead of paying them for their work.

Forms of exploitation linked with human trafficking greatly vary. Many forms of exploitation are still not addressed in legal definitions, not only within Russian law, but also among international provisions.¹⁹ **Adequate legal formulations are needed to reflect the separate forms of human exploitation, to clarify the nature of these crimes, and to identify them.**

1.1.3 Routes, Organisers, and Human Trafficking Victims²⁰

Experts identify several basic routes used by "transporters" in taking people out of the the Russian Federation.

The **Baltic route** through Lithuania, as well as the **Central European route** through Warsaw and Prague are regarded as the easiest methods to transport illegal migrants **to Germany, Scandinavia and other European countries and the United States.**²¹ Recently, these countries have substantially tightened up their cross-border travel rules. Nonetheless, European countries and the United States remain main destination countries for human trafficking out of Russia.

The **Caucasus (or Georgian) transit route** is made easier by weak borders with Turkey. Experts note that the majority of illegal migrants, including women and children, have been transported **via Georgia into Turkey, Greece and the Mediterranean countries** for sexual and labour exploitation.

Large **resorts in Europe and Asia** and armed **conflict zones or regions** where military and peacekeeping forces are stationed, in the later case primarily in the **Balkans**, are regarded as notable trafficking hubs for sexual exploitation of women. Routes **through Egypt and into Israel as well as other Middle East countries** are also common. In particular, many women and children are taken **from the southern regions of European Russia to the UAE** for sexual exploitation.

17. Exploitation of employee relationships includes actions such as refusal to sign an employment contract, non-payment of wages, or illegal restrictions imposed on resignation (retention of employees).

18. Examples of blackmail include threatening illegal migrants with deportation; threatening victim's relatives, or threatening the release of concealed information such as revealing a prostitute's business.

19. In Russian legislation, there are no definitions of the terms "pornography," "recruitment," "debt bondage," "servitude," etc.

20. Information for this section on common trafficking routes was taken from Sally Stoecker's section, "Human Trafficking: A New Challenge for Russia and the United States" in the book, "Human Trafficking and Transnational Crime: Eurasian and American Perspectives," edited by Sally Stoecker and Louise Shelley. Rowman & Littlefield Publishers, 2005, p. 21.

21. IOM News Release, "Trafficking in Migrants: The Baltic Route," 24 January 1997.

Traffickers adapt quickly to anti-trafficking measures taken against them

European countries and the United States are main destination countries for human trafficking out of Russia

Evidence of trafficking for labour exploitation has been found in countries with large Russian diasporas such as in **Germany, Turkey, Portugal** and other **southern European states** to which labourers are primarily transported for the harvest of citrus fruit and other agricultural work.

China-bound human trafficking is divided into the **China-Siberia** and the **China-Primorsky Region routes**. Russia's policies in the early 1990s, to attract greater Chinese tourists and to harbour good neighbouring country relations, resulted in a large influx of Chinese citizens settling in Russia's far east region. Chinese criminal groups²² have become a huge problem for the law enforcement authorities of the **Primorsky and Khabarovsk Regions** and neighbouring areas. According to the Director of the Transnational Crime and Corruption Centre (TraCCC), Louise Shelley, the Chinese trafficking business has enormous potential. It is extremely stable, is geared to long-term activity, and is organised more like a business activity than a traditional criminal group activity. In contrast, the Russian human trafficking business is not marked by stability and is oriented more towards immediate profit, with its working slogan often being "grab a buck and lay low". For this reason, Russian organised criminal gangs engaged in human trafficking adopt particularly harsh manners and methods of control.²³

Russia is also a **destination country** for human trafficking routes **from CIS countries and poor Asian regions**. Almost all CIS states are involved in the trafficking of people into Russia as origin countries. The most vulnerable populations are those from Tajikistan, Uzbekistan, Kyrgyzstan, Georgia, Armenia, Moldova, and the Ukraine. For all these countries, Russia is one of the main destination countries for human trafficking for the purpose of labour and sexual exploitation.

ACTIVITIES OF "ENTREPRENEURIAL" AND "CRIMINAL" TRAFFICKING SYSTEMS

US human trafficking court cases reflect existence of both the "entrepreneurial" system (United States of America v. Roggerio Caden), as well as the "criminal" system (United States of America v. Ludwig Feinberg).

Experts evaluate human trafficking as an attractive business for criminal groups due to low risks and high returns. In the federal court case, United States of America v. Alex Mishulovich, women brought from Latvia were kept in sexual slavery in Chicago, using the threat of the required payment of \$4,000 for the return of their documents. US FBI research reveals that approximately three thousand Russian-speaking criminals control criminal groups in American cities, with their activities forcing approximately eight thousand women into prostitution, many of whom are Slavic.²⁴ FBI experts believe that the Russian organised crime gangs- Izmailovskaya, Dagestanskaya, Kazanskaya and Solntsevskaya – all operate within the United States. At the end of the 1990s, a federal prosecutor from the southern district of Florida brought multiple charges against the Russian criminal, Ludwig Feinberg, for planning and transporting narcotics.²⁵ In addition to charges of transportation of cocaine from South America into Florida using Russian submarines, Feinberg was also held for illegal transportation of women from Moscow to Miami for work as dancers and prostitutes, serving clients in his strip-club "Porky's".

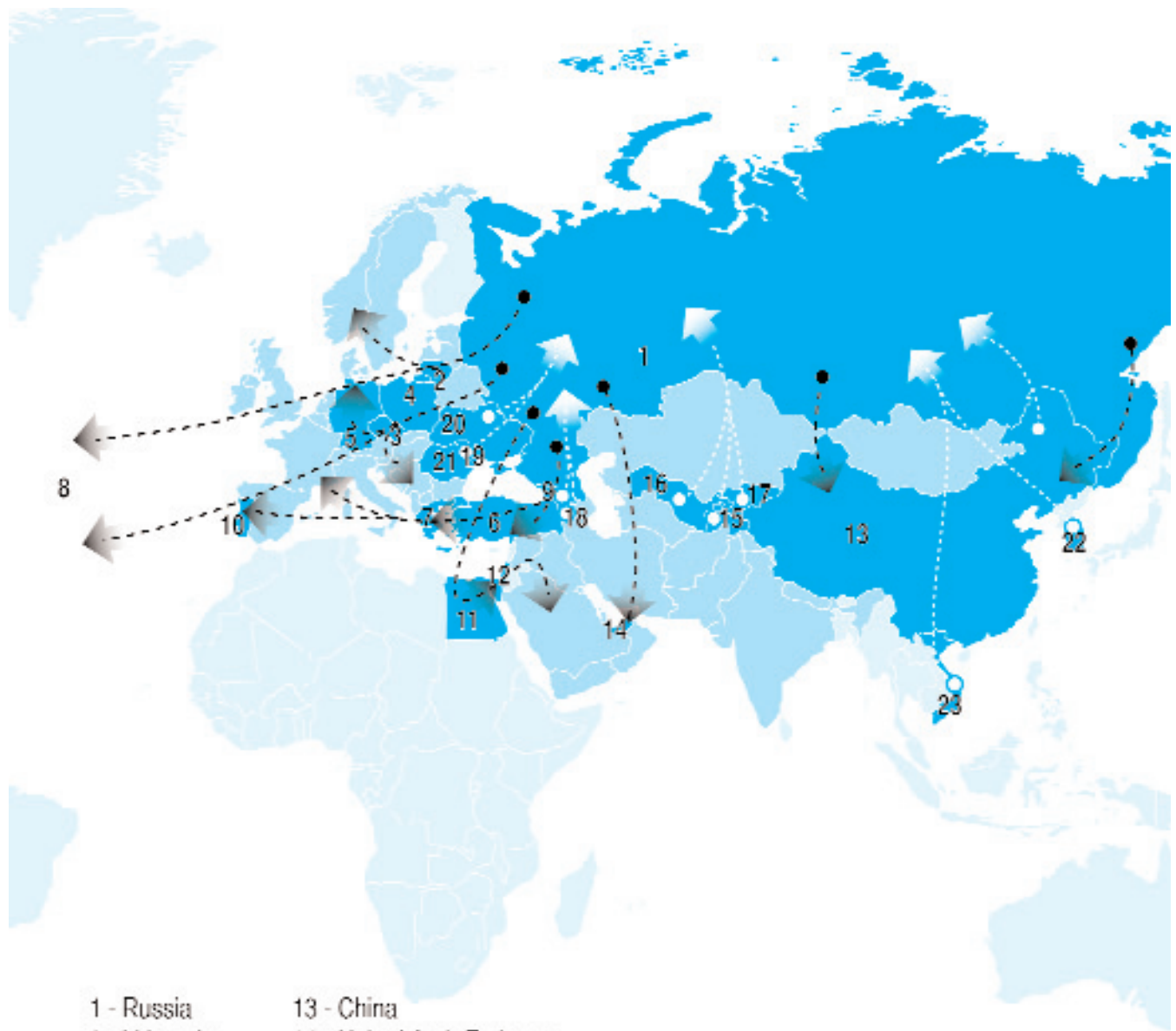
22. Trafficking by Chinese criminal groups occurs with Russia as an origin and destination country, i.e. transfer of individuals for purpose of human trafficking from Russia to China and from China to Russia.

23. Louise Shelley, "Russian and Chinese Trafficking: A Comparative Perspective," in "Human Trafficking and Transnational Crime: Eurasian and American Perspectives," edited by Sally Stoecker and Louise Shelley. Rowman & Littlefield Publishers, 2005, p. 63-75.

24. Daniel Jeffreys, "Beauty and the Banker," The Moscow Times, 18 September 1999.

25. This investigation was referred to as operation "Odessa."

Human Trafficking Routes



- | | |
|--------------------|---------------------------|
| 1 - Russia | 13 - China |
| 2 - Lithuania | 14 - United Arab Emirates |
| 3 - Czech Republic | 15 - Tajikistan |
| 4 - Poland | 16 - Uzbekistan |
| 5 - Germany | 17 - Kyrgyzstan |
| 6 - Turkey | 18 - Armenia |
| 7 - Greece | 19 - Moldova |
| 8 - USA | 20 - Ukraine |
| 9 - Georgia | 21 - Romania |
| 10 - Portugal | 22 - North Korea |
| 11 - Egypt | 23 - Vietnam |
| 12 - Israel | |



Human Trafficking into the Russian Federation
(Destination Country)



Human Trafficking from the Russian Federation
(Origin Country)

Organisations conducting human trafficking can be divided into:

1. “entrepreneurs” and
2. “criminals”

Organisations engaged in the illegal export and trafficking of people may be quite small, comprising of two or three people or “entrepreneurs,”²⁶ who are narrowly specialised in a particular type of human trafficking activity and on a particular country or region. In contrast, large gangs, structured like traditional organised crime groups (or “criminals”), are also involved in human trafficking, often engaging at the same time in other forms of criminal activity such as trading in illicit goods, narcotics, or pornography. Participants in trafficking activities can be divided into those who are the “core” leaders - recruiters, transporters and immediate owners- and those on the “periphery” - helpers: guards, those providing a legitimate “cover”, informers, essential document providers, and money launderers.

Trafficking victims are first and foremost from the poor populations – men, women, and children. Particularly vulnerable to human traffickers’ flexible and imaginative recruitment methods are people with low education levels. Traffickers exploit people’s poverty, helplessness, the lack of adequate state support or awareness of the law, trustfulness, willingness to earn “easy money,” and many other factors. However, the often heard perception that trafficking in human beings can only happen to people in highly vulnerable situations (e.g. homeless, extreme poor, uneducated, people already involved in criminal activities, or the sex industry) is only a stereotype. As a result, describing a “typical trafficking victim” is fairly complicated. Although existing research has identified “high-risk” groups (discussed in detail in the following section), questions regarding why one person falls into a situation of dependency while others do not, and which are the determining factors for becoming dependent require closer examination.

1.2. Root Causes, At-Risk Groups, and High Risk Regions

1.2.1. Root Causes

Human trafficking studies and existing awareness efforts in Russia have largely focused on analysis of at-risk groups, attempting to provide a “portrait of the human trafficking victim”²⁷ Considerably less attention has been given to an in-depth analysis of potential root causes for human trafficking.²⁸

In most analyses, recognition is made that human trafficking is deeply rooted in economic and social relationships, as well as moral values. Root causes usually named include factors such as poverty; economic inaccessibility of efficient employment; lack of education and other human development resources; large variations in countries’ development levels; and growing numbers of vulnerable families and children. However, **most reports merely name these factors without studying their impact on specific population groups which render them particularly vulnerable to human trafficking.**

26. Experts from TraCCC refer to these people as “entrepreneurs”.

27. For example, see “Combating Trafficking in Human Beings: Trainer’s Package” by the Moscow Sexual Assault Recovery Centre, “Sisters,” Moscow 2004; Angel Coalition (an anti-trafficking NGO).

28. A few studies which provide a more in-depth review include the UNDP Report, Human Development versus Human Trafficking in CIS Region (2005), and Best Practices for Prevention of Human Trafficking in Europe and Eurasia (2004), written by Ruth Rosenberg of Development Alternatives Inc. for a short-term technical assistance and research under EGAT / WID Management to Support USAID. Washington and Field Mission Anti-Trafficking Activities. (Research was conducted in Russia, Romania and Ukraine.)

Traffickers take advantage of the desperate situation of a substantial proportion of the population in Russia and neighbouring countries, especially the CIS states, China, North Korea and Vietnam, from which the majority of Russia's illegal working migrants come. In Russia, 1% of its population has an income of less than \$1 per day, which under general standards is considered extreme poverty and defined as such by the Millennium Development Goals; and 6% of the population has a daily income of less than \$2.15, which is considered extreme poverty under the World Bank's criteria for transitional countries.²⁹ It is not only the absolute poverty level but also the rapidly growing wage gap that leads people to enter into risky situations. For example in 2000, the average household income in Tajikistan was \$0.2 USD per day, whereas in Russia it was approximately 30 times higher. In 2002, 44.4% of the Kyrgyzstan population lived below the poverty line, when at the same time, Russia's poverty indicators were almost two times smaller, at 27.3% of its population.³⁰

Although attractive to migrants from less-developed countries, Russia lags substantially behind the world's leading developed market economies. Throughout the latter half of the 1990s, the average wage in the Russian manufacturing industry was 50 times lower than that of Germany, 40 times lower than that of Japan, and 30 times lower than that of the United States.³¹ Experts believe that this gap will not be eliminated in the immediate future. In fact, some experts predict this gap will even grow alongside the restructuring of the global economy. As a result, Russia will likely remain both an origin and destination country for human trafficking.

The socio-economic nature of trafficking in human beings with the purpose of exploitation is related to the growing incidence of poverty, labour market segregation, limited access of numerous population groups to effective employment, education, social welfare and other resources.

Moreover, the economic situations in most "origin" countries are such that not only particular limited groups are threatened with marginalisation, but rather the majority of population faces risks of marginalisation. Accordingly, the risk of becoming a victim of exploitation or trafficking extends to large numbers of the population (including the working population), and thus challenges the usual approach to combating marginalisation trends by focusing on local "at-risk groups". **Essentially, anyone employed informally, without standard social protections, runs the risk of being subject to forms of labour exploitation that verge on human trafficking.**

Poverty and inaccessibility of adequate living standards force people to adopt hazardous models of economic behaviour, "agreeing" to exploitation and to slave labour conditions. These factors have a profound effect upon models of people's economic behaviour: risk-taking becomes standard, and thus the criteria for rational behaviour become distorted. Such models include aspects such as illegal migration, marginal employment, and "willing exploitation." Economic difficulties make people lower their personal social standards and accordingly their demands of society; these conditions push the boundaries of social behaviour beyond what is admissible in terms of human rights and human development.

29. L.N. Ovcharova, D.O. Popova. "Child Poverty in Russia: Alarming Trends and Policy Options," UNICEF, Independent Institute of Social Policy, Moscow, 2005, p.21.

30. Ibid, p.21.

31. Peter Stalker, "Workers without Frontiers. The Impact of Globalisation on International Migration," ILO, Lynne Rienner Publishers, USA, 2000, p.23.

Table 3. Selected Statistics of High At-risk Groups in Russia, given as a percentage

Indicators	Statistics
Percentage of population with income below the poverty level, 2003	20.6 % ³²
Percentage of children from families with incomes below the poverty level, 2003	24.4 % ³³
Number of children from families with incomes below the poverty level, 2003	approximately 6 million
Number of unemployed (based on ILO methodology), 2003	7.9% of the working population
Number of young women between 18-29 years, 2004, including:	17.5 million ³⁵
those with low levels of education (general secondary education and lower)	approx. 2 million ³⁶
unemployed ³⁴	378,000
Number of Alcoholics	over 10 million ³⁷
Number of Commercial Sex Workers	from 270,000 to 3 million ³⁸
Number of Children from socially vulnerable families	750,000 ³⁹
Number of orphaned or children left without parental care living in children's homes ("boarding schools")	184,000 ⁴⁰
Number of Disabled	11.4 million ⁴¹
Number of homeless and those with no fixed place of abode	4 million ⁴²

32. Official statistics from the Russian Federation's Federal State Statistics Service (FSSS).

33. Data based on the RF Federal State Statistics Service (FSSS).

34. In Russia for 2003, there were 1.6 million people officially registered as unemployed, and of this total, 1.1 million were women.

35. Official 2004 statistics from the Russian Federation's FSSS.

36. According to the 2002 Russian national census, 1.5 million young women between 18-29 years have a basic vocational education, 378,000 have a primary education and 57,000 do not even have a primary education.

37. M. V. Maevskaya. Chronic Alcoholism Hepatopathy//Consilium Medicum 2001 v.3, 6, p.256-260.

38. According to various expert estimates (according to Alexander Lando, human rights commissioner in Saratov Region, there are approximately 270,000 women in Russia periodically providing paid sexual services).

39. According to A. Alikhanov, Children's Fund Director (according to other sources, homeless and neglected children in Russia total 685,000, 40 percent of whom have parents still alive, as stated by T. Yakovleva, State Duma Deputy Chair).

40. According to the 2000 statistics of the Ministries of Education; Health, and Labour and Social Development.

41. According to the Ministry of Health and Social Development.

42. According to the RF Ministry of Internal Affairs.

Mechanisms for human exploitation are incorporated into the current economic structure. Traffickers take advantage of “gaps” in the official social infrastructure and services. For example, elderly people are offered a permanent living allowance and assistance, where they are sold off together with their apartments. Disabled are often recruited for begging, in exchange for the “support and protection” they fail to obtain from the state. Young girls, seeking foreign partners, are offered “dating services” that place them into traffickers’ hands. Job seekers are offered help “obtaining employment”, which turns into slave labour. It is these gaps in current economic and social systems and contemporary migration and other regimes which make such forms of human exploitation possible, and allow such exploitation to become inherent components of work arrangements.

Traffickers exploit people’s poverty, helplessness, or willingness to earn “easy money”

These factors result in an acute shortage of key development resources for a significant portion of the population, and, in turn, becoming root causes for the spread of marginal and risky behaviour patterns.

Poverty, particularly in Russia’s poorly-developed regions, brings a whole range of consequences, such as limited access to good-quality education and health care; lower living standards; and lack of access to modern information and communication technologies.

Family crises, together with poverty and lack of opportunities, is one of the most common reasons for human trafficking. Approximately 14 million Russian children live in broken homes and are mostly cared for by women, with these families having much lower income levels than families with two working parents. General gender disparity and gender inequality in families, manifesting themselves in domestic violence and family crises, also are root causes for the growth in human trafficking and the vulnerability to criminal exploitation.

Table 4 below shows the number of times that family crisis centres from the Irkutsk Oblast alone were contacted regarding domestic violence incidences. Violence against minors accounted for almost 30 percent of the total number of contacts. These figures become particularly disconcerting, recognising that the latency of domestic violence issues causes the real rate of domestic violence to be hidden from the public and official statisticians.

Table 4. Contacts to Family Crisis Centres from the Irkutsk Oblast regarding Domestic Violence Incidents⁴³

City	1999	2000	2001
Shelekhovo	93	446	539
Sayansk	452	1238	2350
Ust-Kut	450	1050	1300
Ust-Ilimsk	152	447	
Irkutsk	3500	4829	4182
Total number of contacts:	4647	8010	8371

43. ECPAT International. Review of the situation with commercial sexual exploitation of children in Russia and institutions involved in prevention of such exploitation. Russian and English versions of the final report. 2003. <http://www.ecpat.net/eng/index.asp>.

Table 5. At-Risk Groups Based on Different Criteria

Criteria	At-risk Group
Age	<ul style="list-style-type: none"> • Children and adolescents under 18 years • Young adults between 18 to 25 years, finishing education • Young women under 30 years
Place of residence	<ul style="list-style-type: none"> • Small towns, villages • Migrants from villages to small towns, and from small towns to big cities
Education	<ul style="list-style-type: none"> • Low level of education or no education • Interrupted secondary education (secondary school not completed) • No professional (higher or vocational secondary) education, or professional education not completed
Employment	<ul style="list-style-type: none"> • Unemployed including unemployed school, college and children's homes "graduates" • Having no permanent job, depending on casual work for a living • Migrants in temporary employment • Women engaged in commercial sex work • Women (and, in some cases, men) engaged in the entertainment and modelling industries • Students, especially those who are studying away from home, living in student dormitories, recruited for vacation periods etc.
Behavioural attitudes	<ul style="list-style-type: none"> • Intending to migrate and willing to do so illegally*** • Motivated to work or marry abroad and willing to contact recruitment agencies providing jobs abroad (particularly women) or "mail-order brides"/ wedding agencies • Psychologically inclined to risk-taking, have suffered violence including rape, etc.
Affiliation to socially vulnerable or marginal groups	<ul style="list-style-type: none"> • Children from at-risk families, such as low-income families, families with problems of alcoholism, dysfunctional families, victims of domestic violence • Children left without parental care, children abandoned at maternity hospitals • Young women and girls from at-risk families • Drug addicts* • Those raised in children's homes, or without families, etc. • Single mothers with limited resources to support themselves and their families • Mothers who have a number of children • Migrants, including migrants from CIS countries • The homeless, individuals without a housing registration • Those who are HIV positive**
Ethnic groups	<ul style="list-style-type: none"> • Members of ethnic groups which do not belong to the general population of the region, especially ethnic minorities • Ethnic groups from the poorest countries (for example, Tadjik migrant in Russia) • The most criminalised ethnic groups, or those perceived as the most criminalised: These groups are more likely to be classified as targets rather than as at-risk groups. For example, Gypsies or Chechens to whom crimes connected with human trafficking and kidnapping are often attributed.

LINKS BETWEEN TRAFFICKING IN HUMAN BEINGS AND ...

1. DRUGS*

Analysis of the criminal investigations of 2004 does not yet allow any confirmation of a connection between human and drug trafficking. Experts analysing the presence of such a connection confirm that, in those cases arising under Art. 127.1, the traffickers were not involved in the drug trade. Bearing in mind that today the drug trade is a profitable but much more dangerous activity, experts remain sceptical about any systematic connections between human and drug trafficking.

However, experts believe that drug abuse has a link with human trafficking, both as a factor that makes individuals who are substance dependent more willing to take risky behaviours, and as a means of controlling victims. For example, in interviews of women solicited into the US sex industry, US expert, Donna Hughes, found that half of these women confirmed that their bosses used drugs and alcohol to control them. Director of the UN Office on Drugs and Crime in Moscow, Flavio Mirella, also found victims' being forced to use drugs as well as being required to deal drugs, during his experiences in working with human trafficking victims who had been trafficked from the Dominican Republic into Europe.

2. HIV/AIDS**

Limited information and research exists regarding the relationship between the spread of HIV/AIDS and human trafficking. Since those who are HIV positive in Russia are mostly young, drug addicts and women engaged in commercial sex work, it would be reasonable to suppose that this group is also one of the most vulnerable to human trafficking. However, no data exists to show whether many human trafficking victims are HIV-positive or how the spread of HIV influences human trafficking and forms of exploitation. Crime statistics also fail to provide information on the points of contact between the problems of HIV/AIDS and human trafficking.

3. ILLEGAL MIGRATION***

The status of this group may be less clear than it might appear at first. In 2004, research comparing successful labour migrants from the Ukraine with trafficked women suggested that the willingness to migrate illegally in order to obtain work (i.e. without a working visa or employment contract) did not increase the risk of those migrants becoming human trafficking victims.⁴⁴ However, accurate comparisons are hampered by the highly restricted nature of legal migration channels. The small number of legal migrants leaving Russia to obtain employment makes it much more difficult to find these migrants in the course of surveys and investigations than to find illegal migrants. Moreover, in Russia, for the moment at least, unlike the Ukraine, little information on actual human trafficking victims exists among either law enforcement authorities or NGOs. What information is available is not systematised and may be known only to the person who interviewed the victim (i.e. the police officer, criminal investigator or psychologist).

44. Trafficking in Ukraine: An Assessment of Current Responses. OSCE, UNICEF, USAID, British Council, Ministry of Family, Children and Youth of Ukraine: Kiev, UNICEF, 2004.

Women and children are among the most high-risk groups for human trafficking

1.2.2. At-Risk Groups

Women and children are among the most high-risk groups for human trafficking. The most vulnerable groups among women include poorly-educated young women who have no stable income source, mothers with a number of children, single mothers, victims of domestic violence, those living in problem families, and those who are engaged in prostitution. Among children, high-risk groups include those from dysfunctional families, orphans, children living in children's homes, homeless and neglected children. Other groups at risk are the disabled, the poor and drug addicts. Clear identification of at-risk groups may facilitate not only the organisation of anti-trafficking campaigns, but also the search for points of contact with other at-risk groups (e.g. HIV/AIDS infected or drug addicted), thus making it possible to initiate comprehensive programmes aimed at preventing these interrelated social ills.

Women rape survivors, which experts estimate comprise of 20% the women population⁴⁵, are usually included as a high risk group for human trafficking as they are more disposed to take risks as a result of incurred psychological trauma.⁴⁶

The UNICEF report, "Child Poverty in Russia," highlights that children are the most vulnerable group to risks of poverty; the risk of poverty for a family without children is 15%, whereas for a family with children the risk is 52%, with the highest risk being faced by large families (72% for families with three or more children). Families with children in rural areas have poverty risks of 62.5%.⁴⁷ High probabilities of children entering into poverty set their fate later in life, enhancing their susceptibility to trafficking situations, both during childhood and later in their lives.

Table 6. Classification of High At-risk Groups based on Forms of Exploitation used in Human Trafficking

Form of Exploitation	Risk Groups
Sexual Exploitation	<ul style="list-style-type: none"> • Young women especially those with low levels of education • Unemployed and those engaged in commercial sex work • Individuals with low incomes and migrants • Children especially those from families in crises and in children's homes
Labour Exploitation (slave labour)	<ul style="list-style-type: none"> • Young and middle-aged men and women, especially those with low education levels • Migrants • Unemployed • Homeless • Children from families in crises and those without parental supervision
Begging	<ul style="list-style-type: none"> • Children from families in crises and those without parental supervision • Disabled • Homeless • Mothers with a number of children • Single mothers
Illegal Adoption	<ul style="list-style-type: none"> • Socially vulnerable families (e.g. families with problems of alcoholism or domestic violence, etc.) • Low-income families

45. Such forms of trauma include the phenomenon of "alienation from the body" and the victim's desire "punish her own body and sexuality," as stated by M. Mokhova, Executive Director of the Moscow Sexual Assault Recovery Centre, "Sisters".

46. Interview with M. Mokhova.

47. L. .N. Ovcharova, D.O. Popova. "Child Poverty in Russia: Alarming Trends and Policy Options," UNICEF, Independent Institute of Social Policy, Moscow 2005, p.21.

1.3. Main Forms of Trafficking in the Russian Federation

The main target group for labour trafficking is primarily migrants from CIS countries

1.3.1. Trafficking for Slave Labour Exploitation

Russia is also an origin, transit and destination country for international labour trafficking. While internal trafficking using slave labour also exists⁴⁸, the main target group for labour trafficking is migrants from CIS countries working illegally in the Russian shadow economy as unskilled labour. This group comprises mostly of young and middle aged men and women with low education levels.

THE DEVELOPMENT OF LABOUR MIGRATION IN RUSSIA

Since the early 1990s, Russia has been a major centre for international migration. While migration was, until the mid-1990s, predominantly from CIS states to Russia, existing economic motivations today have led to labour migration both into and out of the country. This situation transforms migration from being a considered, planned step into a risky undertaking, unsupported by the necessary information and social welfare mechanisms.

According to the Ministry of Internal Affairs (MIA) and border-authority statistics, **more than 12 million migrants a year enter Russia** for a variety of intentions. The larger portion of migration occurs from CIS countries, with which Russia has a visa-free regime.

According to official statistics, about 50,000 people leave Russia annually to work abroad. However, experts estimate the actual emigration figure to be at least 5 to 10 times higher, roughly between 500,000 to 1,500,000 Russian citizens. Sociological survey results suggest that about 5% of the working-age population in 2000 were considering emigration opportunities. However, actual figures show that only approximately 1-2% of this potential emigration group actually leaves the country permanently.

Lack of legislative protections and safe migration channels frequently lead potential migrants to undertake risky behaviour. Whereas only 5% of all women migrants seeking work abroad expressed a willingness to work in the sex trade if they were paid more, 25% of women under 30 years of age expressed such willingness.⁴⁹ Most of these young women planned to work in the leisure and entertainment industry, which is probably due more to destination countries' demand for women migrants rather than the genuine motivation of these women.

Official 2004 statistics, based on issued work permits, reported 460,000 labour migrants. However, estimates suggest that this official figure represents only 10% of the actual number of labour migrants; the **actual numbers of foreign labour working in the Russian economy are estimated at 5-7%** of all those in employment, which is on par with countries such as France and Belgium.

Russia's government goal to double its GDP in conjunction with its severe demographic crisis⁵⁰ sets conditions for reliance of migrant-based development in both the immediate and the more long-term future. This condition mandates that Russia develop a more balanced migration policy. Russia's mass migratory movements and its expansion of a shadow infrastructure, reflects the insufficiency of Russia's existing migration legislation and official institutional migration responses. Both the sheer size of the shadow economy, assuring a market for cheap and illegal migrant labour, and the virtually transparent CIS borders impede development of an official migration management system in Russia.

48. Victims of internal trafficking within Russia largely involve the unemployed, homeless, children from families in crises, and those without parents.

49. Female Labour Migration from Russia (special focus on trafficking in human beings and HIV/AIDS), ILO, Moscow 2002 (working document in Russian and English).

50. Forecasts predict a one million decrease of able working citizens in Russia by 2016.

Economic situations in most “origin” countries are such that the majority of population faces risks of marginalisation

The Russian mass media has produced many reports on the subject of slave labour, as well as methods of recruitment and transportation of trafficking victims abroad. In particular, they have investigated cases of children being sold into slavery by their parents. The Russian law enforcement authorities regularly rescue citizens from Central Asia and other former Soviet republics from slavery and labour exploitation in Russia. Cases of slave labour have also been observed in some North Caucasus republics.

The growth in migration and the size of the shadow economy exacerbate Russia’s labour exploitation situation, with cautious estimates placing the shadow economy to comprise up to 22.4 percent of the country’s GDP,⁵¹ with other estimates as high as 40 percent. This enormous demand for mass labour force is met by illegal migrants, of which Russia has 3-5 million. Approximately two-thirds of these illegal migrants are from CIS countries⁵², operating in the shadow economy, which frequently contains elements of slavery and human trafficking. Over 75 percent of illegal migrants are paid cash “under the table,” and 80 percent have no written contracts with their employers, creating easy conditions for employers to exploit conditions frequently bordering on slavery.⁵³

Most illegal migrants are employed in sectors such as construction and renovation, transportation, trade, lumbering, or seasonal farming. In these sectors, as well as in the criminal economy (e.g. production of counterfeit goods), labour exploitation to the level of slave labour is widely used. ILO 2000 survey findings of migrants working in Russia reflect that in the centres to which migrants gravitate, such as Moscow and Stavropol, elements of exploitation and human trafficking affect 10-30 percent or more of labour migrants, the majority of whom work in Russia illegally. Statistics suggest that, if not “clean” cases of slavery, then

Table 7. Prevalence of the Use of Human Trafficking-related Exploitation against CIS Migrants working within the Shadow Economies in Moscow & Stavropol⁵⁴

Forms of Exploitation	Moscow	Stavropol
Coercion to work with no payment or vague payment terms	25%	47%
Limited freedom (movement control, isolation, etc.)	31%	26%
Coercion into commercial sex work (Forced Prostitution) *	30%*	15%*
Physical abuse (battery, etc.)	13%	6%
Psychological abuse (threats, blackmail, deception)	27%	35%
“Employers’ ” confiscation of passport	23%	24%
Debt dependency, i.e. an employee owes employer/agent a debt which inhibits the employee from leaving an employer	18%	16%

* Percentage of total women interviewed

51. The Unseen Economy, an Attempt at Quantitative Measurement. Ed. By A. Ye. Surinova M.: Finstatinform, 2003, p.23, 44.
 52. The RF Law, On the Legal Status of Foreigners in the RF, establishes an administrative procedure for licensing employment of foreign labour in Russia (employers are obliged to obtain permission to use foreign labour and the foreign workers themselves have to obtain a license from their particular employer).
 53. Forced Labour in the Russian Federation Today: Irregular Migration and Trafficking in Human Beings. E. Tiurukanova, ILO Geneva, September 2005, p.58.
 54. Source: Forced Labour in Russia. Unregulated Migration and Human Trafficking. ILO, Moscow, 2004, p. 66-68. Findings of a survey of CIS migrants working in Russia, sample size – 442 migrants, year of survey – 2003.

elements of slavery associated with human trafficking are present on a massive scale among those working in Russia's shadow economy. As table 7 shows, exploitation forms such as the confiscation of documents, isolation and the restriction of freedom of movement, and work with no payment or vague payment terms are particularly common among illegal migrants employed in the shadow economy.

Based on the figure that 10-30% of all illegal migrants in Russia, i.e. 3-5 million people, face some form of human trafficking-related or slavery-related exploitation, it is possible to estimate that the number of victims of such exploitation among migrants coming to Russia approaches 1 million. While this assumption does not mean that all these people are permanent victims of trafficking, it does suggest that these individuals do form an at-risk group, whose position may near slavery.

Anyone employed informally, without standard social protections, runs the risk of being subject to forms of labour exploitation verging on human trafficking

Trafficking for labour exploitation is the most common type of human trafficking in the Russian Federation.

From these statistics, it is possible to conclude that in Russia, trafficking for the purpose of exploitation of labour and slave labour, or its component parts in general, is the most common type of human trafficking in Russia and dominates at least in terms of scale. Furthermore, a number of cases have demonstrated that labour trafficking is unlikely to be any less cruel than that in the sex trade. Several international experts believe that this situation reflects a global trend.⁵⁵

Critical regions in regards to slave labour include the North Caucasus region, where there exists the danger of enlisting people into armed units; and regions which attract migrants, e.g. large cities, border regions, etc. Cases are known about human trafficking for use of slave labour in Siberia's lumber industry.

1.3.2. Trafficking for Sexual Exploitation

International statistics suggest that over 80 percent of trafficking victims are women and children, with 70 percent being sold abroad to the sex trade.⁵⁶ Human trafficking for the purpose of sexual exploitation is generally considered to be the primary form of human trafficking offences. However, while sexual exploitation is just as common, in terms of its volume of identified cases, trafficking for sexual exploitation falls behind labour trafficking.

Russia's sex trade has spread rapidly in recent years. According to statistics from the Russian Federation's Ministry of Internal Affairs, the sex trade industry currently employs 150,000 women.

55. Interview with Terry Kinney, Resident Legal Adviser to the U.S. Department of Justice at the US Embassy in Moscow, expressed this perspective, as have experts from the Transnational Crime and Corruption Centre. (More information about the TraCCC organisation is available at the website address: <http://www.american.edu/traccc/abouttraccc/whoweare.html>).

56. According to the OSCE/ODIHR report, "Leading Principles in the Revision of Anti-trafficking Legislation, 2001," most trafficking victims are women and girls. http://www.osce.org/documents/odihr/2001/09/2120_ru.pdf.

The same perspective has been expressed regarding human rights work and human trafficking. In the reference manual produced by the Moscow Sexual Assault Recovery Centre, Sisters, "The Global Alliance against Trafficking in Women" (http://gaatw.net/books_pdf/HRHB_2nd_edition.pdf) 1999 OSCE data is quoted, stating that the majority of victims of human trafficking is women and children. In OSCE-member countries the number of men who had become victims of human trafficking accounted for about 2% of the total number of victims. ("Combating human trafficking", a collection of normative legal documents, Moscow, 2004).

Characteristics of women employed in the sex trade sector vary greatly across the regions

However, experts estimate that in Moscow alone, 80,000 – 130,000 sex workers are employed⁵⁷, with a further 20,000 –30,000 in Saint-Petersburg. The characteristics of women employed in the sex trade sector vary greatly across the regions. For example, in Kazan, most women attracted into the sex industry⁵⁸ are unemployed or single mothers, whereas in Tomsk, they are students in local higher education institutions. In Novosibirsk and Barnaul, women involved in the sex trade are largely drug addicts.⁵⁹

Estimates suggest that the majority of women involved in commercial sex work in large cities are migrants from other states or from neighbouring small towns and villages. Experts believe that more than half of Moscow commercial sex workers have resided in Moscow for less than a year, and the rest for no more than 2 to 5 years, making these women even more vulnerable to human rights abuses. Even in cases where they have entered the sex trade industry voluntarily, they are still vulnerable to more extreme types of exploitation that push conditions to a situation of sexual slavery. Virtually all commercial sex work in Moscow is organised, i.e. sex workers work for their pimps who have “protection” from organised criminal groups. Experiences in regions where the Ministry of Internal Affairs has special sex crime units, such as Moscow, St. Petersburg, Omsk, or Yekaterinburg, confirm a close relationship between the sex industry and organised crime.⁶⁰ In such cases of organised prostitution, most of it can be assumed to fall within the category of human trafficking.

Apart from its domestic sex trade, Russia is also a major transit, destination and origin country for cross-border human trafficking. According to the Russian law enforcement authorities, in recent years a considerable number of women has been trafficked from Russia for sexual exploitation abroad.

Germany’s Federal Criminology Department’s 2003 statistics showed that German law enforcement authorities registered 431 offences involving 1235 human trafficking victims, 317 of whom had come from Russia. The recruitment process of these 1235 people revealed that 45% of these victims were misinformed about the true purpose for which they were taken

RECRUITMENT METHODS FOR HUMAN TRAFFICKING WITH SEX EXPLOITATION

As a result of cooperation between the Russian law enforcement authorities and the Nice City criminal police (France) begun in 2001, it was established that in Rostov-on-Don (Russia) there was an organised criminal group that recruited women for work in France as dancers and waitresses at variety shows, strip clubs, etc. With the help of forged documents, women were transported to Nice where they were, by means of threats and physical abuse, forced to work as prostitutes on the streets. All their earnings were confiscated by their French owners who sent a share of these profits to partners in Russia using Western Union. All in all, 12 members of organised crime groups were uncovered in France and Russia. They were natives of Russia, Armenia, Georgia, France and the former Yugoslavia. Establishment of these facts enabled French law enforcement authorities to initiate investigative actions, some of which were performed on the Russian territory. As a consequence, in December 2002 the Nice City Court sentenced 6 gang members arrested in France to between 6 and 8 years’ imprisonment. The Court also sentenced, in their absence, the Russian members of the gang (recruiters, traffickers) still hiding in Russia when judicial proceedings were underway, to 6 years’ imprisonment and simultaneously issued an international warrant for their arrest.

57. Ibid.

58. According to research conducted by the NGO, AIDS-Info link.

59. K. Kostenko, “Who will help a Prostitute?,” Round table, No.1, 2002. p.35.

60. Ibid.

abroad, and 30% were recruited under the auspices of professional agents, i.e. by recruitment agencies or via newspaper advertisements.⁶¹

A key factor that aggravates the current human trafficking situation is expanding options for migration. High migration levels are not only among adults but also minors, as is reflected in figures from Russia's Ministry of Internal Affairs' temporary detention centres for juvenile offenders; almost 10 percent of minors received by them are residents of other CIS states. A substantial number of these minors are female, with this number growing continuously in the past few years. Following the enactment of the 1999 federal law "On Basic Principles to Prevent Child Neglect and Prevent Juvenile Delinquency," temporary detention centres only take in minors who have committed offences.⁶² Female minors, who have left home and migrated to another town, are frequently recruited into the sex industry and are subjected to particularly severe exploitation and discrimination. Many girls, coming from CIS states in search of employment in Russia, turn to the sex industry when they find no other options.

Typically, women and children do not know the reason for their recruitment, i.e. sexual exploitation

Trafficking for the purpose of sexual exploitation differs from other types of trafficking. Moreover, the differences are evident at each stage of the process.

Typically **in the course of recruitment** of women and children, the reason for their recruitment, i.e. their further sexual exploitation, is concealed. Usually they are offered attractive jobs, sometimes even training. Approximately 70 percent of women aiming for a job abroad believe that they will be found employment as dancers, governesses, waitresses or models, and therefore do not check the information before responding to an advertisement.⁶³ The degree to which the charade is maintained depends on the recruiter's whim. A woman may be offered perfectly innocent work such as a housemaid or nanny, or there may be a hinting to "supplementary earnings" from intimate services provided to clients. Recruiters dealing with women already engaged in the provision of commercial sex work, sometimes reveal that the intended work is as a sex worker. However, once these women reach the destination country, their documents are taken away from them, and their working conditions in the sex industry are conducted under threat or use of force.

Transportation is also disguised to varying degrees, with some women not even knowing where they have arrived. As a rule they cross the border legally, for example, on tourist visas. As they travel abroad voluntarily, it is difficult to prove fraud. Furthermore, the victim is usually reluctant to come forward, often suffering from psychological depression.

The **harbouring of a victim before his/her transfer** to a customer or before the exploitation commences, can also play an important role in the traffickers' strategy. If a victim is unaware of his/her future, this period is used to "work on preparing" him/her. During this period, victims are often controlled using drugs, alcohol, threats, fraud or direct violence.

61. Information based on materials provided by V. V. Belyakov, Operating Officer of the Organised Crime and Terrorism Control Department of the RF Ministry of Internal Affairs.

62. Experts dispute the fact that minors from the CIS countries are genuine law offenders. "If they do not violate the law, it means the state lacks an adequate number of social agencies that could deal with this group of children, or interaction among various such structures is not efficient enough." (Mariana Ianachevici, Moldova).

63. According to Alexander Gavrilov, Head of the RF Ministry of Internal Affairs' Department against the Illegal Narcotics, Trade and Sex Crimes.

Close links exist between the commercial sex industry and organised crime

Sexual exploitation as the purpose of human trafficking may take the following forms:

- Coercion into prostitution, or exploitation of voluntary prostitution with the application of the means listed in the human trafficking definition. (While the Palermo Protocol includes these provisions in its definition, Russian legislation fails to list these means which may result in difficulties for prosecution of these cases.)
- Coercion into participation or exploitation of voluntary participation in the production of pornography with the assistance of the means referred to above.
- Sexual slavery, for example, sexual exploitation of a victim in “domestic circumstances” or at military installations.
- Child prostitution and paedophilia.

Each of these types of sexual exploitation may be broken down further into sub-categories.

The sex industry in large Russian cities, as in Europe and other regions of the world, shows a constant demand for commercial sex workers. German Salamov, a member of the Russian Research and Advisory Centre for AIDS Control and Prevention, reports that 64 percent of the male population uses sex workers on a more or less regular basis.⁶⁴ With such high demand, a contraction in the market is unlikely.

RUSSIA AS A TRANSIT COUNTRY

The Ministry of Internal Affairs's Department to Fight Organised Crime and Terrorism and the criminal police of the Republic of Armenia combined their efforts in the prosecution of an organised criminal group that trafficked women from Yerevan (Armenia) to Dubai (United Arab Emirates) via Moscow (Russia) for sexual exploitation. Money for the women was paid in Armenia. Therefore, the prosecution and investigation of case No.*** was initiated by the General Prosecutor's Office in Armenia under Art. 226 of the Armenian Criminal Code.

As a result of the investigation conducted by Russian and Armenian police, an Armenian citizen, “A”, native of Charentsavan City (Armenia), who had arranged the transfer of one of the Armenian girls to Dubai, was arrested at Domodedovo airport on 22 June 2004.

Later the information provided by “A” was used to locate and free 5 more Armenian girls also held by this gang for trafficking to United Arab Emirates. The girls had Armenian passports but were not registered in Russia.

Another of the arrested criminals was also from Charentsavan City. He was responsible for temporary accommodation of girls in Moscow.

Those arrested were deported to Armenia where the investigation was continued by the Armenian law enforcement authorities.

64. Report by German Salamov, member of the Russian Research and Advisory Centre for AIDS Control and Prevention. <http://stphs.narod.ru/CONDDIST/INTRO/Zarprost.htm>.

1.3.3. Child Trafficking⁶⁵

Child trafficking and other transactions involving minors is becoming a threat on a global scale

The growing rate of child trafficking and other transactions involving minors is becoming a threat on a global scale. Transitional economies, which include Russia and the whole CIS region, are a “breeding ground for trouble” in this area. Child trafficking is widespread both within these countries and across their national borders.

Of those forms of human trafficking specified in Section 1.1.2, the following shall be set apart as a special group identified with child trafficking:

- Child trafficking for the purpose of **commercial sexual exploitation** (CSE):
 - Child prostitution
 - Pornography production
- Child trafficking for the purpose of **labour exploitation**:
 - Manufacturing and service industries (e.g. car washing, employment in agriculture, etc.)
 - Child labour in a domestic context (e.g. domestic slavery), and other spheres
- Child trafficking for the purpose of **begging**:
 - Exploitation of children as “little beggars”
 - “Renting out” of infants for the purpose of begging
- Child trafficking for **organ and tissue transplants**
- Child trafficking for the purpose of **illegal adoption**.

The first three types are particularly common in Russia today. Like human trafficking cases of adults, the level of exploitation affecting children has become such that the problem has ceased to be just marginal, becoming institutionalised and operating as an established system. Mechanisms of such exploitation are becoming part of “standard” economic and social practices and are operating relatively openly.

According to official statistics, approximately 64,000 crimes committed against minors were registered in 2004, with one third of them being grave or particularly serious offences. Every year, about 40,000 minors fall victims to crimes of violence.

The raising of the age of consent in late 2003 has resulted in a statistical growth of crimes where minors suffered from non-violent sexual assaults. In 2004, 751 crimes were committed against minors under 16 under article 134 of the RF Criminal Code (sexual intercourse, pederasty, lesbianism), which is 3.5 times higher than the number of crimes committed over the similar period in 2003 at 203 crimes (in 2002, the number of similar crimes was 175). The number of children under 16 who suffered from sexual abuse has increased by 1.5 times (1,397 cases), while the number of such cases in 2003 and 2002 were 841 and 762, respectively.

Offences by adults against children are in practice difficult to investigate. The number of successful prosecutions for such offences brought against adults has steadily declined in

65. When editing this part of the report, comments made by Head Researcher from the General Prosecutor’s Research Institute, O.V. Pristanskaya, were taken into account.

A significant increase in the numbers of boys involved in the sex industry has occurred in recent years

recent years. For example, over the last 5 years, the number of people prosecuted for luring children into anti-social activity (Article 151 of the RF Criminal Code) has fallen by 42 percent. In 2002, only 10 cases of child trafficking were identified as opposed to 28 in 2001. Furthermore, expert estimates suggest that the actual number of child trafficking cases is considerably higher than official statistics. Experts emphasise that offences against minors are more likely to be hidden than the same offences involving adult victims.⁶⁶

Child trafficking for sexual exploitation is one of the most cynical aspects of the sex industry. Official crime statistics for 2002 indicate:

- Every third violent crime of a sexual nature (36.9%) is committed against a minor.
- Every fourth rape victim (27.7% of a total of 2,099 cases) of rape and every second victim (43.5 percent of a total of 235,515) of violent acts of a sexual nature are underage.
- Every fourth victim of sexual harassment, including harassment of a homosexual nature (29.8 percent of 25 cases) were minors.
- Every fifth victim of sexual killings is a child or an adolescent.

Both boys and girls are victims of sexual crimes. Most child victims of sexual harassment, abuse, and non-violent acts of a sexual nature are boys. Of the 714 children who were victims of harassment under criminal code article 135 in 2002, three quarters were boys. Experts from the Sociological Institute of the Russian Academy of Sciences in St. Petersburg point to the significant increase over recent years in the number of boys involved in the sex industry. Child and adolescent girls are much more often the victims of violent sexual offences. Statistics from the medical forensic office about investigations involving sexual violence portray that only one in ten cases of sexual violence against minor victims is registered as such an offence. The number of non-violent sexual offences against minors which are never investigated is still higher.

To facilitate children's participation in acts of a sexual nature and involve them in the production of pornographic material, children and adolescents are often encouraged to drink alcohol and to take drugs or other intoxicating or mind-altering substances.

Intoxication through use of alcohol or drugs may substantially alter a child's psychological state, destroying his or her ability to recognise what is going on or control his/her own behaviour. Often, adolescent involvement in the sex industry is a result of drug addiction which has also begun to affect increasingly younger generations.

1.3.3.1. Child Prostitution

The 1990s saw rapid growth in the numbers of children and adolescents involved in the sex work and the pornography business.⁶⁷ The most conservative estimates place the number of

66. Interview with Victoria Shakina, lawyer and member of the Russian bar association.

67. One NGO conducting an outreach programme for sex workers estimates the percentage of minors among sex workers to be between 10 and 30 percent.

minors in Russia's sex work at not less than 17,000. Some experts believe that the numbers are much higher, estimating that in Moscow alone approximately 20-25% of the 100,000 engaged in sex work are minors. According to some estimates, minors engaged in sex work may even reach 50,000.⁶⁸ Almost 80 percent of sex workers have come to Moscow from elsewhere. Girls becoming involved in sex work usually fall into the 14 – 16 years age group, but ILO experts have uncovered cases of girls as young as 5-7 years old.⁶⁹

2004 data reveals considerable growth in registered crimes involving sexual exploitation

As many as 400 girls engaged in Moscow's sex industry are placed annually at the Moscow Temporary Detention Centre for Juvenile Offenders. A sampling analysis of this problem revealed that if in 1987 only one out of twenty commercial sex workers was a girl under 18, in 1999 it was already one out of seven or even every fifth prostitute in Moscow and Saint-Petersburg.

When asked to name the main reasons for their engagement in sex work, children most frequently referred to "the wish to survive" (approximately 80 percent); to the need to "have their own money and be independent of their parents" (40 percent); to the desire to "earn money to buy a particular item" (25 percent); and to the need "to help the family" (10 percent). According to ILO data, about 3 percent of those engaged in prostitution act under threat of punishment.⁷⁰

An absolute majority (over 80 percent) of those children who are involved in prostitution stops attending school for more than a year.⁷¹

According to 2004 data, the number of registered crimes related to victims' sexual exploitation (with regard to victims from all age groups) has grown considerably: there have been registered 976 crimes related to the organisation of prostitution activities, including the maintenance of brothels (174.2% as compared to similar activities in 2003); and 276 crimes related to the coercion of girls into prostitution (187.5% as compared to 2003), including 67 juvenile victims, while in 2003 only 15 juvenile victims were identified.⁷²

USE OF MINORS FOR SEXUAL EXPLOITATION

The criminal police from Voronezh Oblast and from Moscow Oblast succeeded in terminating the unlawful activity of a gang which organised the trafficking of women, including underage girls, to brothels in the Moscow region.

Girls of 15-17 years were recruited by gang members in Borisoglebsk City (Voronezh Oblast) against the promise of placement as waitresses in Moscow and Moscow region. Instead, girls were trafficked to work as prostitutes in brothels or on highways. Traffickers were paid 20,000 Russian roubles (approximately \$700 USD) for every girl. The brothel held more than 20 girls of various ages who had to earn up to 80,000 Russian roubles (approximately \$2800 USD) per month for their owners if they were to avoid suffering physical and psychological abuse.

The prosecution initiated by the Noginsk City (Moscow region) Prosecutor's Office under article 127.1 of the RF Criminal Code ended with the arrest of two active members of the gang.

68. <http://www.789.ru/portal/modules.php?name=News&file=article&sid=2090>.

69. "The Situation of Working Street Children in Moscow, 2001". Moscow, ILO, 2002, p. 26.

70. Ibid, p. 36.

71. Ibid, p. 28.

72. Data provided by O.V. Pristanskaya.

Coercion of children into prostitution is frequently linked with child trafficking

Before 2004⁷³, the luring of apparent minors into vagrancy, begging or sex work under article 151 of the RF Criminal Code accounted for a substantially small number of the mass offences committed against minors. Furthermore, the rate of official investigations for such offences had been declining from year to year. In 2002, only 411 cases of this kind were investigated with 180 suspects identified but only 136 actually sentenced. If a victim did not fall into the category of a known minor, then the person who had committed the illegal act was prosecuted under article 240 of the RF Criminal Code. In 2002, 92 cases of coercion of “adults” into prostitution were registered under article 240, with one in seven of these cases involving minors. Of these criminal cases opened, only 18 suspects were detained and 10 convicted.⁷⁴

Following the amendments to the criminal legislation (Federal law of 08.12.2003), legal responsibility for knowingly attracting minors into sex work, and even for coercion to continue sex work was considered under part 3 of article 240 in the criminal code.

As a result of 2003 amendments to criminal code article 240 and 241, individuals being held criminally liable for attracting minors into sex work could include those:

- Forcing children (as well as adult victims) into the continuation of sex work
- Organising sex work (e.g. pimps, individuals providing finances for the development of material and organisational base for sex work)
- Maintaining of a brothel for sex work
- Systematically providing a space for the use of sex work

With these amendments, criminal liability for commercial exploitation of sex work, including child prostitution was broadened.

Coercion of children into prostitution is frequently linked with child trafficking. Based on such facts, criminal proceedings can be instituted under several articles of the RF Criminal Code, e.g. under article 240 and article 127.1. However, as a rule, only the direct participants of coercion are prosecuted for such offences, while many other persons involved in the sexual exploitation of children go unpunished. The current law does not prosecute such cases if the victim has reached the age of 16 (14 prior to 2004). Moreover, even where the engagement of a minor in prostitution is established, no prosecution is likely unless the person responsible for initially coercing the victim into this activity is identified.⁷⁵

“Child Sex Tourism”

The omissions in Russian legislation in offering children legal protection against sexual exploitation and, over the last few years, the more severe punishments being handed out in Europe and the United States in relation to crimes involving the sexual exploitation of minors

73. Following the 2003 amendments and addenda to the criminal code, special provisions are considered regarding criminal liability for recruiting a minor into the sex industry under part 3 of article 240. This crime is categorised as a grave offence.

74. O.V. Pristanskaya, “Conceptual Foundation for the Draft Law “On amendments and addenda to the Russian Federation Criminal Code” (about enhancing criminal liability for sexual seduction and sexual exploitation of minors.) Social-legal protection of minors from sexual exploitation and defilement. Materials from the February 4, 2002 Parliament Hearings, M. Publications of the State Duma 2003. p.98- 111.

75. Doctoral dissertation by S. A. Tsyrukun.

have given rise to a new type of crime in Russia, “child sex tourism.” Under these crimes, tourists travel to Russia specifically for sex “entertainment” with children.

Canada, the United States and Great Britain all have criminal legislation that specifically addresses “child sex tourism” cases. Under US criminal legislation, it is a criminal offence to cross state borders with the aim of entering into sexual liaison or contact with a minor, with sentences for such acts being 10 to 30 years imprisonment. In contrast, the Russian criminal code only makes it a criminal offence to have sexual intercourse or engage in other activities of a sexual nature with a person under the age of 16 years; or to commit acts of debauchery without the use of violence with a person, where the offender knows that the person is under 16 years old. Punishment envisaged for these offences is imprisonment for a term of up to four years.

The public has not created the necessary atmosphere of intolerance in regards to child pornography

1.3.3.2. Production of Child Pornography

Though the problem of child pornography has generated stormy public debates, no consensual position on the issue has yet been developed, either among the general public or among the expert community.

The public has not yet created the necessary atmosphere of non-acceptance, disapproval and intolerance to the production and distribution of child pornography and other pernicious and offensive materials. In fact, general trends towards liberalisation, difficult economic situations, and overwhelming commercialisation of social values have led to a climate of growing tolerance towards such phenomena.

The Russian Criminal Code's article 242 makes it an offence to distribute pornographic materials of any kind, not only child pornography. In 2004, there were committed 2,433 crimes

CHILD SEX TOURISM

Over three months in 2004 alone, information was received from Britain's National Central Interpol Bureau about two British citizens who had made an agreement over the internet with Moscow pimps concerning the provision of sexual services by minors under 14 years old. In this process, two Russian citizens were detained and arrested by Moscow criminal investigation officers. These men were found guilty for enticing vulnerable male minors into prostitution; these two men established a group of such minors and sold the minors for a fee to men for sexual exploitation. Over 20 people were detained, including a number of foreign citizens who had purchased boys from the accused, being charged with debauchery and violent acts of a sexual nature against minors.

Moscow's central district prosecutor's office also opened criminal prosecution in relation to this case, making charges based on criminal code article 127.1's sub-paragraphs a, b, d and e of part 2 “trafficking in minors”; criminal code article 240, part 3, “enticement of minors into prostitution”; criminal code article 241, subparagraphs b and v of part 2 “organisation of prostitution with deliberate use of minors”; criminal code article 134 “sexual intercourse and other acts of a sexual nature with a person under 16 years”; and criminal code article 135, “acts of debauchery”. At present, additional operational and search activities are being carried out, as well as further investigations to uncover those involved in committing these crimes and the victims.⁷⁶

76. Press releases from the Russian Ministry of Internal Affairs to a briefing on the subject: “Criminal Investigations Departments of the Russian Ministry of Internal Affairs' work in Combatting Human Trafficking and Crimes in the Sphere of Morals” (01.03.2005) and “The investigation of crimes connected with human trafficking” (07.09.2005) (see also: www.mvdinform.ru/index.php?docid=3254 and www.mvdinform.ru/index.php?docid=3648).

In 2004, illegal circulation of pornographic materials was 170.3% more than in 2003

connected with illegal circulation of pornographic materials, which is 170.3% more versus the similar period in 2003.

Until 2004, the Russian Criminal Code did not have any specific provision on child pornography. In 2004, a general sentence of imprisonment up to 6 years was introduced for the preparation and circulation of materials or objects with pornographic images of minors. For crimes committed by parents, guardians, teachers or persons who are obliged under law to bring up a child; crimes knowingly committed with a minor under 14 years old; or crimes committed by criminal gangs, the sentence is 3-8 years imprisonment. Thirty crimes have been identified related to the production and circulation of materials with pornographic images of known minors (Article 242.1 of the RF Criminal Code).

In accordance with Federal Law dated 08.12.2003, criminal responsibility was established for the first time under article 242.1, "coercion of known minors to perform in entertainment events of pornographic nature," which expanded legal safeguards to protect children from molestation and commercial sexual exploitation.

In 2004, 30 cases under criminal code article 240.1 were registered in Russia; and 17 cases for the first seven months of 2005.

Court case practices show that the danger of such crimes is underestimated, although existing legislation defines such acts as grave crimes.

Few risks are faced for individuals who conduct acts fitting under criminal article 242.1. As a rule criminal article 73 is used in sentencing for individuals who commit crimes under article 242.1, resulting in probation sentences or sentences using the lowest sanctions defined under article 242.1. For example, Moscow's Dorogomilovsky district court reviewed a criminal case against citizen, Kuznetsov, for distribution of child pornography, including sexual acts with children, on the internet network. Kuznetsov was sentenced to three years imprisonment. In a similar case, citizen, Drozdov, was sentenced by Ekaterinburg's Kirovsky district court to three years probation, with a probation period of two years.

Limitations in law enforcement work reflect the difficulty in holding organised crime groups criminally liable for the selling of child pornography; these organised crime groups "remain largely in the shadows, untouched."

Child pornography is also banned under the Convention of the Rights of the Child ratified by the USSR. However, as of the beginning of 2006, Russia has not signed the Optional Protocol

SALE OF CHILD PORNOGRAPHY

A classic example of child pornography practices can be seen through the 2005 criminal case against Russian citizen, Ornev. Ornev organised in Moscow a criminal group, under which members rented an apartment and, with the assistance of two video players, edited pornographic materials received from accomplices that included taping of children clearly under 14 years of age. Based on criminal investigation expertise, the film showed provoking images of children's sexual organs and perverse sexual acts with children, which was clearly classified as child pornography. More than 420 video tapes with child pornography were prepared by the criminal group, who had illegally obtained the materials from different individuals, at prices of 600 to 3000 roubles (approximately \$20 to \$100 USD). In April 2005, a criminal case in regards to Ornev was sent to the courts; a search continues for the remaining members of the criminal group.

to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which would provide greater assistance in addressing issues such as child pornography.

Although the total number of children involved in pornography production in Russia is unknown, experts put the figure at tens of thousands.

In her book, researcher, Ludmila Yerokhina⁷⁷, described a case with the “Aphrodite School” which operated in Vladivostok and Khabarovsk as a school for future models, teaching professional practice, fitness, music and art. In reality, 12-14 year old girls were trained for participation in porn films at the “school.” Enrolment procedures included a casting process where these girls showed themselves completely naked and were interviewed about their first sexual experiences, orgasms and their preferences concerning potential sexual partners.

Pornography is also blooming on the internet. US expert, Donna Hughes, estimates that **approximately 40 percent of users visit porn sites with almost 25 percent of them being users of child pornography.**⁷⁸ Some experts have calculated that more than half of the child pornography on subscription-only sites on the global internet is produced in Russia, with revenues from this business amounting to tens of thousands of US dollars every month. Owners of the most famous sites claim their profit amounts to be between 500 and 1000 percent.⁷⁹ A characteristic of Russian child pornography is its cruelty in relation to child “models,” including scenes of torture and killing.⁸⁰ Investigatory authorities have uncovered sales of porn films with 8 or even 6 year old children participating.⁸¹ Pornography is also used as a means of corrupting minors so as to exploit them further as adults.

According to EC data, 44% of children using the internet come across pornographic or other unacceptable materials; 40% of children are approached on-line with requests from strangers to meet them, with about 14% of these children trying to respond to such requests.⁸²

Currently, Russian criminal legislation does not effectively combat the production and distribution of pornographic materials, especially via the internet. The main challenge today is to develop new approaches and strategies for preventing child involvement in the porn industry through means such as improved legislation and law enforcement practices, closer cooperation between governmental and non-governmental organisations, and promotion of socially responsible business principles. **Success in combating child exploitation in pornography will be impossible unless it is treated as a priority objective by legislators and executive authorities, and a climate of absolute intolerance of such phenomena is cultivated among the public.**

The current Russian legislation lacks a legal definition for child pornography and does not take into account a higher public risk of crimes committed against minors using

77. “Social and Criminological Outlook for Trafficking in Women and Children for the Purpose of Sexual Exploitation,” L. Yerokhina, M. Buryak. Moscow, Profobrazovanie, 2003.

78. D. Hughes, Pornography on the Internet.

79. “The Indecent Offer is the Most Profitable”. K Gurdin \ Delovaya Chronica. 2002, #24.

80. ECPAT International. “Review of the situation with commercial sexual exploitation of children in Russia and institutions involved in prevention of such exploitation.” Russian and English versions of the final report. 2003, p.25. <http://www.ecpat.net/eng/index.asp>.

81. Doctoral dissertation by S. A. Tsyrukun “Appearance and investigation of crimes linked to brothels for sex work” Ph.D. Law Dissertation 2004.

82. Probability estimated by the European Commission’s “Safer Internet Plus” Programme: http://europa.eu.int/information_society/programmes/iap/index_en.htm.

Court case practices show that the danger of crimes such as child pornography is underestimated

Experts estimate that the total number of children involved in pornography production in Russia to be tens of thousands

mass media and telecommunication channels (“child trafficking” is addressed under criminal code articles 127.1-2“b”; criminal code articles 133-135, “sexual assaults against minors”; criminal code article 240.3, “coercion into prostitution”; criminal code article 241(3)(2) “v”, “organisation of prostitution activities”; and article 242.1, “circulation of child pornography”).⁸³

Regardless of international norms and standards, the RF Criminal Code does not recognise as a punishable crime production, acquisition and possession of child pornography without further intent for circulation. The recommendation (Ree 2001-16) issued by the Committee of Ministers of the Council of Europe on protection of children from sexual exploitation seeks “to institute criminal sanctions for regular possession of pornographic materials in any form depicting children or simulated child images”. Article 9 of the European Convention on “Cybercrime” dated 23.11.2001, criminalises “regular possession of pornographic materials in any form depicting children or simulated child images”. The International Conference on Combating Child Pornography on the Internet (Vienna, 1999) calls for world-wide criminalisation of production, distribution, export, transmission, import, intentional possession of child pornography and its advertising. Criminal legislation in many foreign countries, such as Austria, Canada, the United States, the Netherlands, and Germany, prohibits regular possession of child pornography or its keeping with no intent of its distribution.⁸⁴

Unreasonably mild criminal punishment of a maximum of five years imprisonment has been established for committing criminal offences against minors’ sexual inviolability and morality. Many deeds have been unjustifiably defined by law as insignificant or not grave crimes, as is seen in non-violent sexual crimes against persons under 16 years of age (criminal code articles 134 – 135); or failure to discharge duties of bringing up a minor (criminal code article 156). Failure to recognise the seriousness of these crimes results in the allowance of amnesty for these provisions, leaving the culprits to go unpunished and enabling repeated practices of children’s sexual exploitation for commercial purposes.⁸⁵

Draft Federal Law No.108017-3 “On Introduction of Changes and Additions to the RF Criminal Code”⁸⁶ proposes implementation of severe punishment for organised, corrupt, incest and other dangerous forms of child molestation, child trafficking, safe-keeping of child pornography with no intent of its distribution and for circulation of child pornography through mass media and via internet. While the draft law was approved in two readings by the State Duma, the draft law to date has not been officially approved and made enforceable.

83. O.V. Pristanskaya “Problems of Legal Regulation of Activities to Combat Crimes committed Against Children using High Technologies,” Presentation for the MGU conference on “Investigation of Crimes connected to the Application of Means of Computer Engineering: Problems, Tendencies, Prospects”, 1-2 December 2005, MGU, Law Faculty and Research Criminalistic Centre of the RF Ministry of Internal Affairs.

In the course of the peer review by key stakeholders of this report, query was also expressed about the possibility to establish an effective definition for pornography which could be implemented under existing criminal law.

84. O.V. Pristanskaya “Conceptual Framework of the Draft Law “On Introduction of Changes and Amendments to the RF Criminal Code” (on stronger criminal responsibility for sexual seduction and sexual exploitation of minors).// “Social and Legal Protection of Minors from Sexual Exploitation and Molestation”, (materials from Parliamentary Hearings, February 4, 2002, published by the RF State Duma in 2003), pp.98-111.

85. O.V. Pristanskaya, Tendencies in Contemporary Criminal Policy in Russia in the area of Child Protection from Commercial Sexual Exploitation// Collection of academic papers “Law and Human Rights” issued by the Law Faculty of the Moscow State Pedagogical University, Vol.8, 2005.

86. This draft law proposes greater criminal responsibility for moral and sexual corruption and sexual exploitation of minors. The draft law was developed in 2001 and approved in two readings by the RF State Duma. O.V. Pristanskaya, “Tendencies in Contemporary Criminal Policy in Russia in the area of Child Protection from Commercial Sexual Exploitation,” Collection of academic papers, “Law and Human Rights,” issued by the Law Faculty of the Moscow State Pedagogical University, Vol.8, 2005.

Russia as yet has to create a legislative framework to introduce a system of classification and expert evaluation regarding information products circulated through various communication channels, particularly using high technology. There is also the need for development of other forms of state and public control over information flows that could be detrimental to children's lawful interests, such as pornography, portrayal of violence and cruelty, advocacy of crimes and other antisocial deeds. The above objectives are addressed in the draft law "On Protection of Children from Information Detrimental to their Health, Moral and Spiritual Development", which is currently being developed by an interdepartmental work group set up under the Committee for Women, Family and Children of the RF State Duma.

Currently, Russian criminal legislation does not effectively combat production and distribution of pornographic materials

1.3.3.3. Labour Exploitation of Children

Child trafficking is a particularly grave form of child labour exploitation, which is currently becoming increasingly widespread. Apart from their use in the sex service industry and the production of pornography, the labour of children trafficked from poor regions and countries is frequently exploited in cottage industries, farming and construction. Begging is another common form of child exploitation.

While governmental and NGOs are concerned about child labour trafficking, there is a lack of information to adequately analyse the situation of labour exploitation of children.

Experiences from ILO's "International Programme on the Elimination of Child Labour" (IPEC) demonstrates that **poverty is at the core of this problem**. Earnings from child labour are a significant income source for many vulnerable families. More often than not, it is the most vulnerable groups in society who provide child labour, whose access to education and ability to earn a living is limited. Many children are cut off from their families, live in broken families, or are orphaned.

Cultural standards and traditions also affect the extent to which child labour is exploited; gender roles and stereotypes may limit girls' access to education, ultimately resulting in exploitation of their labour. Finally, breakdown of traditional social protection institutions results in widespread labour exploitation of minors living in difficult material circumstances.

Many employers use child labour due to low salary costs involved, which is indicative of the undeveloped nature of the labour market and the low levels of labour productivity in the group of countries in question. An efficient labour market should even out income levels in such a way that, where other conditions are equal, child labour ceases to be cheaper than that of adults. Child labour is typically used in situations of mass adult unemployment, as children are cheap and obedient. Often it is parents themselves who force their children to work, for example in farming.

Children usually become trafficking victims through the use of force, threats or fraud. Forms of exploitation may involve humiliation, beating, sexual violence, or intimidation of the child or his/her relatives, as well as use of narcotics.

Aside from the psychological trauma of being separated from their parents, child trafficking victims frequently face the difficulties of being an illegal migrant in a foreign country, where

On 25 March 2004, Russia ratified ILO Convention No. 182

aspects such as language barriers render child victims' escapes or any outreach for assistance practically impossible. Isolation of such children also makes it impossible for them to refuse to work, for fear of punishment, arrest or deportation. They work excessive numbers of hours, with their work often involving the carrying of heavy loads or working with hazardous substances. There may be physical or sexual violence involved as well, resulting in greater risks of serious physical and mental health consequences for child victims.

On 25 March 2004, the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour came into effect in Russia (ILO Convention No. 182). ILO's 2001 research in Russia exposed a significant growth in the number of children subject to such cruel forms of exploitation as involvement in the sex industry, garbage collection, carrying of heavy items, and drug distribution. In Moscow, ILO researchers interviewed 1,500 working street children, every fourth of whom stated that he/she had to work in order to survive. Based on the research findings, ILO estimated that Saint-Petersburg has approximately 16,000 working street children; Moscow approximately 50,000; and the Leningrad Oblast up to 30,000.⁸⁷

Use of ILO Convention No. 182 to better protect children from labour exploitation can vary from making legislative amendments and creating instruments for its enforcement, to providing direct assistance to children and their families. However, interested groups such as employers' and workers' associations should be consulted in the course of drawing up response strategies. ILO Convention targets should also be included in state plans for social and economic development.⁸⁸

ILO Convention No. 182 defines the "worst forms of child labour" as:

- a. all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- b. use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- c. use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- d. work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

1.3.4. Trafficking for Exploitation in Begging

While human trafficking for labour or sexual exploitation are the most common forms, they are not the only forms of trafficking. Exploitation of people as beggars is another common human trafficking form. Typical victims for this type of trafficking involve those with limited or no

87. The Situation of Working Street Children in Moscow, 2001. Moscow, ILO, 2002, p. 26.

88. It is worth noting that ILO is ready to provide nation-specific consulting and technical assistance to ILO member states through its International Programme on the Elimination of Child Labour (IPEC). Since 2000, IPEC has been supporting local initiatives and projects in Saint-Petersburg and the Leningrad Oblast. As a result of ILO cooperation with federal and regional authorities specific programmes for elimination of the worst forms of child labour have been designed and implemented.

Cultural standards and traditions also affect the extent to which child labour is exploited

access to formal employment, such as the disabled, children, and the elderly. Such slave labour is generally used for begging or transport of drugs. Children, in particular, are used in the production of pornography and the provision of sex services. Current porn producers are not afraid of exploiting even the disabled. Moreover, there is already a record of cases of wedding agencies being organised for Russian disabled which may turn out to be channels for human trafficking.⁸⁹ In the internet lexicon, such objects of trafficking are already known by the term “amputees”.

Exploitation of children and disabled for begging is one form of criminal business which is especially common in large Russian cities, as well as on highways, at railroad stations and terminals, and gas stations.

Disabled forced to work as beggars are usually those with severe physical injuries and those confined to wheelchairs. Disabled young men are usually dressed in camouflage uniforms, suggesting they are Afghan or Chechen war veterans, and put to work as beggars. This form of slave labour flourishes in Moscow’s metro and on Russian roads, in particular where vehicles have to stop such as at crossroads or gas stations. Disabled are “recruited” throughout the CIS, but often come from former “hot” spots such as Transdniestria.

Contemporary slave-traders take control of disabled persons by taking advantage of their abject material circumstances, with average monthly disability pensions being substantially less than old-age pensions and virtually equal to the international indicator of absolute poverty (\$31). In many CIS countries, the actual level of the pension is even lower; those with the lowest incomes are disabled individuals in Georgia, receiving \$11 per month; Armenia at \$8 a month; and Tajikistan at slightly more than \$3.⁹⁰

Of all the CIS countries, which have existing statistics for evaluation, only Belarus pays a disability pension exceeding the official subsistence level for pensioners.⁹¹ In all the other countries, disability pensions are substantially below minimum subsistence levels. The variations in the significance of these indicators also remain large. For example, in Georgia, the disability pension falls short of the minimum subsistence level for pensioners by 78 percent, and in Russia, which has the smallest gap, by 25 percent.⁹²

In CIS countries, it is extremely difficult for the disabled to improve their material circumstances through paid employment, even for those who have not completely lost their capacity to work, are well-educated, and have high professional qualifications.⁹³ Criminal groups exploit

BEGGING AS A FORM OF HUMAN TRAFFICKING HAS MOVED BEYOND THE CIS BORDERS

Human trafficking in the form of begging has expanded beyond the CIS borders. Interpol’s uncovering of a Ukrainian criminal group showed transfer of deaf-and-dumb people from Ukraine, the Republic of Belarus and Moldova as tourists to Western Europe where these people were forced to beg and made to give their “bosses” from 700 to 1000 US dollars every month. The investigation revealed that in France alone there were more than 400 deaf-and-dumb victims working for a gang.⁹⁴

89. This proposal was presented in the TV programme, “5 Evenings”, which was broadcasted on Monday, June 4, 2005, by Channel 1.

90. Ibid.

91. Belarus’s disability pension is 18% higher than the official subsistence level for pensioners.

92. Ibid.

93. “Industrial Accident Insurance: Actuarial Basics,” M.: Academia, 2001, p. 121-124.

94. M. Kleimenov, S. Shamkov. “Criminal Displacement of Persons,” from the collection, “Trafficking in Persons, a Socio-Criminological Analysis,” M.: Academia, 2002, p. 118.

Trafficking victims for begging typically involve those with limited or no access to formal employment

disabled individuals' limited legitimate means of survival, dispatching them for forced labour and begging to regions where the well-to-do are potentially prepared to give alms; where the authorities are corrupt; and where existing laws do not regulate begging activities.

Absence of equal opportunities, policies in CIS countries preserve the problem. **Policies must be introduced and institutionalised to effectively address discriminatory practices in the labour market in relationships with socially vulnerable groups, such as the disabled, pensioners or young women.**

Children may be also involved in begging, as well as narcotics distribution, theft and sale of stolen goods. Traffickers take advantage of the fact that police in Russia do not actively prosecute children under 14 years old. According to Russian newspapers, beggars between 6-12 years old earn their bosses the greatest amounts, up to 5,000 rubles (or approximately \$167 USD) per day.⁹⁵

Investigatory journalists have shown that even infants may be exploited for slave labour as professional women beggars' "babies," and are often given sedatives. As a rule, the children of such "mothers" are either "rented" or kidnapped, with "renting" costing approximately \$200 USD per day.⁹⁶ Moreover, the police do not have the powers to confiscate these babies, even when it is evident from their appearance that they have been kidnapped. For example, it is impossible to prove that a baby of Slavic appearance accompanied by a Gypsy woman beggar is being used for slave labour if she holds a passport in which a child of similar age is registered.

Poverty is the main factor forcing many adolescents and children, including those who are disabled, to leave school and earn money for the survival of themselves and their families. The most common forms of child labour are washing cars, helping people carry or push their goods home from the market in a trolley, or shining shoes.⁹⁷ Children of high risk for entering into poverty or slavery includes orphans, "social orphans"⁹⁸, children with unemployed parents, and those from broken homes and large families. Such exploitation continues where the authorities are powerless against the economic system, and the public is prepared to turn a blind eye.

1.4. Related Problems

1.4.1. Health Consequences of Human Trafficking

In her 1999 message to states involved in drafting the first international agreement on trafficking, Mary Robinson, the High Commissioner for Human Rights, stated "**Trafficking and**

95. "AiF Moskva", No.8, 2004.

96. If a baby dies "on the job," working practices require the beggar "mother" to work her shift and dispose of the dead infant only afterwards. "AiF Moskva", No. 8, 2004.

97. V. Davlatov, "Poverty as a Key Problem of Tajikistan." A report for the Institute for War and Peace Reporting.

98. "Social orphans" are commonly referred to the phenomenon in Russia of children who are in state care, but who have living parents.

related practices such as debt bondage, forced prostitution and forced labour are **violations of the most basic of all human rights**: the right to life; the right to dignity and security; the right to just and favourable conditions of work; and the right to health and the right to equality. ...[Trafficking] is a basic human rights issue because it involves such a massive and harmful form of discrimination".⁹⁹ It is impossible not to agree that this form of discrimination has an exceptionally pernicious effect on the health of those people who become victims of human trafficking. However, given the generally closed nature of the subject, little has been studied statistically regarding actual health effects.

Nonetheless, a qualitative review of existing information does reveal some interrelated aspects between human trafficking and health risks.

1. Violation of basic rights

Specifically, human trafficking violates basic health rights such as the right to health care; the right to receive information concerning the impact on human health of varying activities or products; and the right to timely medical and disease-prevention assistance. Trafficking victims run a higher risk of acute medical conditions or infection due to inadequate sanitary conditions or unsafe practices (e.g. unprotected sex), and exposure to drugs or substances, sometimes given against their will.

2. Lack of Control

Complete absence of control on the part of the person, primarily a woman or child, over his/her body, sexuality and health is characteristic of human trafficking situations. This inability to exercise control is a principle factor that exacerbates the risk of STIs and/or HIV/AIDS. Absence of such control may be expressed in a variety of different forms:

- Inability to ensure safe sex, resulting in higher risk of STIs and potential need for frequent abortions, which also damage women's general and reproductive health;
- Limited access to medical services for check-ups for socially dangerous infections (HIV, STIs);
- Limited access to medical care for preventative actions and prompt treatment.

3. Use of Inhumane Treatment

Use of force and threat of violence against the victims and their friends and relatives in regards to human trafficking results in both physical and psychological trauma. Research findings conducted by the Ben Gurion University in Israel regarding the emotional health of 55 sex slaves revealed that "33% had symptoms of depression; 19% clinical depression requiring hospitalisation, and 26% post-traumatic conditions. Of those questioned, 32% of the respondents stated that they had not received medical assistance and some of the women had been forced to work as sex workers while pregnant."¹⁰⁰ Experts noted that sexual violence also increased the risk of suicide.¹⁰¹

99. www.unece.org/oes/gender/documents/e.ece.rw.2.2000.3.r.pdf.

100. "Sovershenno sekretno" ("Top secret"), December 2004.

101. See the WHO report "Violence and its effect on health".

Child trafficking victims face greater health risks, due to the fact that their bodies are still developing

4. Lack of Social Safety Networks

The majority of trafficking victims work in severe labour conditions with high probability of trauma without any means of protection, insurance or other social safety nets. Lack of any social protection is particularly true for migrants, and the more questionable a migrant's legal status the more limited is his/her ability to protect his/her health; to insure himself/herself against labour condition accidents; or to seek prompt quality medical care. Under these conditions, human trafficking creates a particular situation where there is an immediate risk not only to one's health but also to one's life.

5. Retarding Child Development

Child trafficking victims face greater health risks, due to the fact that their bodies are still developing. Slave labour in sweat shops, forced prolonged labour, dangerous labour conditions, and children's recruitment in prostitution can result in irreparable damage to their physical and psychological development. Use or threat of force and other violence lead to physical injuries and psychological trauma. Furthermore, children and young people who have become human trafficking victims are deprived of the possibility of an education and of developing human skills which facilitate healthy behaviours, responsible attitudes to their own lives, and aversion to risky behaviour.

In summary, human trafficking, as a criminal form of organising migration, puts people in a situation where they cannot control their health situation and are often in a position of increased risk to their life. In the case of trafficking for sexual exploitation, the risk to women's reproductive and general health is particularly great. In general, experts acknowledge that the situation of human trafficking victims is one of virtually 100% vulnerability to accidents, traumas, infection, including those sexually transmitted, tuberculosis, HIV and other dangerous illnesses, psychological damage, suicide and early death. This detrimental impact on the victim's general and reproductive health can be passed on to subsequent generations, which means the negative impact is long-term.

1.4.2 Trafficking and HIV/AIDS in the Russian Federation¹⁰²

HIV and trafficking for sexual exploitation are two social problems which are mutually aggravating. Analysis of the interrelationships between human trafficking and HIV is difficult due to limited and unreliable statistics available. As official data by the Federal State Statistics Service only provides information on the total number of those registered as HIV-positive and those suffering from or having died of AIDS, information for the report was gathered from various sources including interviews with experts, publications, and materials from governmental, non-governmental and international organisations.

For a number of years, Russia's incidence of HIV was relatively low. Between 1987, when the first case was registered, and 1996, only 1,062 cases were registered. In this first phase of the epidemic, 90 percent of the cases involved infection through homosexual relations.

Russia's second phase of the epidemic started in mid-1996, when there was a sudden outbreak of HIV among intravenous drug users in cities such as Tver, Novorossiisk, Saratov,

102. The data used has been taken from the ILO report "Female Labour Migration from Russia (focusing on human trafficking and HIV/AIDS)", Moscow 2002 (a working report in Russian and English).

The majority of those infected with HIV are young people

and Nizhny Novgorod. Sharp increases in the HIV incidence rate were also registered in 1997 and 1999. At the end of 2005, the total number of registered cases of HIV positive infection in the Russian Federation was at 333,332.¹⁰³ However, experts unanimously estimate that the actual number of people living with HIV/AIDS in Russia is much higher than represented by official statistics. The UNAIDS Programme estimated that in 2003 approximately 860,000 people were living with HIV/AIDS in Russia; other expert estimates vary between 420,000 to almost 1.5 million people.¹⁰⁴ Cases of HIV/AIDS have been registered in all of Russia's 89 regions, although the incidence rate varies across the regions from 10 to 730 cases per 100,000 people. About 70 percent of all registered cases are attributable to 10 highly developed and densely populated regions.¹⁰⁵

The **majority of those infected with HIV are young people under 30 years**, with the epidemic moving beyond concentration within specific risk groups to a more rapid spreading among the general public.¹⁰⁶ Inadequate awareness of HIV/AIDS and the prevalence of risky behaviour among the general public, especially young people, are highlighted by Open Health Institute experts as key factors for the high risk of further spread of HIV among the general public.¹⁰⁷ Under UNAIDS and WHO HIV infection classifications, A. Bobrik stated in the report on human potential development in relationship to the millennium development goals that "Russia is at the concentrated epidemic stage, when the incidence rate in at least one population group¹⁰⁸ exceeds 5 percent, but it is less than 1 percent among pregnant women in cities. Substantial regional variations suggest that, in fact, different regions of the country are at different stages of the epidemic. Moreover, a number of regions are already approaching the level of a generalised epidemic of HIV-infection. On the whole, it is possible to conclude that today most HIV-positive Russians are young people with low incomes, often with experience of drug use. Most of them have inadequate access to social and medical services including anti-retroviral treatment, and are unaware of their HIV-related rights and obligations."

While in **Russia official statistics currently suggest that the number of HIV-positive women is much lower than men, the number of HIV-positive women is growing fast, with women comprising 43.3% of new infections in 2005.** Global experiences show that once HIV begins to spread among the heterosexual population, the number of men and women infected evens out.¹⁰⁹ Women's vulnerability to HIV-infection is increased through many gynaecological infections,¹¹⁰ as well as by unequal power relations between genders, in which women are not always in control of their sexual behaviour.

HIV-positive women are subject to more severe discrimination and public hostility and are routinely stigmatised as "fallen women" and "spreaders of infection," being blamed for the communication of HIV among heterosexuals.¹¹¹ This problem is particularly acute for women

103. <http://www.afew.org/english/statistics/HIVdata-RF.htm>.

104. UNAIDS Report on the Global AIDS Epidemic. 2004.

105. The ten regions include Sverdlovsk Region; Moscow Region; St. Petersburg; Samara Region; Irkutsk Region; Orenburg Region; Chelyabinsk Region; Leningrad Region; Kaliningrad Region; and the Republic of Tatarstan.

106. HIV/AIDS in Russia: Trends, Challenges and Responses. A. P. Seltsovsky, S. V. Polyakov, A. I. Mazus, Ye. M. Kozhokin, T. S. Guzenkova, A. Ya. Olshansky, Ye. A. Bryun, S. P. Kandaurov. Moscow, 2004.

107. Public Behaviour in connection with the Risk of HIV infection (Investigatory report and guidelines). L. V. Sultanov, E. R. Demianenko, S. G. Maximova, Barnaul, 2003.

108. In Russia's situation this group is drug users.

109. Press-conference by V. V. Pokrovsky, Head of the Russian Research and Advice Centre for AIDS Prevention and Control, March 13, 2001 (www.presscenter.ru).

110. Women and AIDS. Materials of the Info-Plus Centre (directed by Nikolay Nedzelsky), www.aids.ru.

111. Ibid.

Sex tourism is another contributing factor to increased risks of HIV

engaged in sex work. Women's fear of becoming outcasts forces them to hide the fact of their infection, which increases the latency of the problem and ultimately accelerates the spread of the epidemic.

One channel for HIV transmission in Russia is the commercial sex sector. Drug abuse among sex workers, up to 90%, makes commercial sex work a high risk group for potential HIV infection. **In light of the growing HIV epidemic, another hazardous trend has been the growing demand for child sex services, as children are considered to be safer sexual partners.** The danger of child sex trafficking has therefore grown.

Women trafficked for sexual exploitation are exposed to a much greater risk of HIV infection, as they have no power over their own sexual behaviour. A disinterest in the women's health by those who control them also further exposes these women to high risk of HIV infection. Cases exist of women in the sex industry who have been forced to provide sexual services following abortions which were conducted on the same day.¹¹² For the same reasons, women recruited for sex work are unlikely to be offered an HIV test or to have a test while they are working in the sex industry.¹¹³ This is particularly true for victims of sex trafficking within Russia.

Since women engaged in sex work in Russia make up an at-risk group particularly exposed to the hazard of sexual exploitation and trafficking, HIV may spread through this group from Russia to "destination" countries. Insufficient data exists currently to establish any realistic estimate of this phenomenon, and experts hold conflicting opinions on this perspective. Some experts believe that those exposed to the dangers of trafficking are not largely those working in Russia's commercial sex industry, arguing that sex workers usually leave the country voluntarily and that their experiences better prepare them to avoid exploitation.¹¹⁴ In contrast, other experts purport that a substantial proportion of sexual trafficking victims are lured into the sex business while still in Russia. For example, interview research conducted by Donna Hughes showed that 60% of the respondents who became victims of sexual exploitation in the United States had been in the sex industry before leaving the country from which they were trafficked.¹¹⁵

Risk of HIV infection is much greater for so-called mobile sex workers, especially for sex trafficking victims, rather than for sex workers living in their home countries because of:

- Inadequate control of the situation due to exploitation: Unsafe sex is more expensive, so traders may force women to provide services under such conditions, or the women themselves may agree to risk their health for the sake of the money.

LINK BETWEEN HUMAN TRAFFICKING AND SEX WORK

According to the Tatarstan Republic's Public Innovation Fund in Kazan, girls involved in sex work are between 15 and 18 years old, and almost all of them are intravenous drug users. The number of female adolescents who are HIV-positive is also growing, as is the number of teenage pregnancies among those who are HIV-positive. In 2002, 24.5% of all HIV-positive expectant mothers were adolescents, as compared to 13% in 2001. In 11 cases, young mothers abandoned their babies. It should be emphasised that such mothers are still children themselves and have full legal capacity only when they reach the age of 18.

112. From an interview with M. Mokhova, Director of the Sexual Assault Recovery Centre, "Sisters," conducted by the author of this report in May 2002.

113. Moreover, the HIV test does not always produce exact results since the relevant anti-bodies in the blood only appear 3 months after infection.

114. The same applies to drug users who go abroad very rarely as they are tied by their addiction to established channels of supply.

115. Donna Hughes. Sex Trafficking of Women in the United States. International and Domestic Trends.

- Limited access to medical services (e.g. HIV tests, etc.).
- Limited access to damage alleviation and other assistance programmes for at-risk groups.

The overall size of the “shadow” economy is estimated to comprise 22-40% of Russia’s GDP

Sex tourism is another contributing factor to increased risks of HIV and other infections among sex workers. Low cost of sex services in regions of Russia make such tourism increasingly popular. The main countries from which sex tourists come to Russia are Finland, Sweden, Germany, Austria, China and Japan. In this case, both the men entering Russia and the local sex workers may be sources for the spread of HIV. Often any trip, even a short business trip, becomes an opportunity for foreigners “to enrich their sexual experience”. However, the consequences of such “business trips” often turn out to be tragic.

1.4.3. Trafficking and the Shadow Economy

Over the last decade, the restructuring of the Russian economy and labour market has led to the development of certain sectors where informal relations are particularly prevalent. **While the overall size of the informal or “shadow” economy is estimated to comprise 22-40% of Russia’s GDP, sectors exist where the shadow economy accounts for 60 – 80% of the sectors.** Such sectors include construction, commerce, small private businesses engaged in light industry or catering, and services such as car-maintenance services, tourism, or entertainment. These sectors demand low-cost, unprotected labour, comprising mostly of migrants from the poorest and most marginalised social groups. Agents in these sectors maintain totally informal and highly criminalised relations where demand for labour is often met through criminal channels.

Growth of Russia’s service industry has had an enormous impact on migration and labour trends, especially among women.¹¹⁶ The increasing role in the employment structure regarding services provided by unskilled workers has created an ever expanding demand for migrants, especially women. Migrant women are employed in the most informal sectors which are most vulnerable to uncontrolled exploitation, such as the leisure and entertainment industries, the sex industry, and social and domestic services.

In developed countries, where the shadow sector of the economy does not exceed 5-10 percent of GDP, the migrant employment niche is either integrated into the official economy or falls only partly into the shadow economy.

The most conservative assessments suggest that the volume of the shadow economy in Russia is twice the numbers of developed countries; data from the Federal State Statistics Services reports that at least 10 million people, or 15 percent of those in employment, operate in the shadow economy.

Mass unprotected labour creates unlimited opportunities for shady employers to exploit slave labour and other elements of trafficking, both in the way they attract, place and use workers.

116. See, for example, Sassen, S. *Transnational economies and national migration policies*. Institute for Migration and Ethnic Studies, University of Amsterdam, 1996. Gershuny, J. & Miles, I. *The new service economy. The transformation of employment in industrial societies*. New York: Praeger, 1983.

Russia's weak small- and medium-business sectors contribute to a growing demand for low-cost labour

The shadow economy creates its own economical and social sphere equipped with all the necessary infrastructure: communication, information, and other services. This infrastructure includes hidden flows of money and illegal mechanisms for obtaining labour. As will be demonstrated in the next section, this problem creates especially high risks for illegal migrants becoming involved in trafficking.

1.4.4. Trafficking and Irregular Migration (Elements of Human Trafficking among Migrants)¹¹⁷

Russia's weak small- and medium-business sectors contribute to a growing demand for low-cost labour. Small and medium-size businesses need cheap labour to survive in the market. Furthermore, in today's climate, these businesses are virtually incapable of survival without the complicity of corrupt local and state authorities, which in turn results in the weakening of Russia's system of control and makes employees of such businesses even more vulnerable to exploitation. In sectors where migrants are traditionally employed,¹¹⁸ it is a widespread practice for small businesses to work on the basis of informal relations. Russia's inadequate legal regulation of labour migration further enhances the vulnerability of exploitation for employees from these sectors, resulting in illegal migrants accounting for 90 percent of all foreigners working in the country.

Heightened risks of human trafficking can be summarised as the following:

- **Poorly developed migration legislation and migration regulation practices**, with enormous volumes of shadow and illegal (unregulated) migration.
- **Extremely large shadow economy** which represents a heightened demand for cheap migrant labour and where there exists mass labour exploitation in particular severe forms, including slave labour.
- **Weak control of the shadow economy by authorities and the law.**
- **Poorly developed market relations and market infrastructure**, spawning unfair competition including that based on trafficking of cheap labour.

Demand for the cheap, unskilled labour of illegal migrants¹¹⁹ from the shadow economy arises from institutional reasons rather than structural peculiarities of the market. Demand is driven by the competition between the economy's shadow and official sectors, where demand for shadow labour supports the shadow economy and increases its competitive advantages over the official economy.¹²⁰

Economic turmoil encourages illegal migration and employment of migrants; facilitates opportunities for migrants to enter, settle and find work in Russia; and permits those in the

117. This section uses materials from the UNDP Report "Human Development against Trafficking in Persons: CIS Outlook", Moscow, 2005 (draft).

118. These sectors include construction; heavy municipal labour such as road and communications maintenance, etc.; street and office cleaning; street marketing; social and domestic employment; and farm employment.

119. Illegal migration in Russia is estimated as amounting to 5 million people.

120. UNDP Report, "Human Development against Trafficking in Persons: CIS Outlook," Moscow, 2005 (draft).

migration business to make enormous profits while manipulating people with impunity. The legal environment in which most migrants have to live and work is limited to a minimum. As experts point out, in the absence of laws, force becomes the main mechanism governing the shadow economy.

Market trading is the most popular and the shadiest sphere of employment for illegal migrants, where exploitation of workers is widespread and diverse. For example, reports showed that every fifth woman-migrant working on Moscow markets has faced sexual exploitation by her boss.¹²¹ Debt dependence is another common form of exploitation. While 15 percent of migrants state that the debts they owe their employer prevent them from leaving or changing jobs, the percentage of migrants inhibited to change work conditions within the trading sector is substantially higher. Such debt may be for an insignificant cash “shortfall”, or for damaged goods. Methods of keeping employees bound to them through a debt are well known to employers, and the “passing on of experience” from one employer to the next also works efficiently.

Typically, market places have their own social infrastructure allowing employers and the employees to satisfy many of their “natural” and social needs. For example, at Luzhniki Stadium, one of Moscow’s largest markets and mostly operated by migrants, there is an “official” service offered, “prostitute in a container.” These services conducted in containers, which were initially used to transport and store goods at the market, are run either by market bosses or local police. In the 1990s, the new term “market children” appeared in Moscow, i.e. children born to women market traders, more often than not illegal migrants, who were fathered by these women’s “bosses” or other casual partners and were abandoned in Russian maternity hospitals.¹²²

The **construction and renovation industry** is another sector that widely employs illegal migrants. A common practice in the construction industry is the transfer of construction brigades from one employer to another employer upon completion of a particular job; payment is made for such a transfer. Workers’ documents, often “looked after” by their bosses, may be transferred directly from the old employer to the new one without going to the employees at all. Document confiscation is a popular exploitation instrument to keep employees under control. Almost a third of construction workers do not carry passports. These conditions deprive migrant workers of their right to freely choose their work and employers. As a result, migrant workers become “chained” to employers and are unable to resign.

Almost every large city has its own type of black labour markets, which are particularly popular with migrants. In Moscow, this “slave” market is located on the road to Yaroslavl, a large outdoor area where migrants seeking work and employers’ representatives hiring cheap labour gather. Such markets provide people experienced in all sorts of trades and people willing to do any job under any conditions.

“SLAVE MARKET”

Use of force as the main governing mechanism is seen in researcher’s, Zoya Khotkina’s, description of the settlement of a dispute at a market in Tomsk between an employer and a hired woman employee. The “boss” explained to the researcher that the stall holder had “disappeared, having come up short”. If she refused to repay the money voluntarily, “I’ll have to give her to the Gypsies. They’ll pay me her debt and will then force her to pay it off through prostitution.”¹²³

121. Khotkina, cited from the UNDP Report, “Human Development against Trafficking in Persons: CIS Outlook,” Moscow, 2005 (draft).

122. Ibid.

123. Forced Labour in Russia. Unregulated Migration and Human Trafficking. ILO, Moscow, 2004, p. 75.

Market trading and the construction and renovation industry are sectors that employ high levels of illegal migrants

Corruption in transition economies has an extensive impact on the poor

Many of the forms of exploitation described in this section, i.e. debt dependence, confiscation of documents, and violence, are elements of human trafficking and practices compatible with slavery. Such practices in the shadow economy today are not isolated instances but have become widespread and have affected a significant number of social groups

1.4.5. Trafficking and Corruption

The undermining of democracy and the rule of law leading to human rights violations, along with the distortion of markets and erosion of the quality of life, are well documented effects of corruption which allow human trafficking and other manifestations of organised crime to control. Corruption exists in all countries - big, small, rich and poor - and the Russian Federation is no exception. Corruption in transition economies has an extensive impact on the poor, with the diversion of allocated funds for development and the undermining of authorities' ability to deliver on basic services.

A peculiarity of corruption in Russia and all post-Soviet countries is that it is encouraged by weak laws and the sheer volume of the shadow economy and shadowy practices in all spheres of everyday activities. Informal economic relations and unrecorded money flows give shadowy and criminal organisations opportunities to spend huge amounts of money to "buy" state officials and other people in authority. The greater the legislative gaps on regulation of a specific sector, the greater the corruption in that sector. For example, corruption in the sphere of migration has reached enormous proportions, as a result of gaps in this sphere's legislation and legal regulation.

Most human trafficking research describes huge and varied cases of corruption among law enforcement authorities.¹²⁴ The following corrupt practices are familiar and directly related to human trafficking:

- **Forgery, illegal preparation or receipt of ID or migration documents via state officials in origin and destination countries.** Cases exist where ages in passports were changed or where false powers of attorney from parents were used when trading minors or bringing them across borders.¹²⁵
- **Direct collusion between employers or others engaged in the criminal exploitation of people and local law enforcement authorities.** For example, human trafficking victims who have gone to the police have been "returned" to their former "bosses". Employers have also handed illegal migrants over to the police, once work such as a construction project has been completed, rather than pay migrants their earned wages.

CORRUPTION WITHIN LAW ENFORCEMENT

Unlike other regions and provinces, virtually all sex work in Moscow is organised, i.e. sex workers work for pimps who in turn are controlled by organised crime groups. According to *Nezavisimaya Gazette*,¹²⁶ the total monthly earnings of Moscow's sex industry range from 30 to 60 million US dollars depending on the season. Of these earnings, 10 percent or approximately 4.5 million US dollars are spent monthly on bribing public officers and law enforcement.¹²⁷

124. See, for example, "Forced Labour in Russia: Unregulated Migration and Human Trafficking." ILO, Moscow, 2004.

125. Ibid.

126. http://www.ng.ru/events/2002-12-23/8_corruption.html.

127. ECPAT International Project. "Review of the Situation concerning the Commercial Sexual Exploitation of Children (CSEC) in Russia and Institutions Involved in CSEC Prevention." Final Report in Russian and English. 2003. <http://www.ecpat.net/eng/index.asp>.

International practice shows that human trafficking is usually carried out by organised crime groups

- **Sale of registration and migration certificates, as well as Russian citizenship.** Moscow and other big cities are inundated with firms openly advertising such services. The “honest” auditing of such firms would help uncover many crimes, including those involving human trafficking. However, such audits are undertaken rarely and are mostly “for show.” At the same time, there would be no commercial activity in the production of such documents without the law enforcement authorities’ “protection.”
- **Corruption in the area of migration control** exists on a huge scale and in many diverse forms, often turning migration control into a kind of criminal social institution. For example, it is common knowledge about the costs of bribes to police regarding aspect such as receipt of registration certificates; failure in presenting registration certificates when being stopped in the street by police; and the “buying-back” of a passport confiscated during a police check¹²⁸, even when a registration certificate and all other necessary documents are present. Relations between migrant workers and their employers have become institutionalised in a similar manner; employers often “buy out” their employees from police when they have been placed in detention for one violation or another. ILO statistics suggest that more than 70 percent of migrants in Russia pay penalties to law enforcement for failing to present a registration certificate or an employment permit, i.e. they have to bribe police.
- **Illegal exploitation of labour of migrant or, soldiers, who are arrested and pending charges, etc. by police, administrative and supervising authorities.** Labour exploitation may include acts such as construction of summer cottages and saunas, home renovations for police or administrators.

FORGING DOCUMENTS TO ENABLE TRAFFICKING IN HUMAN BEINGS

The Ministry of Internal Affairs’ Department to Fight Organised Crime and Terrorism assisted the Kaluga City Prosecutor’s Office in the investigation of a case involving the disappearance of three female minors. The investigation helped uncover an international criminal group that for more than 3 years had been recruiting young women, including underage girls, from Kaluga Oblast, Vladimir Oblast and Leningrad Oblast who were sent, using forged identity papers, to Thailand and United Arabian Emirates to work as prostitutes.

The investigation conducted resulted in the arrest of 6 active members of the gang, including M. E. Djeljalov and others, against which a prosecution was initiated under article 35, Para 3, article 151, Para 3 (“repeated luring of non-adults into criminal activities”), and Art. 127, Para 2, Subpara. a), b), d), zh) (“illegal confinement”) and Art 240, Para 2 (coercion into organised prostitution).

The police confiscated forged Russian passports for travel abroad, which the criminals had used for smuggling women from Russia and albums with photos of victims earmarked for trafficking. Investigators managed to establish that 34 young women had been trafficked abroad, 6 of whom were underage.

In March 2003, 12 crimes committed involving the defendants, were additionally classified as criminal offences under article 210, Para 1 of the RF criminal code (“creation of a criminal group”) and article 210, Para 2 of the RF criminal code (“participation in a criminal community”).

128. A migrant working in Moscow noted in an interview, “I have a three-month registration certificate, but all the same patrol police took my passport away, so that I had to go to the station and ‘buy it back.’”

Russia's anti-corruption legislation is being formulated to bring it in line with the UN Convention against Corruption

- **Interconnected relationship between the porn industry and law enforcement authorities** is also a matter of common knowledge, involving payments made in kind and in cash.

This list does not provide a comprehensive overview of corrupt practices. The pervasive corruption penetrating all spheres of labour migration, organisations in the entertainment, sex and porn industries, gambling and other businesses, certainly encourages human trafficking and other abuses of human “goods” with the aim of making a profit. Particularly frightening is the fact that corruption, an inherently criminal phenomenon, has ceased to be marginal and has been built into the structure of “normal institutions,” almost becoming an accepted part of life. Corruption erodes the government system and the system for combating criminal exploitation of others. Under such conditions, these systems become inefficient and lose their institutional integration.

Corruption and the commercialisation of relations between society and the government have a negative influence on the government’s sensitivity to human rights issues, essential for combating human trafficking. Loss of confidence in governmental authorities complicates cooperation between human trafficking victims and law enforcement authorities, which is a critical factor in successful anti-trafficking activities. Authorities are frequently regarded by migrants and others as institutions which will punish rather than protect.

The extent of corruption in Russia today demands urgent remedies:

1. A key approach against corruption is the **use of the mechanism of “mainstreaming”**, which involves application of methods capable of achieving a given aim (in this case, a reduction in corruption) being included in all laws, governmental and other programmes and initiatives.
2. **Anti-corruption provisions in the draft law “On the Prevention of Human Trafficking” must be tightened.** The proposed national human trafficking prevention programme should include a block of provisions on rooting out corruption.
3. Russia’s anti-corruption legislation is currently being formulated to bring it into line with the UN Convention against Corruption, which Russia signed. This work is being led by the RF State Duma’s Anti-Corruption Commission. The draft law “On combating corruption” has been through a number of parliamentary hearings in the course of its development. This **process must be used to develop a set of anti-corruption legislative and regulatory documents** aimed specifically at limiting corruption in the areas of labour migration, the entertainment industry (particularly the sex and porn industries), child adoption and other areas where there is high risk of human trafficking and use of slave labour.

1.4.6. Trafficking, Organised Crime and Terrorism

International practice shows that human trafficking is usually carried out by organised crime groups. It is for this reason that the Palermo Protocol supplements the UN Convention against Transnational Organised Crime, and not some other international document. Russia is no exception to this international practice; almost all criminal cases brought under Russia’s criminal code article 127.1 in 2004 concerned activities of organised crime groups. Many

cases under article 152, trafficking in minors, which were charged prior to the amendment of article 127.1 also involved organised crime groups.

Usually members of organised crime groups perform a clearly specified number of duties making up a chain of criminal activities: recruitment, provision of documents, transportation, delivery to an employer, and exploitation. Experts emphasise that, alongside the large and strictly hierarchical groups, there are also smaller, more flexible crime groups active in human trafficking. These smaller groups are usually organised as a network, rather than as a hierarchical base. Furthermore, these smaller groups are able to quickly react to changing situations, altering trafficking routes and recruiting and transporting methods as needed.¹²⁹

The fact that trafficking of people is in most cases carried out by organised groups calls for stronger requirements for victim and witness protection, especially those cooperating during the investigation of criminal cases. The Russian legal system is not yet ready to respond to this challenge. Examination of witness and victim protection programmes operating in other countries, especially in the United States, could provide valuable lessons learned.¹³⁰

Experts often insist on the mutual connection between trafficking and terrorism. However, such observations should be regarded as hypothetical, rather than confirmed. The issue has not been studied, and there is insufficient evidence from which to draw any conclusions, other than that further research, primarily criminological, is essential.

As hypotheses, however, two links between human trafficking and terrorism can be proposed. First, profit generated from human trafficking is one of terrorism's financing sources.¹³¹ Second, kidnapping of people in order to use them in military formations may be one of the forms of human trafficking.

Stronger requirements for victim and witness protection are needed

LINKS BETWEEN TRAFFICKING IN HUMAN BEINGS AND ORGANISED CRIME

In Nakhodka, an organised crime group led by V.Lasko was uncovered. Seventy-two young women were freed who had been forced into prostitution and prepared for sale abroad to Finland, the United States, and Central Asia. (Criminal case opened under article 127.1 in 2004.)

In Kaluga, an international organised crime group, led by M.E. Djelyalov, was uncovered in the course of a criminal investigation. For over 3 years, group members recruited young women, including minors from the Kaluga, Vladimir and Leningrad Oblasts. Using fake documents, they were transported to Thailand and the United Arab Emirates where they were kept hidden and forced to work as prostitutes. (Criminal case opened under article 152, prior to the amendment of article 127.1.)

Similar organised crime groups were uncovered in 2004 in Voronezh; Moscow, where an Armenian organised crime group was found transferring women from Armenia to Dubai; Rostov-on-the-Don, where two groups were sending women to Malta and France; and other regions. Extensive evidence exists of the activities of Russian organised crime groups in the United States.¹³² Inside Russia, activities of Russian-Israeli, Russian-Maltese and other international groups have also been uncovered.

129. Sally Stoecker "Human Trafficking as a form of Organised Crime" in "Transnational Organised Crime: Definitions and Reality" p. 187.

130. L. Erokhina, M. Buryak "Trafficking Women and Children for the purpose of Sexual Exploitation from a Social and Criminological Point of View", Moscow, Profobrazovanie, 2003, page. 323.

131. Interview with E.B. Mizulina.

132. Thomas Firestone, Permanent Representative of the US Justice Department in Moscow, 2002-2004. "Academic information on questions of combating crime" № 3 (162). Materials from a round table entitled "The inter-relationship between state structures and non-governmental organisations – an effective strategy against human trafficking" 14 November 2003, Academic Research Institute "Problems of reinforcing legality and law and order under the RF General Prosecutor's Office", Russian Association of Crisis Centres for Women "Stop Violence", Moscow, 2004, page. 28.

Key Conclusions

From the results of the first chapter, a number of conclusions can be made which reveal the specifics of the current situation regarding human trafficking in the Russian Federation.

1. Russia at the end of the 20th century became a major centre of migration, a substantial part of which took place outside the law.

As a result, Russia simultaneously became a centre for cross-border human trafficking, both as an **origin** and **destination country**. In addition, **internal human trafficking** exists.

The criminal movement of people for purposes of exploitation is carried out both from other countries into Russia, i.e. Russia as a destination country, basically, from CIS countries and Asia; and from Russia abroad, i.e. Russia as an origin country, to Western Europe, Japan, the United States, Australia, Israel and elsewhere.

Action: Russia needs to adopt a comprehensive policy to combat human trafficking.

2. Russia maintains an impermissibly wide social basis for trafficking, human exploitation and slavery, as shown through analysis of vulnerable groups and root causes of human trafficking.

Risk of losing one's freedom and becoming an object of illegal manipulation and exploitation is huge **not only for isolated, marginal groups, but also for a large portion of the general population**, thus having substantial effects for society.

This risk exists for the poor population, which comprises approximately 20% of Russia's population and almost 50% of its child population.

Many risk groups pose serious challenges to existing anti-trafficking responses focused on high at-risk groups and require greater systematic work at the management level of all social spheres.

Action: An anti-trafficking component must be mainstreamed into key programmes that address poverty reduction, business development and social responsibility of businesses, and other strategic responses.

3. Exploitation of slave labour is the most widespread form of human trafficking in Russia.

Russia's huge volume of labour migration, weak legislative basis for labour migration, and enormous volume of illegal migration and the shadow economy, contribute to 30% or more of illegal migrants potentially facing elements of slave labour.

Trafficking in women and children for the purpose of sexual exploitation is common but, contrary to stereotypes, it is not as overwhelming as the estimates often maintain, i.e. that 80 to almost 100% of all victims of human trafficking are victims of sex exploitation and 48% of whom are minors.¹³³

Action: Work on labour trafficking must become a priority, both in developing prevention initiatives and in detecting and protecting victims of labour trafficking.

133. On the basis of CIA statistics, men make up only 2% of the turnover of human trafficking. Traffic in human beings in OECD perspective. Geneva, 1999.

4. Russia's inclusion of a criminal definition of trafficking in human beings is only a first step in developing anti-trafficking responses; greater attention is needed towards preventative work and protection and reintegration of trafficking victims.

Since the end of 2003, human trafficking as a crime has been included in the Russian Federation's criminal code, providing a criminal definition which closely tracks that of the Palermo Protocol.

As a result, the term "human trafficking" has been reinforced in domestic law, fulfilling Russia's obligations under the Palermo Protocol to criminally outlaw human trafficking.

The situation is much worse with regards to two other aspects of combating human trafficking, i.e. preventative work and protection and reintegration of victims. Although Russia adopted a law on the protection of victims and witnesses in 2005, which also applies to human trafficking victims, the existing provisions do not clearly enough consider international standards for work with human trafficking victims, based on respect for human rights and victim-centred principles, i.e. the primacy of the interests of the victim over the interests of organisations or institutions.

Actions:

1. Efforts are still required to strengthen the existing criminal definition of human trafficking to expand potential forms of exploitation, specifically:
 - adding "mercenary incentives" and "means of criminal control over a person" (e.g. debt dependency, document confiscation, blackmail, etc.) to possible forms of exploitation; and
 - criminalising child trafficking activities which are conducted without an intent of exploitation.
2. Human rights principles and observation of the victim's interests must be more adequately guaranteed in the working practices of the law enforcement and other authorities in Russia.

An analysis of the situation reveals that currently there are insufficient retaliatory measures and that a more systematic and comprehensive policy of combating human trafficking and human exploitation is required, based on human rights and victim-centred principles indicated above. Possibilities for combating human trafficking and the practices associated with it, as well as the basics of anti-trafficking policy are explored more fully in Chapters 2 and 3.

To achieve sustainable effects, anti-trafficking programmes must strive towards becoming coordinated, consistent and systematic

CHAPTER 2. Responses to Human Trafficking

In the development of all anti-trafficking programmes, a **key requirement** must be that such programmes strive towards becoming coordinated, consistent and systematic to achieve sustainable effects. A single information campaign or programme increasing economic opportunities conducted in a particular locality, no matter how large-scale, will have limited effect. As a result, **planning preventive and other types of programmes requires consideration of those measures which will guarantee their long-term effect** (e.g. repetitive distribution of materials; follow-up measures; step-by-step campaigns, etc.).

Many NGOs in Russia conducting anti-trafficking information campaigns or other initiatives as projects¹³⁴ face serious challenges in trying to attain “sustainable” effects. Inadequate sustainability and, especially, inadequate funding are detrimental for programmes designed to protect human trafficking victims. This situation in particular delays the organisation of shelters, one of Russia’s worst bottlenecks, in arriving at effective anti-trafficking responses.

Another important aspect in the implementation of anti-trafficking programmes is the **need to evaluate the efficiency of their performance and impact on various aspects of the lives**

PROJECTS START AND END BUT THE PROBLEMS REMAIN¹³⁵

Most anti-trafficking projects in the region are carried out by local NGOs within the framework of isolated programmes sponsored by various international organisations and foundations. Until recently, such projects were practically the only anti-trafficking activity in the region. It is therefore impossible to exaggerate their importance. Nevertheless, such project-based activities have certain weaknesses. Typically the length of such projects is no more than a year. Furthermore, there is little coordination between different projects, resulting in some overlap of activities as well as existence of serious gaps.

The fundamental “feasibility” requirement induces donors to support initiatives which may be limited in terms of scope and time, but are realistic in the short-term. This approach leads to further fragmentation of projects and makes the overall picture of NGO activity uncoordinated and disorganised.

The main concern is the lack of stability, continuity and sustainability in the development of anti-trafficking activities, rather than the lack of coordination between the projects themselves. For example, if a major donor organisation, supporting anti-trafficking programmes, decides to shift the focus of its activity to another area of concern, then anti-trafficking work could be substantially curtailed and those projects already completed will “be left hanging,” significantly reducing the existing projects’ effectiveness.

Even when the project being carried out is extremely effective, the project activities of the majority of NGOs based on international donor support will remain unable to guarantee the necessary stability and continuity. Stability and continuity will only occur when government agencies and public communities start backing these projects with financial, information and other types of assistance.

Today, the main challenge facing anti-trafficking activities is that of combining isolated programmes under a coherent and coordinated anti-trafficking policy.

134. Often these projects are funded solely or largely by international organisations, foundations and various donors.

135. “Human Development versus Human Trafficking in the CIS. UNDP.” 2005 (draft version).

of members from the general public and of target groups. Evaluation of a programme's efficiency and impact should be an integral part of the programme.

The performance of such evaluations presents many problems to Russian NGOs. Those organisations which implement programmes are themselves unfamiliar with evaluation techniques. Evaluations are not regarded as an integral part of project procedure but as an audit required by donors; as a result, sufficient information is not collected during the life of the project to enable adequate evaluation of its efficiency. Furthermore, the type of information needed to be collected is not defined. It is essential to introduce into NGO practice internal assessment methods of project performance. Review of learning from foreign experience regarding evaluation methods in training seminars for Russian NGOs could be of particular importance and relevance in the current circumstances.

At the same, good practices relating to this issue are already emerging in Russia. In 2004-2005, the Moscow Sexual Assault Recovery Centre, Sisters, implemented a UNIFEM-sponsored project to create an anti-trafficking information forum among five CIS countries (Ukraine, Russia, Uzbekistan, Kyrgyzstan, and Armenia). An integral project component was a performance evaluation, which was budgeted separately. Evaluation results were included in the final project report, discussed at the closing conference, and later served as a starting point for the design of a follow-up work plan.

Development of a comprehensive and systematic anti-trafficking response requires active involvement and interest of all agencies

2.1. Key Participants in the System of Combating Human Trafficking

Development of a comprehensive and systematic anti-trafficking response requires the active involvement and interest of all agencies, both governmental and within civil society, whose activities are relevant to addressing trafficking issues in one way or another. While at first glance, it may appear that only law-enforcement, border control and migration agencies are directly related to anti-trafficking activities, a closer review shows that there are a number of other key actors needed for effective responses.

State social welfare services are a major contributor to the system in combating human trafficking. Their main task is to prevent situations which make an individual vulnerable. These agencies include the Ministry of Education and the Ministry of Health and Social Development and their affiliated departments and services, including: employment services, child welfare agencies, social protection agencies, authorities in charge of implementing youth policy, family and childhood centres, centres providing assistance to victims of domestic violence, and educational institutions. The Ministry of Economic Development also has an important role, as it has related tasks such as maintaining economic growth, fighting poverty, and restricting the shadow sector of the economy.

Russian non-government organisations are at present key actors in the area of anti-trafficking activities. To-date, NGOs have played the leading role in implementing practical initiatives to combat human trafficking and to provide support to victims of different forms of violence.

International agencies for technical assistance and development play a crucial role in providing assistance to human trafficking victims in Russia. They deliver up-to-date

Calendar of Main Events related to Anti-Trafficking in the Russian Federation

Year	Event
1997	First conference in the Russian Federation on the problem of human trafficking, concluding a project by the not-for-profit organisation, Global Survival Network (USA), and the presentation of a report.
1999	Russia participated in the OSCE's Istanbul summit and the Vienna session of the OSCE's Council of Foreign Ministers on combating human trafficking.
2000	The signing by Russia of the Convention against Transnational Organised Crime and supplementary Protocols
2000- 2001	The adoption of anti-trafficking legislation in the USA (2000). The publication of annual reports (since 2001) on the human trafficking situation globally.
20 April 2001	Session of the Russian Federation Government's Commission on the Situation of Women relating to the question of the trafficking of women (introduced into the Commission's agenda by the Ministry of Foreign Affairs).
Autumn 2001	Reports by ministries (MFA, MIA, MLSD, etc.) on the implementation of the Commission's resolutions
October 2001	Conference of the FRG Foreign Ministry and the OSCE's ODIHR "Europe against Human Trafficking" (promulgating the position of the RF MFA)
December 2001	OSCE Council of Foreign Ministers (Bucharest)
2002	Creation within the Ministry of Internal Affairs' inter-departmental working group on combating violence against women and human trafficking (T.V. Veligurova).
October 2002	Organisation of a working group under the RF State Duma's Legislation Committee to draft anti-trafficking legislation (E.B. Mizulina)
8 December 2003	Adoption of criminal legislation against human trafficking and the use of slave labour (Federal Law of 8 December 2003 "On the introduction of amendments and addenda to the Criminal Code of the Russian Federation" (amended on 11 March 2004).
20 January 2004	First All-Russia Assembly of NGOs working against human trafficking.
24 March 2004	Ratification of the Convention against Transnational Organised Crime and supplementing Protocols ¹³⁶
November 2004 and Spring 2005	Resumption of work by the working group against human trafficking under the RF State Duma's Legislation Committee (Chair – E.B. Mizulina, authorised representative of the State Duma at the Constitutional Court).
March 2005	The law "On state protection for victims, witnesses and other participants of criminal judicial proceedings" comes into effect
March 2006	Beginning of a large, three-year project by EC, implemented by IOM, on combating human trafficking in Russia (Project budget: 4 million EUROS)
March 2006	Second All-Russia NGO Assembly is conducted.

* HT – human trafficking

136. Federal law "On the ratification of the United Nations Organisation Convention against Transnational Organised Crime and its supplementary Protocols against the Illegal Transportation of Migrants by Land, Sea or Air and the Protocol on Prevention and Prosecution of Human Trafficking, especially of Women and Children, and punishments for the same"

(1997-2006)

Result

The term human trafficking * was introduced into the professional environment (state officials from the main ministries, NGOs) and into public political discussion.

International human trafficking initiatives are spread to Russia via the Ministry of Foreign Affairs.

Russia officially assumed obligations before the international community in relation to combating human trafficking.

USAID and the US Ministry of Justice become active in Russia in combating human trafficking.

Russian Federation Government's domestic political activity against human trafficking begun.

Continued advocacy from the international community for Russia to adopt domestic legislation in line with international anti-trafficking standards.

Active steps by the RF Ministry of Foreign Affairs was focused on collection of information on the problem from Russian consulates abroad; and Russia's position regarding anti-trafficking activities was developed and presented in the international community (by the Department of Human Rights and Humanitarian Collaboration. Representative, Department Deputy Head, M.O. Korunova.)

The first MIA report on the events of 2000-2002 related to anti-trafficking.

Legislative activity against human trafficking begun with the drawing up of a draft law "On combating Human Trafficking."

Article 127.1 of the Russian Federation Criminal Code, resulting in criminalisation of human trafficking; Article 127.2 of the Russian Federation Criminal Code, resulting in criminalisation of the use of slave labour.

Summary conclusions made regarding work of NGOs and formulation of plans for the future defined.

Beginning of the application of CTOC's and supplementing protocols' into RF practice.

1. Organisation of conferences in & federal districts of the RF.
2. Preparation of the First national report on combating Human Trafficking in the RF
3. Organisation of the Second NGO Assembly.

Support initiated for operation of programmes financed from the state budget to protect human trafficking victims.

The project implementation is monitored by the European Commission representatives in Moscow and coordinated by IOM. Three pilot regions will be covered by the project (Moscow, Astrakhan and Karelia).

Support of coordination of NGO activities at the national level, exchange of experiences and enhanced coordination between NGOs and government agencies.

Russian Federation legislation against human trafficking comprises of relevant international documents, regional statutes and Russian federal regulations

international experience and methodologies in applying holistic, human rights-based approaches. International agencies place this problem in the broader global context; they have gained considerable experience coordinating actions in the international arena, thus providing methodological assistance to governmental authorities and non-governmental organisations.

The **private sector** is another key actor in combating human trafficking. Private businesses do not only initiate new social technologies, such as effective charitable activities, but they also engage in socially responsible activities which can, among other things, help reduce the volume and risk of human trafficking. Socially responsible activities by businesses could include: legalisation of labour relations with employees, including foreign workers; expansion of private programmes to provide job counselling and professional training to young people; promotion of healthy lifestyles among employees and their family members; and assistance in developing local communities. These activities are all examples of how private businesses can effectively cooperate to reduce the risks of large numbers falling victim to human traffickers.

The appendix, "Chart of Activities," provides a summary of existing activities of various agents that should be included in development of a more comprehensive system of combating human trafficking. Currently, existing activities only comprise of limited and fairly piecemeal, but nonetheless helpful, initiatives and programmes.

Table 8. Human Trafficking Legislation & Conventions Applicable in the Russian Federation

International Conventions	Regional Legislation	Russian Federal Legislation
<ul style="list-style-type: none"> • 1949 UN Convention for the Suppression of Traffic Persons and of Exploitation of Prostitution of Others • 1926 Slavery Convention, with 1953 amendments • 1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; • 1989 UN Convention on the Rights of the Child; • 2000 UN Convention against Transnational Organised Crime and its supplementing protocols- i.e. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and Protocol against the Smuggling of Migrants by Land, Air and Sea • 1959 ILO Convention №105 Concerning the Abolition of Forced 	<ul style="list-style-type: none"> • CIS Convention on Human Rights and Basic Freedoms • Agreement of CIS Countries on combating Transnational Organised Crime • Agreement of CIS countries on combating Illegal Migration 	<ul style="list-style-type: none"> • The RF Constitution • The RF Criminal Code • The Federal Law on state protection of victims, witnesses and other participants in criminal court proceedings. • The RF Labour Code

2.2. Russian Federation Legislation against Human Trafficking

The public's awareness about the process and the extent of human trafficking is generally low

Russian Federation legislation against human trafficking is made up of the ratification by Russia of relevant international documents; regional statutes, such as within a CIS framework; and Russian federal regulations. The draft federal law "On Combating Human Trafficking," which is being reviewed also would provide substantial direction for human trafficking responses.

Analysis of individual legislation mentioned above can be found in the report's individual chapters.

2.3 Prevention and Awareness Raising

A number of different types of programme exist to combat human trafficking.¹³⁷

- Information programmes raising public awareness of the problem;
- Economic programmes, or programmes increasing economic opportunities;
- Training and empowerment programmes providing at-risk groups with needed knowledge and skills to resolve difficult situations;
- High level advocacy programmes that lobby key government decision-makers on increased attention to trafficking issues in legislation and policies, and on the political agenda;
- Crisis intervention programmes;
- Demand reduction programmes;
- Programmes to prevent former trafficking victims from being trafficked again.

2.3.1. Raising Awareness and Knowledge about Human Trafficking

Programmes raising awareness and knowledge about human trafficking can be directed towards different target audiences:

- General population;
- At-risk groups;
- Government authorities (e.g. law enforcement agencies);
- Journalists;
- Specialists in educational institutions, health professionals.

137. Best Practices for Prevention of Human Trafficking in Europe and Eurasia. Report written by Ruth Rosenberg. Development Alternatives Inc. for Short-term Technical Assistance and Research under EGAT / WID Management to Support USAID. Washington and Field Mission Anti-Trafficking Activities. (Research conducted in Russia, Romania and Ukraine).

Public awareness campaigns can only be successful where they are carried out within a well-organised system of varied agencies and services

Campaign communication goals vary from a purely informational initiative, raising awareness and high risk groups in particular, to high level advocacy, being targeted at decision-making authorities or particular professions. It is essential that information campaigns have clearly defined objectives and target audiences.

Such campaigns use varying materials, such as mass media publications, fliers, booklets, posters, stickers, calendars, or documentary and feature films. More specialised approaches may also be used such as pop concerts.

2.3.1.1. Informing the Public - Problems relating to Mass Media Coverage of Human Trafficking Issues

Over the last two years, human trafficking for the purpose of sexual exploitation has been covered in various media outlets: television, radio and newspapers. According to the Independent Broadcasting Foundation (IBF), while the public in some Russian regions is aware of human trafficking, the **average level of the public's awareness about the process and the extent of human trafficking is generally low.**¹³⁸

Specialists point out that reporters tend to emphasise the sensational elements of trafficking, with particular focus on its sexual and scandalous aspects; rarely does the press look at human trafficking from a human rights position.¹³⁹ The press's sensationalist approach and artificial marginalising of the covered cases lulls the public into false safety, believing that trafficking for the purpose of sexual exploitation is a specific problem limited to the down-and-outs and not affecting the general public. Since most reports concentrate on trafficking for the purpose of sexual exploitation, the public is led to believe that human trafficking primarily entails prostitution. Public aversion to prostitution, which has existed since Soviet times, leads the public to frequently believe that trafficking victims are prostitutes who have brought their situation upon themselves. As a result, the public not only blames the women, but also refuses to regard human trafficking as a serious crime.

The mass media's treatment of trafficking as a scandal and a sensation, resulting in distorted information, has prevented effective information outreach to potential victims. With such stories, potential victims do not identify with actual victims and, as a result, receive no useful information on how to protect themselves. Under the given information, women considering migration seriously underestimate the exploitative nature of the crime and the risk of becoming the victim of such a crime. This misconception contributes to the formation of the general opinion that human trafficking is not so much a crime, as the exploitation of women migrants. Furthermore, media stories on human trafficking lead the public to believe that those criminal offences related to exploitation take place in the countries to which victims are trafficked.¹⁴⁰ A misguided understanding of the problem conveyed to the public by the mass media means the general awareness of human trafficking remains low, including among journalists. However, in the last few years, information campaigns by NGOs on human trafficking have likely increased distribution of more appropriate information to the public.

138. Interviews with Yelena Oporova (Independent Broadcasting Foundation) and Nadezhda Khvorova (Internews Russia).

139. Survey of almost a thousand Moscow students conducted in 1997-1998 demonstrated that 60 percent of them believed that mass media publications propagating violence, atrocity and sexual freedom should also be held responsible for encouraging crime in Russia (See: A. V. Klochkova and O. Pristanskaya, 1999, Information Background of Criminal Behaviour: MGU, Moscow).

140. Mass media reports mostly show women trafficked to Eastern and Central Europe, to the USA and Western Europe.

Mass media experts note that TV and radio programmes on human trafficking typically fail to get to the heart of the problem, providing no comprehensive analysis of the process or possible solutions. Most mass media coverage on human trafficking still concentrates on informing its audience of the perils of trafficking and the risks of migration, rather than on advising on ways to avoid such risks. As a result of their information programmes, media stories manage to frighten the general audience, but fail to affect decisions of those who have already made a clear decision to migrate.

The **need for specific information targeted at vulnerable groups** was raised by the IBF's radio station. Over two years, they broadcasted two series of programmes, "The Slave Market" and "Not for Sale," with broadcasts ending in the summer of 2002. One of the programmes was made with support from the EC's TACIS programme and was broadcasted nationwide, twice a week in 13-minute programmes. The IBF also released a series of announcements that were included in regional youth radio programmes. In addition, the EC financed the publication and dissemination of an information booklet targeting at-risk groups.

Seven months after the last broadcast of "Not for Sale," the station was still receiving calls for help and requests for information on safe migration. While the programme was targeted to women, requests came from men as well, which reflects the desperate need for information, especially in regions where there are no organisations capable of advising on labour migration, tourism abroad, au pair services, etc. The greatest number of requests for more detailed information on the dangers of human trafficking came from Central Russia, especially the Kaluga, Volga and Ural (Chelyabinsk and Yekaterinburg) Regions.

IBF experts emphasise that a key obstacle to conducting a serious journalism investigation regarding human trafficking is the lack of identified victims of such offences.¹⁴¹ Difficulties in obtaining interviews with human trafficking victims create larger barriers in finding out the truth behind each crime. Other obstacles to investigatory work by journalists include the high costs of producing such reports (i.e. the potential cost of defending a case brought by the owner of such a pseudo-legitimate business involved in the human trafficking network), and the danger of a personal attack by an organised crime gang operating behind the facade of employment or tourist agencies identified by a journalist as a means of illegal recruitment. Even when journalists manage to expose traffickers, they do not necessarily receive support from local authorities, most of whom remain ignorant and therefore reluctant to resolve such problems.

INFORMATION NEEDS ON WAYS TO AVOID HUMAN TRAFFICKING

In 2001, Internews launched a US-sponsored project, under which two federal and five regional TV channels broadcasted documentaries, intended to raise public awareness.¹⁴² These media attempts to create public awareness of the existence of the problem were unsuccessful, as broadcasts failed to provide potential migrants with information resources such as telephone hotlines and advice bureaus. These programmes showed the perils of human trafficking but gave no advice on how to avoid them.

141. One of the national TV channels showed a documentary as part of its series entitled "Independent Investigations". Journalists investigated the activity of a recruitment agency that operated in Moscow and made a documentary about human trafficking in Cyprus.

142. In 2001 a Ukrainian broadcasting company asked Internews to name someone occupying a senior position in the State Duma who could be interviewed on the problems of human trafficking. At that time, there was nobody available from the Duma. However, today, Ms. Mizulina is widely regarded as an activist in the fight against human trafficking.

Information campaigns must have clear and targeted messages

These factors highlight the need for journalists to be trained on coverage approaches of human trafficking cases. IBF, in conjunction with IREX, ran a training course for journalists on the problems of human trafficking during summer 2002 for journalists from the Ural Region, and in February 2003 for journalists from Petrozavodsk. Seminars addressed the social aspects of the problem and provided a more humanitarian and comprehensive treatment of it.

Experts identified the following priorities concerning information for at-risk groups:

- **Provision of correct and accurate information** on centres, telephone hotlines and other resources for reliable information on safe migration, trustworthy recruitment, and tourist agencies in specific regions.
- **Development of centres that provide reliable information on travelling abroad safely**, particularly targeted to at-risk groups, in regions where such centres do not currently exist.
- **Creation of directories of useful telephone numbers and hotlines providing reliable information**, being published through regional and local women's and young people's journals and newspapers.

Raising journalists' awareness about the problem of human trafficking is particularly important to enhance journalists' abilities to present reports that not only effectively reach out to at-risk groups but also to the general public. Journalists should be provided with necessary information and documentary reports that describe the process of human trafficking, including those on investigations and the judicial prosecution of traffickers. Journalists should also know about accessible sources of information, being able to refer people to relevant information sources, when necessary. In this educating process, it is also important that NGOs and international organisations have opportunities for information exchange about human trafficking.

Specific nuances of a region and of targeted audiences should be considered when choosing a media forum. Public awareness campaigns can only be successful where they are carried out within a well-organised system of varied agencies and services. This approach also applies to campaigns providing information on safe migration, legal advice, employment opportunities and direct assistance to victims.

Effective information campaigns should include objective video reports and radio broadcasts showing the whole process and the details of human trafficking and illegal migration. Other methods should include production of informational materials (posters and booklets) that are widely distributed in public places such as railroad and bus terminals, airports, consulates, border crossing points and other places frequented by at-risk groups.¹⁴³ Similar messages may be printed on bus and railroad tickets and in newspaper and magazine advertisements for jobs and tourism abroad. Distributed information materials should provide contact addresses and emergency telephone numbers where objective information and advice may be obtained on an anonymous basis.

143. In 2002, the Swiss Embassy started a campaign to raise public awareness of human trafficking by displaying posters in the reception rooms of visa departments. The Austrian Embassy hands out, with their visa application forms, a document giving information on what foreign guests should do if they are threatened with violence, forced into prostitution, have their documents confiscated or are imprisoned. The Canadian Embassy also provides booklets on the dangers of human trafficking in their reception rooms of visa departments.

2.3.1.2. Negative Consequences of Information Campaigns

Some experts believe that extensive and aggressive information campaigns may adversely affect the public's behaviour and mentality regarding legal migration options. Fear of becoming a victim of trafficking acts as a brake on any type of migration. Information campaigns must have clear and targeted messages that focus on attracting the public's attention to existing risks and the need to improve legal awareness, rather than just frightening them and suppressing normal personal and social aspirations and motivations.

In Russia, good practices have been implemented which stimulate people to make prudent preparations and assess their own security guarantees, rather than simply inhibit them from migration and other aspirations. The most common messages of such information campaigns include "Think of Your Safety!", or "Illegal Employment Abroad is Dangerous." Such messages are used by the majority of information campaigns by individual NGOs such as the Moscow Sexual Assault Recovery Centre, "Sisters," St. Petersburg NGO, Alexandra, and many others; as well as larger campaigns within the frameworks of large NGO associations such as the Russian Association of Crisis Centres for Women "Stop Violence" and the Angel Coalition.

Many experts, especially from Russia's regions, emphasise that information campaigns can have unexpected effects, such as stimulating a person's interest in trips abroad and converting this interest into a real intention. For the public at-large, messages such as "Guarantee your safety" are seen as of secondary importance or even don't suggest to the audience to be cautious in their decisions.

2.3.1.3. Counter-Advertising and Ways of Combating Dishonest Advertising

Many experts claim that the Russian mass media, both centrally and regionally, is inundated with dubious advertisements, offered by shady companies and firms. More or less veiled advertisement of intimate services is particularly popular. However, the scope of services based on human exploitation and trafficking is much wider. In fact, it includes advertisements

Effective information campaigns should show the whole process and the details of human trafficking and illegal migration

NEGATIVE EFFECTS FROM INFORMATION CAMPAIGNS IN THE REPUBLIC OF BELARUS

"Conflict of interests" arose in Belarus between an aggressive anti-trafficking campaign and the legitimate activities of recruitment agencies finding employment options for people abroad.

The key message of the anti-trafficking campaign was "Women's labour migration is dangerous," garishing posters in the streets which showed women before and after immigration to the United Arab Emirates (U.A.E). At the same time, local agencies recruiting for employment abroad, which were licensed and acting perfectly lawfully, were actively advertising their programmes of legal migration to the U.A.E. for employment as hotel personnel which local staff had had difficulty setting up. The programmes were finally officially approved once all the relevant agreements were concluded and full legal protection of migrants arranged. Ironically, both information campaigns mentioned U.A.E.

(Based on an interview with N. V. Kurdyumov, Director of the OST agency and Head of the Labour Migration Association. OST agency finds employment for Russian citizens abroad on behalf of the Labour Migration Association of CIS countries.)

Combating dishonest advertising is particularly important in fighting human trafficking

for employment abroad; modelling and marriage agencies; and various types of extreme entertainment such as “fights without rules.”

Combating dishonest advertising is particularly important in fighting human trafficking. Ideally, the state should respond, guaranteeing its citizens information security and enabling their right to reliable information on which to base decisions.

The state may use two types of measures against dishonest advertising services that involve exploitation or human rights violations:

1. **measures of economic control** forcing them to close down and punishing dishonest economic agents; or
2. **stricter regulation of mass media** in terms of publicised commercial advertisements.

However, due to weak economic controls and misunderstandings of “freedom of speech,” the state currently fails to fulfil these duties.

In some cases, NGOs try to fill gaps created by the state’s inability to impose provisions which would protect the public from dishonest advertising and dubious services. For example, the Angel Coalition actively disseminates warnings and counter-advertisements against many announcements printed in the Russia media. These counter-measures incite women first to check the legitimacy of the firm offering their assistance in finding employment as well as the job itself. This example shows how NGOs take on “state obligations,” filling gaps in state guarantees which are evident violations of human rights.

2.3.2. Increasing Economic Opportunities and Empowerment Prevention Programmes

Empowerment programmes focus on augmenting at-risk groups’ potential to avoid succumbing to human trafficking and exploitation. Primarily, these activities are economic capacity building programmes, including small loans and employment programmes. Secondly, they include training programmes designed to give practical knowledge and skills for avoidance of the risk of and survival after being trafficked. These programmes are important elements of anti-trafficking prevention, since the most basic reasons for the vulnerability of certain groups to human trafficking are, more often than not, poverty and limited economic opportunities.

Russia already has rich experience in implementing information programmes on human trafficking that are targeted to high risk groups. In general, these programmes are directed by NGOs under support of international organisations and other donors. More than 100 NGOs¹⁴⁴ conduct some type of awareness raising initiatives, with the majority of these organisations conducting information campaigns for various target groups. Project results have produced brochures, leaflets and other printed materials (e.g. calendars, fliers, etc.) among risk groups that breakdown stereotypes and provide information about the substantive problem.

144. See “Directory on Organisations Combating Human Trafficking,” American Bar Association, Central and East European Law Initiative, Moscow 2004. Materials are also available from the First All-Russian Assembly of NGOs (January 2004).

Russia also has more modest experience in implementing programmes directed towards increasing economic opportunities for high risk groups and empowering them to establish strategies and solutions to reduce their vulnerability. Such programmes have been run primarily supported under USAID funding through the US NGOs, IREX and Winrock International (Khabarovsk Office). IREX's economic capacity building programme for at-risk groups was implemented in partnership with regional NGOs between 2001 – 2004 in a selection of Russian regions including Saratov, Barnaul, and other central and southern regions of Russia. The main modules of these programmes were:

1. training of professional skills in high demand within the labour market (e.g. computer skills, foreign languages, business documentation training, etc.);
2. training of entrepreneurial skills for organisation of small businesses - business training seminars included topics such as financial management, business administration strategy, and basic marketing; and
3. start-up loan programmes for small businesses.

The Winrock Programme used analogous modules that targeted the unemployed and job seekers and covered Siberia and the Russian Far East.

Similar programmes for children and young people in education were of particular value, as they raised children's self-confidence, and taught principles of human rights, leadership, and personal responsibility. (Winrock International, Siberia and the Far East).

The ILO Programme "Direct Assistance to Migrants from Central Asia to Russia" (2000) was also an empowering programme targeted to at-risk groups to help them avoid risks of trafficking and exploitation. Specifically, the programme focused on supporting at-risk group members' gainful employment and was implemented in three regions: Belgorod, Lipetsk and Voronezh. Another such project, "Start and Improve Your Own Business," included training for the unemployed and the self-employed.

Although there is no doubt about the humanitarian value of these programmes, it is worth noting that their effectiveness in preventing human trafficking is difficult to measure even when they are aimed directly at-risk groups who are particularly vulnerable to the dangers of human trafficking.

In addition to the programmes listed above, the more general **violence prevention programmes** (crisis intervention programmes) are also worth mentioning. The anti-trafficking value of such programmes is based on the proposition that domestic violence victims are more vulnerable to falling into violent or exploitative situations. Such programmes are run at most crisis centres (especially women's crisis centres, although crisis centres for men are also starting to appear, for example, in Barnaul). However, such programmes are rarely directly targeted at preventing human trafficking. Examples of explicit targeting include the programmes of the Moscow Sexual Assault Recovery Centre, "Sisters", and those of the Russian Association of Crisis Centres for Women "Stop Violence," which are distinguished for their holistic approach to the problem of violence and its prevention.

Examples of programmes **protecting victims of trafficking from becoming victims again** are those of IOM.

Programmes to reduce demand are the most challenging part of human trafficking prevention work

Programmes to reduce demand are the most challenging part of human trafficking prevention work in Russia and globally. This work concerns combating demand for slave labour and for sex services. Reduction in demand for slave labour implies combating the growth of, and bringing large segments of the labour market out of, the shadow economy. Regarding sex services, needed actions imply combating the underground sex industry, which in effect operates openly in Russia. One theory is that the offer of such services is in response to a demand which is only encouraged by criminal brokers and traffickers and is deeply rooted in the current economic environment.

In recent years, the possibility of using the Swedish model of combating the demand for sexual services, i.e. criminalisation of payments for sex, has been widely debated in Russia. Most experts consider that this model is inapplicable to Russia's current situation and that efforts to achieve such a model would be ineffective. However, there are advocates for this model within Russia, such as the Angel Coalition.

2.3.3. Programmes Educating Specialists from Law Enforcement and Other Agencies

Many NGOs in Moscow, St. Petersburg, Perm, Siberia, Karelia and other regions have conducted information and education programmes for key government agencies regarding anti-trafficking work methods.

Key components of education programmes for specialists include:

1. Academic and practical experience conferences and seminars;
2. Educational training programmes for specialists;
3. Educational courses (lectures, special courses, practicum, etc.) in educational institutions.

Currently, specialised anti-trafficking education programmes are largely targeted towards law enforcement (e.g. Ministry of Internal Affairs (MIA), Federal Migration Service, and Prosecutors). Several of the key education approaches and training materials for law enforcement are comprised totally or partially from international organisations' training experiences.

COMBATING FORCED LABOUR

The International Labour Organisation (ILO) has done much to eradicate forced labour in Central Asia and the Russian Federation. Annually more than a million citizens of Tajikistan cross the border to look for work abroad. Most of them go to neighbouring countries and the Russian Federation. Over 90 percent of them have no residence or work permits for those states. This situation is also typical for migrants from other countries of the region. Labour exploitation in Central Asia and Russia, occasionally turning into forced labour, is typically a result of inadequate legislation and poor work by law enforcement bodies, in spite of the efforts made by the governments of the region. The ILO anti-trafficking initiatives in these countries are aimed at removing the causes of forced labour, improving legislation, protecting trafficking victims, further developing the labour market and labour relations and conducting better public information campaigns aimed at rooting out human trafficking.

Education work with law enforcement has substantially developed. While earlier such training sessions may have only been provided by specialists of international organisations or of Russian NGOs, today such training sessions are conducted by Russian professionals such as lawyers and criminologists. An example of such work is TraCCC's efforts focused on establishing a training model for investigators, and court system colleagues of the MIA, and prosecutors. Training modules provide criminal law case studies, developed by the Saratov TraCCC and the Saratov State Law Academy with support of leading Russian anti-trafficking experts.¹⁴⁵ After implementation of the training modules in pilot programmes of three Russian regions, the materials will be accessible for dissemination to interested regions or organisations.

In 2004-2005, the US Embassy's Federal Centre for Training of U.S. Law Enforcement Officers also collaborated with the Russian Ministry of Internal Affairs' Human Resources Department to provide training seminars for Russian law enforcement officers on specific issues and procedures in relations to human trafficking crimes. Seminars were held in various Russian regions during 2004-2005.¹⁴⁶

Key challenges in this work today are:

- Creating projects and programmes which are regular and systematic, rather than one-time, fragmented, and grant- dependent;
- Developing education programmes for specialists at different levels and in different organisations;
- Resolving financial problems and organisational support (e.g. where can the education programme be conducted in Moscow and in the regions; who can lead the training sessions; what should be the logical structure of education programmes for law enforcement and other specialists).

Existing "continued education" programmes are largely targeted towards law enforcement specialists. While programmes for other specialists have been developed¹⁴⁷, they remain limited in number; information and education methods addressing human trafficking for specialists from different professions have not yet been established and agreed upon. Clear definition of those specialists needing such training has not been developed. Practically no work has been conducted among employment bureaus, labour inspectors, tax inspection colleagues or other control agencies.

145. The Director of this programme was Dr. Louise Shelley.

146. Materials from the international academic and practical conference on issues of preventing and combating human trafficking, Rostov-on-Don, March 28 – April 1, 2005.

147. For example, the Perm Centre against Human Trafficking developed a programme for medical professionals, and the Moscow Sexual Assault Recovery Centre, Sisters, conducted education programmes for workers from the Ministry of Health and Social Development, as well as workers in the social sphere within different Moscow districts. A couple NGOs have also conducted training programmes for middle school teachers.

Prosecution practices show that human trafficking frequently involves a number of offences

2.4. Prosecution

2.4.1. Analysis of Crime Statistics

During these articles' first two years of enforcement, **only a few investigations were initiated and still fewer sentences were imposed.** Reasons for such a limited number of investigations include:

1. **Complexity of the offences' constituent elements**
2. **Lack of generally-accepted practice and of analytical materials and methods for detecting and investigating such offences**
3. **Low priority of such offences:** The priority for attention to these offences is a key factor for effective investigations, particularly in light of existing understaffing and limited material resources for use in investigations.

Table 9. Profile of Existing Cases Opened under Criminal Code Articles 127.1 & 127.2 for 2004

Articles	No Cases	Crime Location	Profile of Offenders	Profile of Victims	Application of Criminal Code Article
127.1	18 cases opened 4 cases gone to court (6 people sentenced)	<ul style="list-style-type: none"> • Moscow • Moscow Region • Republic of Chechnya (requalified to article 156 Criminal Code) • Northwest Federal District • Rostov-on-the-Don • Saratov Region • Udmurtia • Khabarovsk Region • Makhachkala 	<ul style="list-style-type: none"> • Majority under 40 years old • No previous convictions 	<ul style="list-style-type: none"> • All young women, 80% under 25 years old 	<ul style="list-style-type: none"> • Only for sexual exploitation cases of women (90% internal, 10% abroad) • Scope of article does cover other offences
127.2	8 cases opened 3 sentences	<ul style="list-style-type: none"> • Omsk • Murmansk • Tula Region • Chelyabinsk • Kemerovo • Tomsk • Primorsky Region 	<ul style="list-style-type: none"> • 67% of suspected offenders under 40 years old • 33% has criminal record for crimes such as rape, theft or assault 	<ul style="list-style-type: none"> • Every victim over 30 years old • Majority are homeless & unemployed 	<ul style="list-style-type: none"> • Cases largely involving slave labour exploitation of homeless, unemployed & similar risk groups • No case filed regarding migrant labour exploitation

4. **Institutional problems:** Investigations of these offences are generally conducted by criminal investigation departments, which also deal with murders and other serious offences that have a higher priority under the current system due to aspects such as the reporting system and investigators' higher skills in proving "old" clues.

For these reasons, a key objective currently is to improve detection and investigation of offences under these articles, as well as detection and identification of human trafficking victims.

Notwithstanding the above factors, question of whether 18 cases is a large or small number is not so simple. About 20 cases of human trafficking are investigated annually in the United States, despite the fact that the relevant legal statute was adopted six years ago in 2000. The challenge is not merely to increase the number of offences detected, but also to expand the sphere of application of the relevant articles. Today, that sphere is very narrow.

Indeed, article 127.1 was applied only in cases of women being trafficked for the purposes of sexual exploitation, internally within Russia (90% of registered cases) and from Russia to abroad (10%).¹⁴⁸ The article was practically not applied to people trafficked from other countries into Russia (e.g. from CIS countries). While no criminal proceedings were initiated under this article other than for human trafficking for the purposes of sexual exploitation, the scope of the article does cover other offences.

The challenge with articles 127.1 and 127.2 is not merely to increase the number of offences detected, but to expand the articles' sphere of application

PROFILE OF THOSE PROSECUTED UNDER ARTICLE 127.1.

Individuals subject to criminal proceedings under Article 127.1 are, typically under 40, with no previous convictions. These types of crimes distinguish themselves by their commercial nature, arising from the motivation to do "business." Analysts have paid particular attention to the existence of a link between these offences with drug trafficking. However, on the basis of initiated proceedings and cases under investigation, it has been impossible to establish such a link. Some experts believe that those participating in the business of human trafficking do not likely participate in drug trafficking, as human trafficking is profitable and involves much less risk than the drug trade; criminals try to avoid "asking for trouble by getting into a riskier business".

Debate among experts exists about reasons for traffickers' lack of previous convictions. Some experts maintain that typically, human traffickers are one of the types of so-called "new businessmen," i.e. young people who have decided to take advantage of the chaos in the legal system and the difficult economic situation to get rich through human trafficking. In some instances, it is possible to say they distance themselves from traditional types of crime such as assault or murder, when such acts could harm their business. However, these traffickers are capable of committing the cruellest offences, if it is a question of maximising their profit.¹⁴⁹ These arguments suggest that the majority of traffickers under article 127.1 have not likely been in prior criminal activities and, thus, have no prior convictions. However, other specialists maintain that absence of links to a criminal past and connection with drug trafficking offences among those subject to article 127.1 proceedings simply reflects a lack of experience and omissions on the part of the law enforcement authorities. (At the initial stages, it is easier to institute legal proceedings against "first-timers".)¹⁵⁰

148. Information was presented at the UN/IOM report's peer review meeting by A.V. Krasnov from the Investigation Committee of the Ministry of Internal Affairs.

149. Interview with B.Y. Gavrillov, Doctor of Legal Sciences, Deputy Head of the Ministry of Internal Affairs of the Russian Federation's Investigating Committee, Major General of Justice.

See also the comparison of Chinese and Russian models of human trafficking in the survey prepared by Louise Shelley entitled "Post-communist Transits and Illegal Smuggling of Migrants: Chinese Smuggling and Trafficking in Russian Women" in "Human Trafficking. A socio-criminological Analysis" under the editorship of E. Tiurukanova and L. Yerokhina. Moscow, Academia, 2002, pages 165 -186, or in English: Louise Shelley: "Russian and Chinese Trafficking: A Comparative Perspective" in "Human Traffic and Transnational Crime/ Eurasian and American Perspective". Ed. by Sally Stoecker and Louise Shelley, Rowan & Littlefield Publishers, Inc., NY, 2005, pp. 63-77.

150. Interview with I.N. Soloviev, Head of Judicial and Legal Protection Department of the Legal Department of the RF Ministry of Internal Affairs.

Human trafficking is a complex offence which tends to remain hidden

Article 127.2 was mainly applied in cases involving exploitation for the purposes of slave labour of the homeless, the unemployed and similar risk groups. No cases were filed in connection with migrant labour exploitation, despite the fact that labour exploitation is widespread within Russia. The Murmansk Investigation Department of the State Department of Internal Affairs¹⁵¹ initiated proceedings under article 127.2 on grounds of slave labour exploitation at a local factory of six homeless people. In Omsk, four homeless people, 3 of whom were diagnosed as mentally ill, were also identified as victims of labour exploitation.¹⁵²

Law enforcement authorities encountered difficulties in applying articles 127.1 and 127.2 for acts of coercion of children and disabled people into begging activities.¹⁵³ While E.B. Mizulina, Coordinator of the State Duma's Working Group on Trafficking¹⁵⁴, maintains that a sufficient legal framework exists under articles 127.1 and 127.2 for classification of such offences¹⁵⁵, detailed methodological explanations and recommendations on this subject are missing in Russia's domestic law, as well as in international resources including the UN Convention against Transnational Organised Crime and the Palermo Protocol. To enhance the effectiveness of holding people criminally responsible for such offences, a law or other normative document is needed to provide a clearer definition of "exploitation" and "servile status," with an explanation that exploitation for begging is included under these terms. Such clarification would assist law enforcement authorities to classify such acts under these articles.¹⁵⁶

While the Russian criminal code regards these offences as serious and very serious crimes, courts frequently hand down relatively light sentences.

A climate of intolerance towards such offences should be encouraged among the public, and the professional community, including judicial authorities. Cases of human trafficking should be treated as serious crimes against the person.

International and domestic trafficking prosecution practices show that human trafficking frequently involves a number of offences. Constituent elements of a trafficking-related offence often include falsification of documents, organisation of brothels, enticement into prostitution, rape, and establishment of organised crime groups. Human trafficking for the purposes of slave labour exploitation mainly involves infliction of serious bodily harm (battery), assault, restriction of freedom, humiliation (defamation), or threats.

When **classifying such offences**, all elements should be taken into account, with the understanding that the **main element is that of human trafficking. In practice, only a**

151. Investigation was conducted by officials from the Murmansk municipal prosecutor's office.

152. Interview with B.Y. Gavrilov, Doctor of Legal Sciences, Deputy Head of the Ministry of Internal Affairs of the Russian Federation's Investigating Committee, Major General of Justice.

153. Discussion at the conference, New Criminal Legislation In Russia: Cooperation between Law Enforcement Authorities and NGOs against Human Trafficking, held in Nizhny Novgorod in April 6-7, 2005.

154. Ms. Mizulina is also Permanent State Duma Representative at the Constitutional Court and Deputy Head of the Legal Division of the State Duma's Administration.

155. Inclusion of "servile status," as an element of exploitation, provides the legal grounds for acts of human trafficking for the purpose of begging to fit under the given criminal articles.

156. Material from presentation by E.B. Mizulina, Plenipotentiary Representative of the RF State Duma in the Constitutional Court, head of the inter-agency working group developing anti-trafficking legislation under the RF State Duma Committee on civil, criminal, arbitration and procedural legislation.

partial classification of the crime is achieved; only those constituent elements which are easier to prove are accounted, while the substantive offence remains “out of the picture”. This situation was seen in the investigation on charges of the trafficking of two minors, which was initiated under article 127.1 in the Chechen Republic but then reclassified under the criminal article 156, “Negligence in the Upbringing of a Minor.”

When classifying such offences, all elements should be taken into account

Most criminal proceedings under article 127.1 have been connected with activities of organised crime groups, which have underscored the stance that such offences are a form of organised crime. Under part 3 of article 127.1, two criminal cases were conducted, sentencing five individuals, all of whom implemented human trafficking within organised crime groups.

Almost all cases brought under article 127.2 are currently investigated by the State Prosecutor’s office, based on the premise that crime elements in these offences can be as serious as murder. In contrast, the Ministry of Internal Affairs investigates cases brought under article 127.1. Investigations of trafficking-related offences which would allow the combined efforts, as needed, from the Ministry of Internal Affairs, the State Prosecutor’s Office, and the Federal Security Service, would enhance the effectiveness of investigations of these offences.

Key steps in prosecuting human trafficking cases are as follows:

- Identification of human trafficking cases and uncovering of an offence (by means of efficient use of proactive and reactive strategies)
- Classification of an offence and initiation of criminal proceedings
- Collection of evidence and investigation
- Issues concerning victims’ cooperation with investigations and the victims’ behaviour (Given fears and potential dangers, victims may refuse to participate as witnesses in criminal investigations)
- Conviction and classification of human-trafficking-related offences
- Protection of victims and witnesses, through cooperation by the law enforcement authorities with NGOs
- Preventive work

Human rights advocates emphasise the importance for law enforcement authorities to adopt approaches based on the **priority of human rights** and of the **situation and interests of the**

SUBSTANTIVE OFFENCES REMAINING “OUT OF THE PICTURE”

- An example of only partial classification of a crime under criminal article 127.1 can be seen through a Saratov Oblast court proceedings. The Saratov Oblast Prosecutor’s Office brought a case to the court which charged Savitsky, a Saratov citizen, for recruitment of women with the goal of sexual exploitation in Germany. Savitsky was sentenced to 3 years and 6 months imprisonment, but the act was only classified under criminal article 127.1’s part 2, i.e. “completion of an act with use of falsified documents.”
- Organised crime group members, from the Gogolev, Ermakov, Peredn and Mavrinsky Groups, were sentenced with 8 to 9 years imprisonment for the recruitment and coercion of 3 Orenburg Oblast citizens into the sex industry.

(The criminal case was investigated by the Investigation Division of the Orenburg Oblast’s Department of Internal Affairs.)

human trafficking victims. Such approaches are only possible when active cooperation exists between law-enforcement authorities and civil society (NGOs) within the specific stages of operational, investigatory and other procedures conducted for the purpose of uncovering and investigating human-trafficking-related offences in the most efficient way.

2.4.2 Peculiarities of Uncovering and Investigating Offences related to Human Trafficking

Human trafficking is a complex offence which tends to remain hidden. For this reason, strategies and techniques that identify human trafficking play a critical role. Detection and investigation of these offences involve serious challenges, due to the specifics of working with trafficking victims and their frequent refusals to cooperate with law enforcement authorities. Work with trafficking victims requires specific knowledge, experience and qualifications of law enforcement officers, investigators, prosecutors, defence lawyers and judges. Consequently, it is critical that a system for information sharing, training and technical assistance is developed for officers from various law enforcement authorities, especially for those law enforcement officers who frequently are among the first to come across the crime and into contact with victims.

2.4.2.1. Need for a Proactive Strategy in Detecting and Investigating Offences

International documents encourage law enforcement authorities to be proactive in detecting and investigating human-trafficking-related offences, i.e. to **independently initiate procedures** focused on detecting and investigating such offences. While proactive investigation is important for many offences, it is of particular importance when dealing with human trafficking, as human trafficking victims are rarely prepared to take initiative to report the crime, testify, or provide evidence. Anti-trafficking expert, T.V. Kholshchevnikova, expresses the view that "instead of waiting for a victim to appear and give evidence of the offence committed against her or for some brave NGO to report to a trafficking case, law enforcement authorities should expose the traffickers themselves."¹⁵⁷

A **proactive strategy** will depend on the nature of the offence and may include the following factors:

- **Searches of residential and office premises** in order to detect brothels or sweat shops;
- **Monitoring of facilities suspected of providing sexual services** (street prostitution, brothels, hotels, pubs, clubs, saunas, massage parlours, and escort agencies, etc.);
- **Monitoring** of construction sites, markets, railroad stations, and other **"high risk" locations** in terms of the incidence of human trafficking and slave labour;
- **Raids on "illegal labour exchanges"** (where there are many migrants);
- **Monitoring of media announcements** on billboards, and at bus stops and railway stations. Such practices are especially efficient in detecting prostitution

157. Interview with T.V. Kholshchevnikova.

and cases of sexual exploitation; experts refer to advertising as the “Achilles’ heel” of sex-traffickers.

Anti-trafficking efforts are impeded by corruption among law-enforcement officers, who take a cut from the incomes of trafficking “bosses” of the places listed above, and the limited access that uncorrupted officers have to such places. For example, expert evidence regarding the situation at Moscow’s Cherkizovsky Market, which is controlled by Azerbaijanis, found that not every police officer “would risk sticking their nose in market affairs”.¹⁵⁸

Facts from criminal investigations opened under articles 127.1 and 127.2 in 2004 and 2005 reflect that these cases were not handled as proactively as they should have been. Generally, legal proceedings were initiated based on reports from trafficking victims or their relatives; in response to other “signals” received; or as a “side-effect” during the investigation of other offences (e.g. trade of counterfeit goods, operation of a brothel or enticement into prostitution). This situation was particularly the case for acts relating to article 127.2.¹⁵⁹

With understaffing and limited resources, priorities for proactive approaches should take such factors into account and involve a system of intra-agency monitoring of the detection and investigation of such offences.

Although experts advocate for proactive detection and investigation methods, reactive methods nevertheless play an important part, i.e. the **development of an appropriate and effective response on the part of law enforcement authorities** in circumstances requiring urgent reactions,¹⁶⁰ which could include:

1. **Victim’s reporting of a human-trafficking crime;**
2. **Identification of a trafficking victim during various police raids or investigations**, where police objectives may have been directly focused on uncovering human trafficking offences, or may have been for other purposes such as detection of illegal migrants, sweat shops, brothels, or drug trafficking channels;
3. **“Third party”¹⁶¹ contact** providing information about a suspected trafficking location;
4. **Evidence reaching the police** about a human trafficking offence; or
5. **Mass media publications** regarding specific human trafficking violations.

Law enforcement specialists stress that they lack relevant knowledge for successful detection and investigation of such complex offences. Training programmes for law enforcement officers are needed, covering issue such as explanation of the nature and specifics of human trafficking offences; causes and effects; and methods for identifying trafficking victims and traffickers.

The type of crime detection procedures needed depends on the form of human trafficking. Detection of human trafficking involving sexual exploitation is usually fairly easy to detect, as

¹⁵⁸. Interview with V. Zaikin, Moscow Government (interviewed by E.V. Tiurukanova in the course of a TraCCC project (Transnational Crime and Corruption Centre, Washington D.C.)).

¹⁵⁹. During this report’s peer review meeting, A.V. Krasnov stated that 85% of the cases opened under article 127.1 was based on a proactive strategy of law enforcement, thus reflecting effective responses by law enforcement authorities of operative information.

¹⁶⁰. Regional Standards for Anti-Trafficking Police Training in SEE. Training Manual. International Centre for Migration Policy and Development. Vienna; www.icmpd.org; www.anti-trafficking.net.

¹⁶¹. A “third party” could be a NGO worker, a social worker, an educational institution representative, or other organisation colleague contacted by the victim, the victim’s relatives or friends or any other private individual or organisation.

The hidden nature of labour trafficking crimes is high

these forms of trafficking display themselves “in public,” through advertising or sale of an “end product.” In Russia and abroad, a method widely applied to uncover such crimes is the “faking an interest in the offered goods.”¹⁶²

In contrast, detection of human trafficking cases involving slave labour is considerably more difficult. The chain of labour trafficking frequently ends at a sweat shop, a manufacturing shop floor, or a construction site, all of which are usually well hidden; function under legal ventures; and do not draw attention through advertising. “Faking an interest in the goods on offer” and other similar techniques are not applicable in this context. The hidden nature of these criminal offences is much higher. For example, detection of “domestic slavery” victims is highly unlikely, unless the victims themselves, or their neighbours, friends, guests or other chance acquaintances report the crimes. As a result of the latency of slave labour trafficking cases, existing human trafficking statistics largely report about trafficking for the purpose of sexual exploitation; existing data, in turn, feeds the misconception that human trafficking primarily involves sexual exploitation of women.

Dispelling this myth and developing effective methods for detecting slave labour trafficking violations is particularly important for Russia, given its large scale exploitation of individuals in the “shadow economy.” While current practices detecting ventures and structures within the shadow economy are applicable, increased cooperation between criminal investigation and labour inspection departments¹⁶³ and those bodies supervising the local economy may prove fruitful. **Among applicable methods to better detect slave labour violations, experts emphasise the following:**

- **Raids on “retail outlets”**, i.e. examining documentation of the products for sale. “It is often easier to uncover use of slave labour at the point of retail of such products, than at the manufacturing stage. Following the chain back to the

BASIC SOURCES AND TYPES OF INFORMATION USED IN DETECTING AND INVESTIGATING OFFENCES

Sources of information include:

1. The victim
2. Local law enforcement and customs officers
3. Monitoring of advertisements in the mass media for sexual services
4. Agents, informers
5. General population
6. Journalists, mass-media publications
7. Members of various organisations (e.g. employees of night clubs, or construction sites), who have witnessed a crime
8. Law enforcement authorities’ databases at local, regional, national and international levels (e.g. Territorial agencies and Departments of the Ministry of the Internal Affairs, Interpol, SECI Centre, Black Sea Task Force, the CIS database)
9. Data from other organisations, such as the Ministry of Foreign Affairs, social services, chambers of commerce, migration agencies, or air- and rail carriers

162. From an interview with I.N. Soloviev, from the International Legal Department of the RF Ministry of Internal Affairs.

163. From an interview with an officer of Federal Labour Inspection (TRACCC project).

“manufacturer” then enables one to check whether manufacturing of the item involved use of slave labour. In this process, officers from the Department for Combating Economic Crimes and labour inspectors must cooperate with criminal investigation departments and the Department for Combating Organised Crime.”¹⁶⁴

- **Raids on illegal and shady labour markets**, such as Yaroslavskoye Shosse in the Moscow Region.
- **Monitoring of mass media and internet advertising** for dumping prices of products.
- **Check-ups on warehouses, factories and similar premises** in private ownership, where slave labour of migrants and other citizens could be used.

Only a handful of prosecutions initiated under article 127.1 reached the courts with the same classification

2.4.2.2. Judicial Practice¹⁶⁵

Given that Russia adopted human trafficking legislation only two years ago, There has not been a sufficient amount of judicial practice for a substantive analysis. Currently, it is possible only to make a few observations and conclusions:

1. Classification of Crime

From the few prosecutions initiated in 2004 – 2005¹⁶⁶ under article 127.1, only a handful reached the courts with the same classification. Since the enforcement of criminal liability for human trafficking, the courts have made seven verdicts under article 127.1 regarding nine people, where in two cases the accused were acquitted under article 127.1 but

CHARGES UNDER RF CRIMINAL CODE ARTICLE 127.2

- The Murmansk Procuracy brought a criminal case to the court with charges of use of slave labour of five citizens for cleaning the territory of an industry business. Murmansk’s Leninsky district court found Murmansk citizen, Ukhanov, guilty under part 2 of article 127.2, sentencing him to five years imprisonment.
- In the Tomsk Oblast’s Tiukalinsky district court, Omsk citizen, Zhuandykov, was found guilty for use of slave labour of three individuals in work at an adjoining farm land under part 2 of article 127.2 and was sentenced to three years imprisonment. (This sentence was joined with sentences on other criminal charges, resulting of a total of four years imprisonment.)
- In the Tulsy Oblast’s Leninsky district court, Tulsy Oblast citizen, Kozlova, was found guilty under part 1 of article 127.2, for use of slave labour of one individual work who worked in a subsidiary farm, and was sentenced to 2 years imprisonment. This sentence was joined with sentences for other criminal charges, resulting seven years and one month imprisonment.
- In Chelyabinsk Oblast’s Kataev-Ivanovska, the prosecutor’s office brought a case to the court charging two citizens, Sokolov and Kalinin, with the use of slave labour of four individuals in a pig farm and car park. The Ashinsky city court found Sokolov guilty under part 2 of article 127.2 and sentenced him to four years imprisonment. Kalinin was acquitted.

164. From an interview with an official from the Department for Combating Economic Crimes.

165. Information and analysis in this section was presented by A.V. Krasnov, Division Head for Crimes in the Drug Industry, Trafficking in Human Beings and Committed by Ethnic Crime Groups under the Ministry of Internal Affairs’ Investigation Committee’s Department for Issues of Organised Crime and Corruption (Division Head, A.N.Matveev), in the form of expert review of the given report.

166. Data for 2005 was reviewed for the period up to November 1, 2005.

In many cases, classifications of crimes were changed in the course of the investigation to the old, more “familiar” offences

found criminally accountable under other criminal articles. Sentences of three to four years imprisonment were made for these crimes. From the nine accused, two cases were under part 2 of article 127.1 regarding child trafficking, and four were held criminally liable.

In many cases, the classification of the crime was changed in the course of the investigation to the old, more “familiar” offences for investigators and members of the prosecution. Typically, cases starting out under human trafficking violations were reclassified to such offences as establishment of an organised crime group; document forgery; management of brothels; rape; or involvement in prostitution. Even where cases reached the courts under the “human trafficking” classification, this classification was sometimes disregarded in the course of the judicial proceedings, with sentencing being given under other articles.

2. Criminal Liability under

a. criminal code article 127.1

Analysis of court decisions show that while most decisions under part 2 of article 127.1 have the same sentence length, between 3.5 to 4 years imprisonment, a much wider range of sentences exist for part 3 of this article, ranging from 4 years imprisonment to 9 years imprisonment. This large

CRIME RECLASSIFICATION

(1) RF CRIMINAL CODE ARTICLE 127.1

In December 2004, the Investigation Department of Moscow’s Vishnyaki District brought a case to the courts, charging citizens Osipov and Zakharov for the recruitment of three minor girls from the Chuvasia Region. These girls were transported to Moscow where they were forced into sex work. The Perovsky regional court acquitted the accused from the charge under part 2 of article 127.1, as presented evidence lacked an element of the crime. However, under this same sentence, Osipov was found guilty under part 2 of criminal article 241, “Organisation of Prostitution with involvement of a minor,” and part 3 of article 240, “Attraction of a Minor to Prostitution,” and sentenced to five years imprisonment. Zakharov was sentenced to two years probation under part 1 of article 241, Organisation of Prostitution. Like Osipov, evidence provided against Zakharov was insufficient to find criminal liability under article 127.1.

In the Moscow city court in March 2005, the court collegium brought an appeal ruling regarding the above criminal cases which turned over the former decisions and sent the cases back for further investigation. In April 2005, the Perovsky district court ruled to reopen a criminal case to Moscow’s Perovsky interregional prosecutor’s office for removal of barriers of its review in court. In September 2005, a criminal case was sent back to the court, for which no court decision has yet been made.

(2) RF CRIMINAL CODE ARTICLE 127.2

- In 2005, an accused in one case under part 2 of article 127.2 was acquitted and in another case under the same provisions an accused was found guilty and sentenced. In a third case, which was initiated under part 2 of article 127.2, the accused was acquitted under this article but was held guilty under criminal articles 116, 139 and 161.
- In the Tomsk Oblast, the Chainsky Regional Prosecutor’s office brought to the court a criminal case against citizen Mustafaev for the use of slave labour of two individuals for working in the construction of a garage. The Chainsky District Court brought a guilty verdict under part 1 of article 330 of the criminal code with a sentence of a 10,000 rouble fine (approximately \$345 USD). Criminal investigation under part 2 of article 127.2 was terminated based on point 2 of part 1 of criminal article 24.

variation in sentences reflects the absence within the court system of a consistent and coordinated approach towards decisions regarding acts under criminal article 127.1.

b. criminal code article 127.2

For 2004 and 2005, five criminal court decisions involving six individuals were brought under article 127.2, “use of slave labour.” In four of the criminal cases, four accused were held guilty and sentenced under article 127.2.

Law enforcement also faces challenges in classification and investigation of cases under article 127.2. Sometimes the court does not allow classification of the charge under part 2 of article 127.2 and the case is reclassified under a different criminal article.

3. De-criminalisation of Child Trafficking

The situation concerning the trafficking of children is worthy of particular consideration. Russia’s former criminal code article 152 (trafficking in minors), repealed after the enactment of article 127.1, was not only “easier” for investigation and prosecution (as under article 152, there was no evidence requirement to prove existence of “exploitation”), but also for court’s proceedings and sentencing. Experts believe that since the repeal of this article, the number of convictions of “trafficking in apparent minors” (article 127.1, paragraph 2, point. b) has fallen sharply.

Analysis and summarising of case practice under criminal articles 127.1 and 127.2 should be conducted in the near future to address existing gaps.

2.4.3 Work of Law Enforcement Authorities with Human Trafficking Victims

Experts from international and human rights organisations stress the need for law enforcement authorities to introduce into their work practices:

1. a human rights approach, and
2. a victim-centred approach.¹⁶⁷

Effective application of human rights and victim-centred approaches by law enforcement authorities will only be possible with close collaboration with NGOs and other civil society members at every stage of the investigation proceedings, as expertise on providing victim-centred assistance is largely found today within the NGO community.

While isolated best practices of close coordination among law enforcement authorities and NGO specialists exist, lessons learned from these experiences have not been widely disseminated or institutionalised. As a result, there exists insufficient cooperation among law enforcement and civil society colleagues, due to the lack of appropriate cooperation mechanisms. Currently, decisions for such collaboration are at the discretion of each investigator, i.e. choosing whether or not to engage an NGO representative to work with a victim.

167. From an interview with G. Vitkovskaya and M. Melnikova (IOM); L. Grafova (a human rights activist, from the “Forum of Resettlement Organisations” NGO), M. Mokhova (Moscow Sexual Assault Recovery Centre, Sisters), and F. Sinitsyn (Perm Centre against Human Trafficking).

Experts believe that since the repeal of criminal code article 152, the number of convictions of “trafficking in apparent minors” has fallen sharply

Effective application of human rights and victim-centred approaches requires close collaboration with civil society members

2.4.3.1. Basic Principles for Contact with Human Trafficking Victims, implementing Human Rights and Victim-Centred Approaches

For effective responses, law enforcement authorities should strive to provide human trafficking victims with the care and priority attention given to serious crimes, and should avoid acts or behaviour which could re-victimise or inappropriately characterise the victim as a “criminal.”

While these are guiding principles for effective responses, existing work practices in Russia show that these principles are often violated.

The physical safety of human trafficking victims and their relatives throughout the investigation process is the responsibility of the investigating authorities. Physical safety, emergency medical care and psychological support are basic human rights and must be guaranteed, irrespective of a victim’s willingness to cooperate with investigating authorities.

Factors for consideration in enhancing existing responses to better incorporate human rights and victim-centred principles include the following:

1. Under Legislation

Russian legislation on combating human trafficking is currently limited to a normative criminal law, which does not provide sufficient security guarantees for human trafficking victims. Furthermore, no legal grounds exist regarding legalisation of migrants located in Russia, who have become victims to human trafficking. Introduction of special visa options, such as the United States’ T-visa for human trafficking victims, could be a potential policy action to enhance greater victim-centred approaches.

2. Role of the Investigator

Under a victim-centred approach, investigators should assess, throughout the investigation and court proceeding stages, the victim’s risks as regards to his/her physical safety or the safety of his/her relatives. In cases where the victim testifies in court, additional attention to potential risks may be required even after the completion of the criminal process.

From the beginning of investigatory activities, law enforcement officers must assess possible threats from traffickers, especially if the crime was committed by an organised crime group. In this assessment, the investigator should inform the victim about risks and responsibilities associated with decisions such as providing witness testimony. The investigator should also inform the victim about available means of support, assistance and protection; trauma caused to the victim by traffickers should not be aggravated by investigation or court proceedings.

While there are conscientious law enforcement officers who currently carry out such assessments, many law enforcement officers do not receive adequate guidance and support to implement such approaches.

3. Role of Civil Society (NGOs)

NGOs in Russia have played a critical role in providing crisis response assistance, including psychological support, to victims of violence. As a result, NGOs frequently have the expertise

needed by law enforcement authorities and governmental agencies for effective victim-centred responses, underscoring the importance of cooperation of law enforcement authorities with NGOs.

Currently, cooperation with NGOs largely depends on the “good will” of the investigator or senior investigating officer. There is a need to institutionalise the role of NGOs and other civil society members in providing victim assistance throughout an investigatory process. In addition to a regulatory document, making these functions part of the investigator’s official duties, a list of addresses of relevant governmental agencies, non-government and international organisations is essential. Law enforcement authorities could use this list as reference for contacting during the investigation and for directing a trafficking victim for counselling or assistance.

Independent of a victim’s willingness to provide witness testimony, physical safety, emergency medical care and psychological support must be guaranteed

2.4.3.2. Victim Identification

As the police on the beat are usually the first official people to come directly in contact with human trafficking victims, it is critical that these officers are able to promptly identify the victim as such, rather than as a suspect in crimes that commonly arise under human trafficking situations (e.g. infringement of immigration law, use of falsified documents, or prostitution.) An officer must understand the nuances behind human trafficking, e.g. a victim’s “violation” of a law is a direct result his/her vulnerability and loss of control over the situation.

An officer faces several key challenges in identifying a trafficking victim. On the one side, there is the potential risk of a “false” trafficking victim, who is claiming to be a human trafficking victim to escape punishment for other offences, such as those noted above. However, on the other hand, true human trafficking victims are commonly inhibited from recognising themselves as human trafficking victims for reasons such as fear, ignorance of the law, or poverty and willingness to continue working even in exploitative circumstances. Given these factors, an officer should make a presumption in favour of the individual claiming to be a human trafficking victim.

Special attention should be paid to the **age of the victims**. Frequently, the true age of minor girls, who are victims of human trafficking for sexual exploitation, is concealed. Underage girls often have no means of identification with them, or have falsified documents, which the traffickers used to move them. Special investigative measures are needed to establish whether or not these victims are minors.

In identifying human trafficking victims, law enforcement officers should conduct the following steps:

1. If an individual claims to be a human trafficking victim, the officer is obliged to treat him/her as such until relevant checks have been made. Thus, the officer must
 1. carry out a risk assessment;
 2. take all necessary steps to ensure physical safety, providing the victim with all necessary medical and psychological assistance and access to those services made available by international and non-governmental organisations; and
 3. not permit the victim to be treated as a criminal in relation to other offences, resulting in the threat of detainment or arrest.

Law enforcement officers must conduct comprehensive analyses of circumstances to identify the victim

2. The law enforcement officer must also carry out a comprehensive analysis of circumstances to identify the victim and to check the information received from him/her concerning the committed offence. Analysis must be based on three major components:
 1. **Compliance of the committed offence with the definition of human trafficking** and its three components (action, means, objective), and in Russian practice, two components (action and objective);¹⁶⁸
 2. **Identification of a suspect as a trafficker:** Here, the officer must answer the question, What did the suspect intend to do with the victim?; and
 3. **Identification of the victim of the crime as human trafficking victim**, which requires the establishment that the actions (e.g. recruiting, transportation, transfer) were committed against the alleged victim for the purposes of exploitation, and that the alleged victim was indeed exploited.

2.4.3.3. Behaviour of Victims

At the initial stage of the investigation, victims may behave in different ways:

- Complete willingness to cooperate and testify against the traffickers – Experts maintain that this behaviour is rarely encountered among victims.
- Willingness to provide information, but refusal to testify formally in court and or undergo the necessary legal procedures.
- Complete unwillingness to cooperate, which occurs relatively frequently.

When the law enforcement authorities become aware of a human trafficking victim, usually the victim is frightened, confused, traumatised both physically and mentally, and is in a condition of stress. Specialists also note a tendency for victims to display aggression and reluctance to cooperate with the investigator, frequently expressed through refusing to answer questions, giving of unreliable information, or being rude.

Under these circumstances, the investigator may feel challenged in implementing human rights and victim-centred principles. The victim's refusal to cooperate with law enforcement officers may be an indication that he/she is not really a victim of a crime but, is trying to hide his/her own offences; or, on the contrary, it may be an indication that he/she really is a human trafficking victim, afraid of answering as a result of threats or intimidation from traffickers concerning any attempt to seek assistance. The second scenario of a trafficking victim's behaviour, i.e. to refuse to cooperate with the investigation, is much more often the case.

As a result, law enforcement must develop "preventive" investigation methods, based on information gathering in the field that guarantee efficient detection, investigation and court proceedings without relying on a victim's testimony.¹⁶⁹

168. The Russian anti-trafficking law (Article 127.1 of the RF Criminal Code) omits the second component of the Palermo Protocol's human trafficking definition. For this reason, the crime and the victim are identified without regard to this second component. For more detailed analysis comparison of the Palermo Protocol's definition versus the Russian law definition see section 1.1 in chapter 1.

169. See the Brussels Declaration for a discussion of such preventative investigation methods.

2.4.3.4. The Victim as a Witness

Treatment of a victim willing to testify against traffickers should be based on a humanitarian approach and respect for the victim's human rights:

1. **A trafficking victim must be given time to make a balanced and deliberate decision concerning his/her consent to cooperate with the investigation.** Pressure exerted on the victim by law enforcement authorities is not admissible. The officer should explain clearly to the victim about the type of information that the officer needs for the investigation.
2. The **investigator and other law enforcement officers working with a victim must create an atmosphere of trust and safety for the victim**, to prevent the victim from additional trauma in providing his/her testimony. When giving evidence, there is the threat that the victim could relive his/her traumatic past, potentially even experiencing post-traumatic stress.
3. **Investigatory practice has four basic aspects**, which are particularly important for human trafficking victims:
 1. the **victims' own personal safety and that of their relatives**;
 2. **possibility of being awarded legal status in the country they have arrived in**;
 3. **need to keep victims separate from their persecutors** (through the possible use of audio- and video testimony); and
 4. **keeping confidential their personal data**, especially when victims have been exploited for prostitution.
4. In the course of the investigation and court proceedings, it is essential that an **independent consultant be made available who is able to advise and assist the victim**, ensuring that the victim's human rights are observed and personal safety guaranteed.
5. **A victim should be assured that he/she will not have to meet personally or be in any contact with the suspect at any stage of the legal proceedings.** A victim should not have to testify in the presence or within sight of the suspect, i.e. having the opportunity of giving audio or video evidence or of testifying from behind a screen.
6. **Adequate risk assessment and follow-up measures to secure a victim's personal safety must be made for a victim providing evidence**, particularly in light of heightened risks such as retaliation from organised crime groups.
7. **A victim should be provided with residency and work permits for the country he/she has arrived at, and be fully informed about further proceedings.** Specifically, the victim should be told when he/she will be summoned to testify before the court, and what will be his/her fate after the court hearing, i.e. whether he/she will be permitted to stay in the country pending the completion of the court case, or will be repatriated to his/her country of origin after the hearing's completion.
8. **Measures should be taken to protect personal information.**¹⁷⁰

Currently, Russian legislation does not provide sufficient guarantees of protection to individuals who have been recognised as human trafficking victims. Experts stress the need for monitoring

170. Interview with V. Lukin, Federal Human Rights Ombudsperson under the RF President, and S. Yagodin, official from the Human Rights Ombudsperson office (TRACCC project).

Law enforcement officers must develop “preventive” investigation methods that guarantee effective detection, investigation and court proceedings without relying on a victim's testimony

Treatment of a victim willing to testify should be based on a humanitarian approach and respect for the victim's human rights

to ensure adoption of the human rights and victim-centred approaches within detection and investigation of such crimes. The Human Rights Ombudsperson System could conduct such monitoring at the local level.

Experts also stress the need to root out prejudices against human trafficking victims and approaches which are inconsistent with human rights principles and humane treatment.

Protocols should be adopted, which govern the cooperation procedures between law enforcement authorities and other governmental agencies, and law enforcement authorities and NGOs assisting the human trafficking victims, with the goal of institutionalising such cooperation.

2.5. Protection of and Assistance to Human Trafficking Victims

2.5.1. Causes for Weak Protection and Assistance Responses for Human Trafficking Victims in the Russian Federation

The Government's anti-trafficking efforts to-date have largely been aimed at developing and adopting legislation that criminalise human trafficking, as well as reviewing and fine-tuning law enforcement practices concerning human trafficking-related offences. However, little has been done by the Government to fully address protection issues for human trafficking victims. Until recently, NGOs and international organisations initiated actions to respond to human trafficking victim's protection needs. NGOs' protection activities for these victims have been challenged and limited by the difficulty of working with human trafficking victims; the lack of needed resources, both in terms of finance and staffing; and the virtual absence of state support. Many NGOs choose to restrict their activities either to running preventive informational programmes to raise awareness of the problem among the public and at-risk groups, or to provide a limited range of direct services to human trafficking victims. Direct services provided by NGOs are mostly in the form of psychological assistance and hotline counselling, rarely are such services able to provide shelter assistance, legal counselling, job placement services or rehabilitation support.

While the government has made progress on legislative and law enforcement anti-trafficking developments, the state has yet to implement extensive human trafficking victim protection schemes and systems, covering the whole process from victim identification through to reintegration and support once they have left their refuge. Overall, victim protection and assistance is the weakest component of the Russian anti-trafficking strategy.

Objective and subjective reasons exist for this weak link in the current Russian anti-trafficking strategy.

Among the objective reasons is the difficulty in identifying human trafficking victims, particularly given that victims themselves frequently do not want to be "found out,"

actually trying to hide their situations. This challenge is faced not only among women victims of sexual exploitation, but also among those who have been used as slave labour. Research¹⁷¹ shows that victims of slave labour, like those of sexual exploitation, are often afraid and may themselves be “involved” in criminal offences, from illegal migration and use of fake documents to drug distribution or other serious offences. Secondly, the victims often perceive that their only option for surviving is to live as slaves. Under this situation, government and community organisations are faced with the issue of the potential “harm” they might inflict to such victims, even though the activity of the organisations are aimed at defending victims’ rights.

The “lack of victims” phenomenon described above is common in all countries, but in Russia and other countries where the level of public trust in the government remains low, it is particularly grave. Having no confidence that the government will protect and assist them, human trafficking victims are frequently unwilling to cooperate with the investigation and, more often than not, do not contact state agencies for help.

Subjective reasons for victim support weaknesses in Russia’s anti-trafficking strategy may include the low priority given to human rights by the Russian state, as an institute, in general and among the law enforcement authorities in particular; and the lack of cooperation between state authorities and NGOs.

Financing issues are also vital for organisations working to protect and assist human trafficking victims. This applies to:

1. financing for state programmes from the national budget;
2. state financing of NGOs; and
3. activities of international sponsors of governmental and non-governmental initiatives.

Of the three sources just mentioned, only international financing of government and non-government initiatives operates at the moment, and there are problems even with the policy of such donor organisations which threaten the continuity and sustainability of work to combat human trafficking. Guarantees of consistent and sustainable anti-trafficking responses will only be possible when effective forms of cooperation between the state and NGOs are found, with the existence of mutually acceptable funding mechanisms from the state budget and from other sources. Financial issues particularly affect assistance responses for human trafficking victims, as the most demanding activities require substantial financial investment as well as participation of qualified experts. Continuous and stable financial support is particularly important for issues such as shelter support. It is impossible to provide such assistance under the current circumstances, where guaranteed financing for an organisation to establish a shelter is merely available for a year or two through international donors; the process of merely organising a shelter would likely itself take a year. It is for this reason that some NGOs refuse to work in organising shelters.¹⁷²

171. Yerokhina. “Forced Labour in Current Russia.”

172. Interview with M. Mokhova, Director of Moscow Sexual Assault Recovery Centre, Sisters.

Continuous and stable financial support is particularly important for issues such as shelter support

2.5.2. Key Protection Concepts in the Russian Context

The **system of protecting human trafficking victims and assisting them includes, in all countries, not just Russia, two basic components:**

- The **first part covers all victims of human trafficking and is based on common human rights standards.** It offers protection to those whose fundamental human rights have been blatantly violated.
- The **second part covers only those human trafficking victims who have agreed to cooperate with the investigation** to uncover the crime and to punish the offenders. Here, victims also act as crime witnesses. This part of the system is based on the state's obligations, established by legislation, to protect witnesses and the investigation and judicial process.

In 2004, a European experts group on human trafficking even used in its report different terms to distinguish between these two types of human trafficking victims: “trafficked person” and “victim of trafficking,” i.e. someone who has suffered from trafficking, and a victim of trafficking officially recognised as such in the course of an investigation or judicial proceedings and acting as a witness.¹⁷³

Use of such classifications promotes a more practical approach in defining components of a system for human trafficking protection and assistance in Russia. The first type of human trafficking victim protection and assistance, i.e. general support to victims, is typically provided by international institutions and national NGOs. While state involvement remains important for general support, the second type of assistance, i.e. assistance to human trafficking victims providing witness testimony in investigatory or judicial proceedings, mandates state authorities' involvement, with the victim having access to state witness protection programme services and with the establishment of mechanisms for cooperation between the state authorities and NGOs.

All international anti-trafficking documents stress that **some form of protection and assistance should be offered to all human trafficking victims, irrelevant of whether they agree to provide witness testimony.** The Palermo Protocol places special emphasis on the need to protect all human trafficking victims with full respect for their human rights. This principle is particularly important for law enforcement authorities to remember when encountering difficulties in identifying human trafficking victims and obtaining their consent to give witness testimony. Under this principle, law enforcement officers should also strive to “decriminalise” potential “accompanying” offences committed by human trafficking victims, such as violation of migration rules, prostitution, or use of fake documents. In anti-trafficking conferences and seminars, law enforcement officers numerous times highlighted inconsistencies in the Russian anti-trafficking law, which prohibit a human trafficking victim from refusing to testify against human traffickers.¹⁷⁴

173. Draft Report of the European Experts Group on Trafficking in Human Beings discussed at the Consultative Workshop within the Framework of the EU Forum for the Prevention of Organised Crime (Brussels, 26 October 2004).

174. For example, article 308 of the Russian Criminal Code treats a witness's or victim's refusal to testify as a criminal offence. However, refusal to give evidence against oneself or one's relatives is not a criminal offence (Commentary to article 308 of the Russian Federation Criminal Code). These perceptions by law enforcement officers were expressed at anti-trafficking conferences held by the State Duma working group in Russia's district capitals, as well as at a number of training seminars for personnel from the Russian Ministry of Internal Affairs' authorities, organised by the Russian Federation's Ministry of Internal Affairs with the cooperation of the US Ministry of Justice's Office at the US Embassy in Moscow.

2.5.3. Governmental Protection and Assistance Programmes

Special legislation is needed which would cover the whole spectrum of human trafficking victim protection issues

Until March 2005, Russia effectively lacked the second component of the proposed system for human trafficking protection, i.e. giving victims of trafficking legal status and protection specific to needs in providing witness testimony. However, as of **1 March 2005, Russia's federal law, "On State Protection of Victims, Witnesses and Other Participants of Criminal Judicial Proceedings"** altered the existing situation. Despite limited application to-date and lack of adequate financing¹⁷⁵, this law provides a reliable legal foundation governing contact with victims in the course of investigation and judicial proceedings.

Challenges in this law's enforcement arise not only due to **inadequate financing** of its individual provisions, but also due to the **law's new approaches**, where there do not exist tested mechanisms for witness and victim protection. This situation points to the need for academic and practical workshops, which provide forums for greater discussion about this law and the new legal rules and mechanisms it sets out for providing assistance and protection to human trafficking victims. Such seminars should foster social and criminological research on the law's text and mechanisms of implementing it vis-a-vis human trafficking victims and witnesses. Seminar issues could include:

1. Consistency of the law's provisions with international standards of human rights and human trafficking victim protection; and
2. Cooperation between law enforcement authorities and NGOs in human trafficking victim protection, e.g. what legal instruments does the new law provide, what gaps exist, and how can they be eliminated. The main target groups for these seminars are personnel from law enforcement authorities and NGOs.

Currently, no special legislation exists which would cover the whole spectrum of human trafficking victim protection, both for those giving evidence in criminal proceedings and for those who do not give evidence. These aspects are reflected in the draft law, "On the Prevention of Human Trafficking," and the later draft law, "On Assistance to Victims of Human Trafficking." (Both of these pieces of legislation are still under debate.)

The state's social services are a major contributor to the system of providing protection and assistance to human trafficking victims. In Russia, this work is led by the Ministry of Health and Social Development, in accordance with the federal law "On the Bases of Social Services for the Population of the Russian Federation." This law defined the term, "difficult life situation" as objectively obstructing an individual's capacity to live his or her life safely and with protection. Cases of domestic and other forms of violence fall within this term.¹⁷⁶ Cases of suffering due to human trafficking should also fall within this law. However, to-date there remains some ambiguity on this point.

The Ministry of Health and Social Development supervises a system of social service institutions for victims of different forms of "difficult life situations," including violence.

175. Academic Conference Materials "New Criminal Legislation in Russia: Interaction between Law Machinery and NGOs in Anti-Trafficking," Saint-Petersburg, February, 2-3, 2005.

176. Interview with M. Gordeeva, Deputy Director of the Department of Medical-Social Problems of Families, Motherhood and Childhood, RF Ministry of Health and Social Development.

State social services are major contributors to the system of providing protection and assistance to human trafficking victims

In essence, these institutions are mostly concerned with domestic violence victims. Substantial evidence exists which suggests that these institutions refuse to extend their activities to cover victims of human trafficking, whether victims of sexual exploitation or slave labour. The reason for refusal is largely due to the specific nature of human trafficking victims and the specific requirements for their rehabilitation.¹⁷⁷

While the number of state institutions providing assistance to victims of “difficult life situations,” social rehabilitation and family and children support centres in 2000 was 2,240, by the beginning of 2004, this number had grown to 3,262 centres. Russia lacks specialised state-run social institutions, centres or shelters for human trafficking victims. With the growing severity of gender abuse, the Russian government responded in 1997 with the ratification of the Model Statute on State Crisis Centres for Women. However, only in 2002 were such institutions’ services stipulated officially, when a network of such state centres began to develop in the Russian regions. Some of these centres specialise on addressing sexual abuse. Hotlines also work within these centres. Currently, there are more than 300 centres with hotlines. A total of 25 state crisis centres for women exist, versus 18 in 2003, and 1 crisis centre for men. Local social service centres have also opened 157 crisis departments for women. In 2003, crisis centres provided assistance to more than 50,000 women.

While these initiatives are critical, the number of such centres is still insufficient. These centres are understaffed and ill-equipped, requiring qualified specialists able to assist victims. At present, it is essential that specialised centres and shelters be organised to meet the specific needs of human trafficking victims, and provide them with safe housing, medical and psychological help, occupational training and legal advice.

2.5.4. NGO Protection and Assistance Programmes

Numerous NGOs exist today throughout Russia’s regions that provide substantial assistance to human trafficking victims; these NGOs have varying work profiles, from specialising in combating human trafficking to having a broader profile where they provide assistance to victims of different forms of violence. The Ministry of Health and Social Development officially refers to cooperation with 47 NGOs.¹⁷⁸ However, according to the First All-Russian Assembly of NGOs working in the field of anti-trafficking, there are approximately 100 such NGOs in Russia today.

The type of assistance provided to both potential risk groups and victims of human trafficking varies among these organisations.¹⁷⁹ As a rule, types of assistance include components such as counselling, psychological support and rehabilitation, and legal assistance. More “in-depth” types of assistance and rehabilitation (e.g. shelters or institutional care) can be provided by NGOs only with state financial and institutional support. This condition is also true of social support provided to victims regarding post-rehabilitation, i.e. assistance in finding employment, social adaptation, and professional training and development. This type of assistance involves

177. Interviews at the Social Rehabilitation Centre in Khimky, Moscow region.

178. M. V. Gordeeva. The Role of Family and Children Social Centres in Protecting Victims of Human Trafficking. // Digest of an International Round Table on “Cooperation between Law Enforcement Authorities and NGOs as an Effective Instrument for Human Trafficking Prevention”, 23 January, 2004. Moscow University of the Ministry of Internal Affairs; Russian Association of Crisis Centres for Women “Stop Violence”. M. 2005, p. 26.

179. A more detailed inventory of this assistance is given in the Chart of Activities (see Appendix).

long-term work requiring qualified specialists and financial expenditure, which to-date Russian NGOs are unable to provide. **The reasons for NGOs' inability to conduct such services include:**

1. **Lack of state support, including financing;**
2. **Existing finance conditions from, and financial policy of, donors, which discourage the implementation of long-term programmes; and**
3. **Lack of NGO staff's experience in these areas.**

Special programmes for preventing human trafficking victims from returning to risky situations are also important because, in the opinion of many experts, those who have been abused once become particularly vulnerable to a repetition of abuse.

Apart from lack of resources, a particular problem for NGOs is the lack of close relations with state authorities. **Law enforcement authorities' reluctance to cooperate with NGOs can be explained as follows:**

- Underestimation regarding the seriousness of human trafficking problems;
- Lack of understanding of NGOs' roles in identifying human trafficking offences and dealing with human trafficking victims;
- Traditional mutual distrust between NGOs and state authorities, in particular, law enforcement authorities;
- Reluctance to make work more transparent and visible to civil society;
- Corruption among law enforcement authorities.

Although the enactment of legislation has increased state authorities' attention to human trafficking issues both at the federal and local levels, attitudes toward victims still need improvement. Victims are still characterised to some extent as law breakers and people on the fringes of society. **Cooperation with NGOs could improve the situation, however, effective cooperation requires reinforcement for collaboration formulated on an institutional basis, through a mechanism such as legislation.** NGOs' involvement in work with human trafficking victims should not rely on the "good will" of law enforcement authorities. Rather, law enforcement officers should be obliged by a corresponding law or supplemental provision to allow NGO involvement.

2.5.5 International Organisations' Protection and Assistance Programmes

International organisations contribute greatly to the provision of assistance to human trafficking victims. In Russia, IOM's programme provides support in voluntary return and reintegration of human trafficking victims. Between March 1999 and December 2004, IOM assisted 3,892 victims of trafficking, 64 of whom were Russians (1.6 percent). In Russia, the IOM programme has four main blocks of activity:¹⁸⁰

- Organising repatriation;
- Organising reception of a victim by his/her country of residence;

180. M. Melnikova. IOM Anti-Trafficking Activities: Questions of Providing Protection and Assistance to Victims. // Conference materials, Palermo Convention, Protocol #3: UN Context and Russian Realities. Moscow, 2005, pp. 38-43.

Specialised centres and shelters need to be organised to meet human trafficking victims' specific needs

- Reintegration and assistance (e.g. counselling, medical and psychological assistance, and organisation of shelters);
- Monitoring.

IOM's activities are governed by such principles as victim security; voluntary involvement in such programmes, allowing the victim to make a conscious, informed decision on how she will behave; and priority to children's interests.

Apart from IOM, which provides direct services for human trafficking victims, there is a variety of other international organisations involved in this work, as sponsors of anti-trafficking projects run by Russian NGOs. However, for the reasons mentioned above, most financing goes on short-term trafficking prevention programmes (e.g awareness-building campaigns, publication of materials, organisation of conferences and seminars, training sessions, etc.). Real assistance and close support to human trafficking victims cannot be achieved within the confines of such short-term programmes, targeted at producing an immediate effect.

The appendix provides greater detail of Russian NGOs' anti-trafficking activities. Analysis of this information reveals that assistance to human trafficking victims is the area least represented in NGO work. Few NGOs carry out specific projects to assist victims, other than providing psychological support through telephone hotlines. Of those projects described, the Angel Coalition project, which set up 5 shelters in Saint-Petersburg (2), Murmansk, Petrozavodsk and Kazan, deserves particular note. A group of NGOs have also assisted in repatriation and reintegration of human trafficking victims under the USAID/IREX programme "Stop Trafficking in Women". This group includes women's crisis centres in Stavropol, Smolensk, Moscow, Krasnodar, Bryansk, and Altai. The Nizhny Tagil NGO, Women's Crisis Centre "Lana," has provided psychological support and other assistance to parents of young women and girls trafficked abroad for sexual exploitation. However, such programmes are still far too few.

2.6. General Characteristics of Anti-trafficking Activities and Victim Support

Substantial effort is concentrated on organisation of various types of training on human-trafficking issues, primarily among law enforcement personnel. On the one hand, different examples of cooperation exist between the Ministry of Internal Affairs agencies and the non-governmental, non-commercial sector, sharing international practice and disseminating new approaches to potential and actual human trafficking victims. At the same time, it is clear that these training activities are generally organised on a one-off basis, covering particular regions or municipalities. As a result, these activities remain uncoordinated and, in many cases, rely on donor support for their introduction and substantial implementation.

A great deal of NGO and governmental agencies' efforts focus on the collection of statistical data and case studies to create a unified information space within the CIS and Russia on human trafficking issues. Information from regional and local research, sociological surveys, analysis of legislation and law enforcement, case management and performance evaluations of anti-trafficking centres needs to be held in a database within this unified information space to ensure adequate informational resources for training programmes, mass media publications, as well as other public awareness raising forums. Review of anti-trafficking

activities and projects also shows that dissemination of information, especially among at-risk groups, is a particular strength of Russian NGOs, as well as being an important component of international projects.

A special role is played by the various programmes of assistance to victims of violence and human trafficking. However, as is evident from the chart of activities in the appendix, Russian NGOs providing such assistance are few in number, and are limited to single projects. The governmental sector's contribution to this area is also limited to individual instances of temporary shelter to those in particularly difficult or crisis situations, under the general activities of the Russian Federation's Ministry of Health and Social Development.

A special role is played by various programmes of assistance to victims of violence and human trafficking

CHAPTER 3. Gaps and Needs in Information, Legislation, and

3.1. Gaps and Needs in Anti-Trafficking Work

№	Gaps
1.	<p>Russia lacks a comprehensive governmental policy on anti-trafficking, both as an origin and destination country for trafficking, and as a country of internal trafficking.</p> <p>Piecemeal measures often prove ineffective. The following basic anti-trafficking requirements are not complied with:</p> <ul style="list-style-type: none">- comprehensive nature,- continuity,- consistency,- reliance on professional research and knowledge,- sharing of experience with other countries and anti-trafficking agencies (operating entities),- regular monitoring and performance evaluation.
2.	<p>Trafficking for labour exploitation in the form of slave labour is the most frequent form of human trafficking in the Russian Federation and the most difficult to uncover. However, this aspect of human trafficking does not take priority either in prevention work, or in terms of its detection or protection of victims. On the contrary, it takes second place behind sex trafficking.</p>
3.	<p>Legislation and law enforcement practices do not effectively combat the worst forms of child labour.</p>
4.	<p>Enormous demand exists for informal, socially unprotected labour generated by the shadow economy, which stimulates the growth of human trafficking. There are virtually no economic control instruments capable of restricting this demand. There is a similar demand for sex services. However, there is no public opposition either to labour or sex trafficking. Civil society's position on the issue of human trafficking is lacking or is not presented in an articulated manner.</p>

Practical Work -- Recommendations

Needs

There is need for a **strategy** and a **comprehensive policy in combating human trafficking** which must achieve continuity and consistency in the measures and steps to be taken. Such an approach must include:

1. **Comprehensive anti-trafficking legislation.**¹⁸¹
2. **National plan of action** embracing a range of measures governing: prevention, prosecution, and victim protection; and a cooperation scheme between governmental and non-governmental institutions and organisations combating human trafficking. This plan must also include lessons learned reflected in the annual report about the status of Russia's implementation of norms stated in the CTOC and Palermo Protocol.
3. **Coordinating body and a system of regular monitoring** regarding the situation of human trafficking, including effective methods of data collection and information exchanges.
4. **System of governmental financing of anti-trafficking NGOs** to ensure their continuity and work resilience, through mechanisms such as government procurement orders.
5. **System of annual reporting on compliance with the CTOC and Palermo Protocol provisions.**
6. **System of monitoring implementation of the national plan of action**, compliance of legislation, and mechanisms for performance evaluated of implemented measures.

1. A **strategy and a corresponding action plan for combating labour trafficking** should be developed as a priority action and in coordination with the policy for combating the shadow economy and financial and economic crime (see next item).
2. It is essential that efficient **methods be developed for exposing facts about human trafficking for the purpose of slave labour exploitation**, as this type of trafficking is particularly latent. It does not manifest itself in advertisements (as is the case with human trafficking for the purpose of sexual exploitation) and for this reason is particularly difficult to uncover and investigate.

1. It is necessary to **analyse changes in criminal and other legislation and to define the gaps and actions** to address these gaps.
2. A corresponding function especially for this form of exploitation should be introduced into the competency of a separate sub-unit of a coordinated agency (if such will be established) or other structures.

1. **Anti-trafficking measures**, especially those undertaken against slave labour exploitation **should be closely coordinated with the policy for combating the shadow economy, and financial and economic crime.** A federal programme is required to combat the shadow economy with a separate section devoted to the fight against labour exploitation and the demand for slave labour. This programme should be based on instruments of strict economic control and creation of forums within the community that promote an atmosphere of public intolerance towards any forms of exploitation.
2. **Demand for sex services can be counteracted through public discussions targeted at different audiences including the general public; men in particular, as they generate this demand; organisers of prostitution; and commercial sex workers themselves**¹⁸²

181. The draft of such a law was prepared by a working group of the RF Duma Legislative Committee in 2003 – 2004.

182. Most experts believe that the Swedish model of counteracting demand for sex services is not applicable to Russia for the foreseeable future. Instruments of economic of control may produce an unwanted effect "by forcing the industry totally underground and enhancing the exploitation levels and related risks".

5. Human trafficking has deep roots in economic, social, political and cultural historic backgrounds. As a result, effective anti-trafficking responses require serious intervention in state and community governance systems at all levels.

6. The RF Criminal Code's human trafficking definition introduced in 2003 is challenging for law enforcement authorities to implement, due to lack of clear, exhaustive and comprehensible definitions, as well as a lack of a basic understanding and challenges in proving an intent of exploitation.

7. With the introduction of criminal legislation, emphasis in combating human trafficking moved towards a criminological approach to the human trafficking problem while social and economic preventative measures were shifted to the background. There is a danger that the government will consider that in criminalising human trafficking, it has done enough to resolve the problem.

8. Despite the enactment of a witness and victim protection law, problems exist with its application: inadequate financing, lack of administrative acts/ordinances under the law, and mechanisms to ensure victims' human rights are observed in investigatory and judicial proceedings.

Combating human trafficking and modern slave labour must involve forms of “mainstreaming,” under which dangers of human trafficking are considered in the development of practically any normative act for different spheres such as economic, social and other aspects, and actions are implemented in these spheres when necessary. Attention to aspects of human trafficking are particularly important in programme developments focused on reducing the shadow economy, enhancement of businesses’ social responsibility and measures to provide greater support to high risk groups.

Considering the difficulties, which became apparent through practical implementation of articles 127.1 and 127.2 in 2004-2005, the following actions are needed for effective implementation of a human trafficking definition within Russia’s legal context:

1. **Develop explanatory materials package** which provides expert commentary, methodological and training materials and guidelines for investigators and other law enforcement officers in identifying, investigating and prosecuting such cases;
2. **Establish operating guidelines for police officers** on the beat to facilitate uncovering and investigating human trafficking offences based on recognised best practices;
3. **Initiate a Plenary Assembly Resolution by the Russian Federation’s RF Supreme Court** (or amendments of addenda to the RF Criminal Code), **as well as commentaries to the Criminal Code that provide a clearer description of all essential elements under the law’s definition** and accompanying explanations based on work experiences of detecting and investigating such crimes;
4. **Create training programmes for law enforcement officers**, under which a series of training seminars are conducted on a regular basis;
5. **Conduct regular analyses and summaries of criminal practice** under this legal article;
6. **Implement criminological study on human trafficking phenomena**, with the goal of developing clear definitions, particularly in relation to “exploitation,” and of providing a description of specific forms of control over a person and solutions to detection and investigation issues.

A balanced approach to anti-trafficking is essential, based on the adoption of **comprehensive** and **continuous** measures not only as regards prosecution but also in human trafficking prevention, and victim identification, protection and assistance efforts. A legal and institutional solution to the problem has to be found as a matter of priority. **A comprehensive system** of measures needs to be **developed to combat human trafficking, together with a corresponding state programme to implement them.**

There is an urgent need to:

1. **Develop administrative ordinances** which serve as a tool for protecting and upholding human rights in investigatory and judicial proceedings;
2. **Provide training** to law enforcement personnel on the basic provisions of this law;
3. **Identify and investigate the specific characteristics of human trafficking victims**, based on past case experiences and the nuances of enforcing basic provisions of the law vis-a-vis human trafficking victims;
4. **Calculate**, based on past case experiences, the **approximate cost of protecting human trafficking victims** and ensure such financing is allocated.

№	Gaps
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9. Russian anti-trafficking practice, as administered by law enforcement, migration and other authorities, does not yet adopt approaches based on strict observance of human rights and priority on the victim's interests.

10. Human trafficking legislation fails to take into account all features and public dangers of such offences. Without an aggravating factor, human trafficking under criminal code article 127.1 part 1 is not classified as a grave crime (with a maximum sentencing being five years imprisonment). As a result of this classification, mandatory investigation is not required, which is not in line with international requirements.

11. Many transactions involving children for purposes other than exploitation have been decriminalised.

12. Poor coordination of anti-trafficking activities exists among different governmental agencies and between the state and NGOs.

13. Increased support for human trafficking initiatives by the donor community has resulted in a growth of NGO anti-trafficking activities. However, to-date, these initiatives are fragmented and lack coordination.

Donors' preference for short-term projects ignores principles of continuity, sustainability and consistency. There is also a lack of necessary coordination among the donor community.

Needs

It is necessary to monitor the extent to which law enforcement authorities and other agencies (migration and labour inspection offices, economic control agencies, trade unions, etc.) observe human trafficking victims' human rights and interests in the course of detection and investigation proceedings. Currently, Russian legislation fails to offer sufficient safety guarantees to those who have been acknowledged as human trafficking victims.

The local offices of the Federal Human Rights Ombudsperson office may be able to carry out such monitoring.

Monitoring efforts require:

1. **Development of a targeted plan that introduces into investigatory practices and other government agencies' work approaches based on strict observance of human rights and the priority of the victim's interests.**
2. **Review of other countries' victim protection and assistance practices and analysis of potential application of these experiences in Russia.**
3. **Adoption of provisions that give human trafficking victims legal guarantees for temporary residence and employment in Russia while investigation and judicial proceedings are in progress, or even for a longer period.**

It is necessary to **make a harder sentence under part 1 of article 127.1 of Russia's criminal code.**

It is essential to:

1. **Introduce into the Russian Federation Criminal Code an additional provision criminalising trafficking in children (or other transactions involving children) even where there is no exploitative intent.**
2. **Include in the witness and victim protection law a new section on protection of the interests of minors who are victims or witnesses of criminal offences.**
3. **Identify and describe the specific motivation and behaviour of minors who are human trafficking victims, using this definition as a basis for developing special measures aimed at minors' protection and support, irrelevant of whether or not they provide witness testimony.**

Protocols need to be adopted to govern and institutionalise cooperation between law enforcement authorities and other governmental organisations, and between law enforcement authorities and NGOs offering support to human trafficking victims.

The **donor community's policy in this area needs to become more consistent and better coordinated** through development by the donor community of a long-term strategy (or memorandum of intentions) for combating human trafficking both in Russia and the CIS region.

- While anti-trafficking activity has begun to develop, with the introduction of a criminal definition and increased public awareness about the problem, anti-trafficking activities still need to be enhanced. However, more intense responses are inhibited by the absence of an in-depth study of the problem - its roots, forms and development trends. While the adoption of new articles in the criminal code has given new impetus for criminological research on human trafficking, virtually no serious attempts at in-depth social and economic analysis of the problem have yet been made. The
14. research community, especially academic research institutions, has been slow to include the problems of human trafficking and exploitation into their more general studies of investigating current economic trends, globalisation processes, migration, and labour markets. In particular, the concept of exploitation receives little attention among the academic community.
- Today, there are enough general studies of the human trafficking problem; it is time to move on to more detailed and focused research.

15. Performance evaluation of anti-trafficking programmes is extremely limited. Organisations which conduct such programmes lack performance evaluation methods to assess programme's impact on the situation. The absence of such information makes it impossible to examine best practices, comparing similar programmes within the region, or reviewing programmes' impact on human trafficking.

To address current knowledge gaps about human trafficking, the following types of research are essential:

1. **Analysis of other countries' experiences, identifying best practices and examining possible application in Russia** to address the following key questions:

- What type of laws should be enacted, in addition to existing criminal code provisions
- What institutions and should be responsible for implementing anti-trafficking policies
- What are the specific forms and best practices for coordinating law enforcement authorities' and NGOs' efforts to identify human trafficking victims and offences
- What types of assistance should be provided to human trafficking victims
- What are the practices for allowing human trafficking victims' temporary residence

2. **Criminological research**, to obtain greater insight into the nature of this crime and its relation with other criminal offences. Studies should include the following types of analysis:

- **Exploration of the link between human trafficking and other forms of organised crime**, e.g. drug trafficking, terrorism, organised sex work, pornography production, and other types of economic and criminal offences, based on existing human trafficking cases.
- **More detailed investigation of the problem of "human trafficking and terrorism"** through examination of human trafficking and its peculiarities in relation to trafficking from Islamic countries to Russia, as well as links with other forms of international terrorism.
- **Examination of the impact of the shadow economy on the operation of human trafficking schemes** and on the organised crime situation in general, e.g. sweat shops, concealed transfers of funds, the shadow labour market, shadow market outlets, etc.
- **Review of connection between human trafficking and forms of corruption.**
- **Comparative and criminological analysis of the main aspects of crime investigatory processes:** methods for exposing crimes; areas and types of exploitation; portrait of victims; portrait of offenders; length of sentences; victims' cooperation in investigations, etc.

3. **Social and economic research** on:

- Root causes for human trafficking , e.g. poverty, limited economic opportunities and access to resources.
- Human exploitation in the context of the current social, economic and political environment, as well as in the context of human rights principles.
- Globalisation and human trafficking.
- Private sector's social responsibility in regards to human trafficking, exploitation, and slave labour.
- Migration regimes and human trafficking, i.e. migration networks and human trafficking, migration control, unregulated migration and human trafficking.
- Social security systems and human trafficking.
- Opportunities for limiting the sex trade.

Investigations should be more targeted, but at the same time more thorough and focused on practical steps and decision-making.

Performance and impact evaluation has to become part of anti-trafficking projects. It is essential that such an evaluation programme be developed or international evaluation programmes be adapted to the Russian reality. NGO staff and other organisations need to be trained in project internal monitoring and evaluation.

3.2. Recommendations

There is a need for comprehensive legislation and policy to combating human trafficking, which should include measures addressing prevention, prosecution, and protection and assistance to trafficking victims. Legal and institutional implementation of all these components should be prioritised and encouraged.

3.2.1. Establishment of a Comprehensive Anti-Trafficking Framework

1. **Promote adoption of the Federal Law, “On Combating Human Trafficking,” based on the draft law developed by the Inter-agency Working Group of the State Duma’s Committee on Civil, Criminal, Arbitrage and Procedural Legislation, under Working Group Coordinator, E.B. Mizulina.**
 - 1.1 Conduct expert analysis of 2004-2005 law enforcement practices in regards to enforcement of the two criminal definitions relating to human trafficking.
 - 1.2 Organise a final conference of a series of anti-trafficking seminars conducted in the federal districts, which is directed at advancement of the proposed federal law, inviting representatives from all federal districts with particular focus on parliament deputies and government agency and administrative officials.
- 2 Organise a series of events focused on **adoption of a national plan of action (NPA) against human trafficking.**
 - 2.1 Establish an inter-agency working group or temporary initiative group to draft the NPA and organise broad and transparent discussions.
 - 2.2 Develop a draft national plan of action that includes comprehensive measures for prevention, prosecution, and protection of victims and witnesses, and that provides a model for cooperation between governmental and-governmental institutions and organisations to combat human trafficking.
3. Support **establishment of a head agency to coordinate collaboration among different agencies**, as well as government and non-government institutions, and of a permanent system **for monitoring the human trafficking situation and evaluating the efficiency of existing anti-trafficking measures.**
 - 3.1 Develop programme and indicators for such monitoring efforts.
 - 3.2 Create research methods for evaluating the effectiveness of existing anti-trafficking programmes.
 - 3.3 Conduct discussion forums among professionals and civil society about the proposed federal law regarding human trafficking and provide developed recommendations to the Government.

4. **Expand and continue** on a regulated basis the already initiated **practice of annual national reports regarding Russia’s compliance with the UN Convention and the Protocol against human trafficking**, covering all aspects of combating human trafficking (prevention, punishment, victim protection and support).
 - 4.1 Support development and dissemination of the first national report, 2006.
 - 4.2 Develop a systematic method for further compiling of such reports, i.e defining the organisers and actors responsible for the report, establishing how the process should be coordinated, means for collecting data, and procedures for sharing information, etc.
 - 4.3 Provide in the annual national report compatible information, clear explanation and evaluation of the key inputs of “innovations” during the reporting period.

5. **Promote the adoption of federal laws ratifying related international documents** such as:
 - 5.1 UN Convention on the Rights of the Child Optional Protocol on Sale of Children, Child Prostitution and Child Pornography (New York, 25 May, 2000).
 - 5.2 1990 UN Convention on the Rights of All Migrant Workers and Members of Their Family.
 - 5.3 ILO Convention № 97 – Migration for Employment Convention (revised), 1949.
 - 5.4 ILO Convention № 143 – Migrant Workers (Supplementary Provisions) Convention, 1975.
 - 5.5 1961 European Social Charter.

6. **Incorporate a “mainstreaming” principle** where the dangers of human trafficking and slave labour are considered in the development of almost any normative act (e.g. law, regulations, or guidelines) regarding economic, social or other spheres; and implement actions to address human trafficking or slave labour within these documents when necessary. Attention to aspects of human trafficking are particularly important in the development of programmes focused on reducing the shadow economy, enhancing businesses’ social responsibility and providing greater support to high risk groups.

3.2.2. Prevention

3.2.2.1. Awareness Raising

1. **Review previous general public awareness-raising programmes and those focused on specific target groups**, and use this analysis in the development of a basic strategy for raising awareness among the general public and to targeted groups.¹⁸³

2. **Conduct information outreach to the general public by law enforcement.**
 - 2.1 Develop procedural guides to implementation of outreach programmes on issues of human trafficking prevention and human trafficking victim/crime identification.

183. For more detailed recommendations on awareness-raising programmes see the Appendix.

- 2.2 Encourage law enforcement officers to cooperate in spreading best practices, including delivery of lessons, lectures and seminars on human trafficking-related problems to school pupils and college students.
 - 2.3 Produce and distribute information materials (fliers, brochures, posters) which provide specific contact information for organisations that provide assistance to victims both working within Russia and abroad.
 - 2.4 Post information resources about prevention of human trafficking on stands in places such as police stations; office for issuance of domestic passports; municipal housing office; passport and visa services; and employment agencies.
- 3. Include information and prevention initiatives in work responsibilities for social services and social protection agencies.** These agencies could provide such services on their own, or through the incorporation of NGOs.
- 4. Improve the awareness raising system for prospective migrants about possibilities for legal and safe migration.**
- 4.1 Information centres should attract regional administrations, governmental bodies, NGOs, international organisations and licensed employment centres. The centres should provide prospective migrants with independent information on foreign job opportunities and other forms of migration; information about safe, legal forms of migration; validity of employment contracts, accredited, reliable tourist and recruitment agencies; visa requirements and procedures; and contact information of consular services and agencies providing services to migrants. Informational resources of individual centres should be linked to a nation-wide central databank.
 - 4.2 Data collection and research should be performed to evaluate at-risk groups; their motives and underlying causes for migration; appropriateness of migration; and new trends in human trafficking practices. Collected information, based on human trafficking victims' outreach for assistance, could serve as resources for developing fliers on "most frequently asked questions." However, the identity of the victims must remain anonymous.
- 5. Establish human trafficking prevention information activities for educational institutions especially schools, and develop social integration skills of children and adolescents.**
- 6. Develop proposals for a comprehensive information programme** focused on:
- 1. keeping the general public and at-risk groups aware of the human trafficking problem;
 - 2. educating public opinion and encouraging an atmosphere of public intolerance towards exploitation;
 - 3. answering questions and providing advice; and
 - 4. maintaining efficient feedback.
- 6.1 Create a global web-portal.
 - 6.2 Establish telephone and internet information and consulting services.
 - 6.3 Enhance the community's and law enforcement officers' understanding about the use of interactive technologies, e.g. internet, mobile phones etc., as a means for "trafficking recruiting", and expand greater information outreach campaigns implementing the very interactive technologies potentially used by traffickers.

6.4 Train NGO workers and mass media employees on information strategies, developing draft protocols for cooperation between them.

7. Develop monitoring and performance evaluation methods for awareness-raising programmes.

8. Conduct awareness raising and prevention campaigns among providers of sex services and their clients about the risks of unprotected intercourse.

8.1 Health care programmes should offer sex industry workers free or inexpensive medical consultations, including in cases of unplanned pregnancies, confidential testing for AIDS and other STIs, and respective medical treatment and anti-hepatitis vaccination. Medical aid should also include relevant consultations before and after taking medical tests and exclude the taking of any prohibitive measures against sex industry workers or human trafficking victims tested as HIV-positive or shown to have other STIs.

8.2 Crisis intervention programmes should not be reduced or wound up.

3.2.2.2. Empowerment Programmes

1. Develop long-term social and economic measures strategies to alleviate poverty and vulnerability among the disadvantaged and groups vulnerable to slave labour or human trafficking situations.

1.1 Create permanent or temporary employment opportunities, through vocational and entrepreneurial skills training, supporting small business development, and other measures aimed at creating equal rights and opportunities on the labour market for women and men.

1.2 Consider the abilities and ambitions of at-risk groups in development of employment training programmes, providing practical advice on available job vacancies and employment assistance.

1.3 Ensure small business development projects are sustainable within the current economic environment.

1.4 Conduct evaluation of local economic resources, using this information when reintegrating human trafficking victims into society.

1.5 Provide returned human trafficking victims with access to all the abovementioned projects, to reduce their risks of falling into traffickers' hands again.

3.2.2.3. Addressing Root Causes for Trafficking

1. Ensure a more comprehensive understanding about gender equality in all areas of social life, implementing a gender component in training programmes.

1.1 Design special programmes to counter threats of violence against women, especially domestic and sexual violence, as well as to provide assistance to families in crisis or from high risk groups.

- 1.2 Focus gender programmes on ridding prejudices and practices, based on perceptions of superiority or inferiority by either of the sexes, as well as stereotypes regarding “male” and “female” roles.
- 1.3 Create public intolerance towards domestic violence.
2. **Encourage development of systems to prevent child abandonment, promote family care services for orphaned or abandoned care, and expand support services for vulnerable and foster families** as well as child socialisation programmes, with the goal of reducing children’s vulnerability and the accompanying risks of being exposed to the risk of exploitation in all its forms.
3. **Foster development of comprehensive anti-corruption programmes**, particularly addressing migration and the shadow economy, reducing the shadow economy’s demand for socially unprotected labour and sex services.
 - 3.1 Incorporate programme objectives on addressing slave labour, criminal exploitation and human trafficking into comprehensive programmes targeted at combating the shadow economy, increasing businesses’ social responsibilities, and addressing economic issues, where specific action to reduce demand for slave labour and sex services are included in the programme proposals.
 - 3.2 Initiate wide public debate on the problems of slave labour and exploitation to create an atmosphere of public intolerance against any form of exploitation, including use of slave labour.
 - 3.3 Ensure implementation of incorporative measures to combat human trafficking within comprehensive anti-corruption programmes, particularly addressing migration and the shadow economy.

3.2.2.4. Advocacy

1. **Promote establishment of a system of government financial support of NGOs working to combat human trafficking**, ensuring improved continuity and sustainability of this work.
 - 1.1 Prepare draft proposals on creation of a system of government financing for NGOs (social procurement orders, organisation of tenders, budgetary planning, etc.).
 - 1.2 Conduct analysis of the resources required for anti-trafficking programmes in Russia.
 - 1.3 Set as a financing priority regarding anti-trafficking work the creation of a comprehensive system of protection and assistance for human trafficking victims (e.g. establishment of shelters, rehabilitation centres etc.).
2. **Strengthen donor coordination and support to ensure consistency and long-term sustainability of activities.**
 - 2.1 Address issues of coordination, consistency and sustainability of financing of anti-trafficking activities in different forums government agencies and other organisations in the anti-trafficking community.

- 2.2 Promote development of a long-term strategy or memorandum of understanding by the donor community (including the main international organisations, foundations and foreign donors) regarding their initiatives to combat human trafficking in Russia and the CIS region.
3. **Develop an action plan which incorporates anti-trafficking issues into programmes focused on enhancing businesses' social responsibility**, working with representatives of employment companies, and small- and medium-size businesses in the most vulnerable branches of economy.
4. **Support development of anti-trafficking activities based on academic research.**
 - 4.1 Conduct studies which address current gaps in the understanding about human trafficking.
 - 4.2 Ensure decision-makers and NGOs are provided with easy access to the results of such research.
5. **Encourage performance evaluation to become an integral component of anti-trafficking projects.**
 - 5.1 Develop performance evaluation for anti-trafficking projects with particular attention to project impacts and adaptation of applicable international experiences into performance evaluation processes.
 - 5.2 Provide to NGOs and other organisations training on evaluation and monitoring of their own internal projects.

3.2.3. Prosecution

3.2.3.1. Anti-trafficking Legislative Framework

1. **Ensure effective application of victim and witness protection law.**
 - 1.1 Conduct a series of academic and practical seminars and training sessions for law enforcement officials on the application of the victim and witness protection law and those new legal provisions and mechanisms which it provides from the point of view of the protection of, and assistance to, human trafficking victims.
 - 1.2 Initiate social and criminological research into: (1) analysis of the law and its application to human trafficking victims; and (2) identification and study of specific characteristics of human trafficking victims (using investigated cases as examples) and the specifics of the application of the provisions of the law to human trafficking victims.
 - 1.3 Calculate, based on prior investigation cases, the approximate funding needs to protect human trafficking victims and ensure allocation of such funds.
2. **Make legislation against child trafficking more rigorous**, bringing Russian criminal legislation into line with international norms and standards.

- 2.1 Establish criminal responsibility for “production, possession and moving across state borders materials or articles with pornographic images of minors for which no intent of their further distribution, public demonstration or advertising exists”.
 - 2.2 Incorporate into the Russian criminal code an additional provision, criminalising trafficking in children (or other child-related criminal dealings) even where there is no intent to exploit them.
 - 2.3 Incorporate into the Russian criminal code legal definitions of child pornography, child prostitution and commercial sexual exploitation of children.
 - 2.4 Introduce more severe criminal punishment, with minimum sentencing of six years imprisonment, for any crimes committed against minors (including crimes under Articles 134, 135, 156, etc.). All crimes against minors should be recognised as grave crimes, with the most socially dangerous acts being recognised as especially grave crimes under Article 15 of the Russian criminal code.
 - 2.5 Emphasise in the qualification of criminal elements and introduce more severe criminal punishment for organised, corrupt, incestual and other activities which are the most dangerous forms of child molestation, child trafficking and circulation of child pornography (Articles 127.1, 135, 242, 242.1 of the RF Criminal Code). More severe criminal punishments should also be provided for such crimes against children when mass media and telecommunication channels (including internet) are used.
 - 2.6 Undertake steps to improve legislation focused on protecting children against information hazardous to their health, spiritual and moral development, with the goal of establishing a state strategy and integrated policy that ensure minors’ information security and prevent their involvement and coercion into human trafficking and commercial sexual exploitation.
 - 2.7 Incorporate into the existing victim and witness protection law special provisions protecting the interests of minors who are victims or witnesses of human trafficking offences.
- 3. Encourage adoption of laws permitting human trafficking victims to remain and work temporarily in Russia.**

3.2.3.2. Law Enforcement & Judicial Practices

- 1. Encourage establishment of greater coordination for cooperation between the Ministry of Internal Affairs’ structures and other governmental agencies.**
 - 1.1 Develop and approve protocols regulating procedures for coordinating the detection, investigation and judicial proceedings in cases of human trafficking between separate law enforcement authorities and their local subdivisions, and between law enforcement authorities and other organisations.
- 2. Encourage greater cooperation between NGOs experienced in human trafficking prevention and support to human trafficking victims and law enforcement members.**
 - 2.1 Develop draft protocols on cooperation between law enforcement authorities and non-governmental organisations involved in providing assistance to human trafficking victims throughout the identification and investigation of human trafficking crimes and the

related judicial proceedings, providing the necessary assistance to the victims and observing their rights.

2.2 Encourage a practice of regular meetings between law enforcement authorities (the local offices of the Department of Internal Affairs) with non-governmental organisations regarding issues of human trafficking prevention and victim assistance.

2.3 Involve NGOs in the training of staff from branches of the Department of Internal Affairs on issues of human trafficking prevention and victim assistance.

3. Adopt normative legal statutes and create institutional mechanisms to guarantee mutual legal assistance to and from other states and effective international cooperation in carrying out joint investigations aimed at combating human trafficking on the inter-state level.

3.1 During Russia's chairmanship of the "G8," encourage the provision of an international conference with the participation of "origin" countries and of those countries for whom Russia is a supplier, in order to determine joint approaches to action and make the human trafficking issue a political priority

4. Monitor law enforcement authorities' practice of dealing with human trafficking victims to ensure victims' human rights are observed and their interests given priority in the course of uncovering and investigating offences.

4.1 Develop an implementation programme, monitoring indicators and assignment of a responsible agency for monitoring (e.g. local offices of the Federal Human Rights Ombudsperson Office).

4.2 Define essential standards to be observed in law enforcement authorities' interactions with human trafficking victims that include observation of victims' human rights and security guarantees as well as are in line with relevant international standards.

5. Support incorporation of data under the relevant criminal code articles into law enforcement statistics reports, using categories to differentiate according to victim's characteristics (gender, citizenship), forms of trafficking (sexual exploitation, labour exploitation, etc.), and other indicators.

5.1 Develop and disseminate to relevant authorities, i.e. the Ministry of Internal Affairs and the Federal State Statistics Service, templates (listing indicators) and procedures for data collection into such statistics reports.

3.2.3.3. Continued Education, Training, Practical Guidelines, and Research for Law Enforcement

1. Develop a package of procedural guides, training materials, legal commentary and recommendations that assist investigators and other law enforcement officials to accurately classify and investigate offences under Articles 127.1 and 127.2 of the Russian criminal code.

1.1 Conduct criminological research which reviews 2004-2005 law enforcement practice, identifying the main difficulties in applying the law, and proposing solutions/ best practices.

- 1.2 Prepare explanations within criminal code commentary, Ministry of Internal Affairs' and/or Russian Federation Supreme Court explanations on the application of criminal code article 127.1 (Trafficking in Human Beings) and criminal code article 127.2 (Use of Slave Labour).
 - 1.3 Develop, on the basis of best practices, an operational guide explaining: (1) how to recognise human trafficking crimes; (2) how to investigate them (collection of evidence, etc.); and (3) how to bring a prosecution.
 - 1.4 Pay particular attention to developing effective practices for identification of human trafficking crimes linked to labour exploitation, as this type of offence is particularly common in Russia and difficult to uncover and investigate.
 - 1.5 Review CIS (especially Ukraine and Byelorussia) and non-CIS countries' practices of uncovering and preventing crimes linked to human trafficking and criminal exploitation (including, inter alia, the luring of minors into prostitution, or pornography, and the illegal transportation of children abroad).
2. **Provide human trafficking training** to law enforcement staff, state prosecution employees and judges.
- 2.1 Develop curricula and training programmes for law enforcement staff and judicial officials on specific aspects of combating human trafficking.
 - 2.2 Organise joint training of Russian specialists with representatives of the main donor countries and suppliers, to improve cooperation mechanisms and to enhance the potential for solving human trafficking-related crimes.
 - 2.3 Conduct joint training programmes and encourage exchange of work experiences between employees of different law-enforcement and judicial authorities and structures, particularly at the international level.
 - 2.4 Prepare and publish human trafficking informational materials (booklets and leaflets etc.) for staff of law enforcement authorities, state prosecution offices and court systems.

3.2.4. Protection of and Assistance to Human Trafficking Victims

3.2.4.1. Legislative Framework

1. **Introduce relevant amendments to the law on social protection concerning guarantees of minimum social assistance to all trafficking victims** regardless of the extent of their cooperation in investigation processes (e.g. shelter, medical and legal assistance, etc.).
2. **Introduce amendments to existing Russian legislation about social services**, defining the terms under which a human trafficking victim can be served by crisis centres, shelters and other institutions providing temporary housing, until the time that specialised centres for human trafficking victims are established.

3.2.4.2. Working Principles

1. **Encourage work with human trafficking victims to become an integral component of a comprehensive anti-trafficking policy**, with the government involving civil society members in its planning.
 - 1.1 Establish a comprehensive system for the protection of and assistance to human trafficking victims, which covers from identification of the victim to provision of shelter and further reintegration services. Strategy mechanisms for rerouting human trafficking victims, developed by the OSCE's Office for Democratic Institutions and Human Rights (Warsaw), should be consulted.
 - 1.2 Create specialist centres and shelters for human trafficking victims under the Ministry of Health and Social Development's system of state social institutions for victims of violence, providing them with secure accommodation, medical and psychological assistance, vocational training and legal advice.
 - 1.3 Develop forms of cooperation and design communication mechanisms between state structures (law enforcement bodies, social protection services, the Ministry of Foreign Affairs, public education and health care authorities etc) and NGOs regarding assistance to victims, including schemes for financing NGOs from the state budget and extra-budgetary funds, such as use of social procurement orders based on contracts with transparent mechanisms regarding responsibilities and financing.
 - 1.4 Support increase of the number of NGOs providing social reintegration and adaptation to human trafficking victims and advertise NGO services to inform and "attract victims" to such services.
 - 1.5 Hold a series of consultations and seminars with representatives from the donor community (the Russian Federation Ministry of Finance; international organisations and foundations; domestic foundations and state organisations), aimed at developing a policy supporting the possibility of conducting not just one-off operations and events, but at planning sustainable, long-term work (e.g. support of organisations to organise and manage shelters or rehabilitation centres).
2. **Set up a unified national information service** which any organisation with information on an offence or which has been contacted by a human trafficking victim would have access, with the objective of improving effective human trafficking victim identification and assistance. This service should be supported jointly by the responsible ministries, NGOs and international organisations; in the future, it should be linked to the governmental body which will have primary responsibility for conducting, and monitoring, anti-trafficking measures.

3.2.4.3. Education, Training, and Research

1. **Support research of specific motives and behaviours of underage human trafficking victims**, using research findings as the basis for development of special targeted programmes for the protection and support of human trafficking victims who are minors (whether they are to give evidence against the traffickers or not).
2. **Provide training to staff from social services, educational and medical institutions, NGOs and other organisations with the goal of more effective work in identifying victims.**

APPENDIX. Chart Of Activities

The materials set out below are not an exhaustive list of all the types of activity by different agents working against human trafficking. However, the very difficulties encountered in collecting such information for this report prove that such activity remains piecemeal, that governmental and non-governmental efforts need to be better coordinated, and that the issue of the sustainability of anti-trafficking activities remains unresolved, conditions where outside finance is shrinking and the question of building up Russia's own potential in the field of assistance to victims and reduction of the dangers of human trafficking is unanswered.

Government and

Organisation/ Agency	Project/Activities	Activity Focus
RF Ministry of the Internal Affairs (MIA)	Detection and investigation of HT-related crimes (Article 127.1 and other related articles of the RF the Criminal Code (RF CC)).	Detection and punishment of crimes.
	Briefings by the Ministry of Internal Affairs (MIA) on human-trafficking issues.	Informing the public on the MIA's activities in the area.
	HT training seminars for teachers and employees of law enforcement authorities. 5-day training courses for teachers in higher education institutions and MIA employees on all aspects of human trafficking.	The training of specialists (of teachers in higher education institutions and employees of the MIA in all aspects of human trafficking).
	Research: Labour Migration and its Evaluation by employees of organs of the MIA. A sociological study in the Russian regions dedicated to different aspects of regulating labour migration into Russia, to the rights of migrants, illegal migration, the connections between migration and crime etc.	Research work
	Creation of information services for labour migrants.	Increasing migrants' awareness of their rights and obligations in Russia through organisation of consulting services, publication of informational materials, etc.
RF General Prosecutor's Office	Detection and investigation of crimes related to human trafficking, supervision of law enforcement (Article 127.1 and other related articles).	Detection and punishment of crimes.

The chart names the organisations and describes briefly their programmes and projects, the type of project (e.g. awareness raising, training or other), where and when they were implemented and who their donors and other main partners were.

State Authorities

Time frame	Region of Russia	Financial Source	Partners	Contacts
On-going	Throughout Russia	Federal budget		Demin, Soloviev, B. Gavrilov, N.Khomyakov
Regularly (approximately once every 6 months). Since the date of enactment of Art. 127.1, 3 briefings have been held.	Moscow	Federal budget		
2005	Federal district capitals (Moscow, Rostov, Khabarovsk)	US State Department, US Embassy in Moscow, Federal budget.	American Bar Association Central European and Eurasian Law Initiative (ABA CEELI)	I. Shishkevich (MIA, Moscow), Nancy Pettit, Terry Kinney (US Embassy, Moscow)
2004, 2005	Rostov, Chelyabinsk, Saratov	OCSE ODIHR (Warsaw)	IOM, Moscow	I. Shishkevich (MIA, Moscow), Nadzeya Zhukava, Anna Pavlova (OSCE, Warsaw), G. Vitkovskaya (IOM, Moscow)
2005	Yekaterinburg	OCSE	IOM (project implementor)	Vitkovskaya (IOM, Moscow)
On-going	Throughout the country	Federal budget		

Organisation/ Agency	Project/Activities	Activity Focus
RF State Duma	<p>Activity of the Duma working group under the Committee for civil, Criminal, Arbitration and Procedural Legislation (headed by P. Krasheninnikov). Areas of activity:</p> <ol style="list-style-type: none"> 1. Development and improvement of legislation; 2. Monitoring/ drafting of a first annual report on the HT situation in Russia; 3. Organisation of the 2nd All-Russian Assembly of NGOs; 4. Organisation of conferences of experts in 7 federal districts. 	The development of legislation creating a normative legal framework.
	Parliamentary hearings on the issue of human trafficking.	Increasing law-makers' awareness, creation of a favourable environment for the adoption of HT laws.
RF Ministry of Foreign Affairs, Humanitarian Cooperation and Human Rights Department	Signing and initiation of the ratification process international documents against human trafficking.	Convention and Protocol were signed in 2000 and ratified in 2004.
	Formulation of Russia's attitude to the international human-trafficking problem	Presentations at the meeting of the OSCE Council of Foreign Ministers.
	Gathering of statistics relating to applications made to Russian consulates and embassies abroad in relation to questions connected with human trafficking. The statistics related to the sex-trade in women and at the time was the only "quantitative" evidence of the problem.	Research, gathering of information.
RF Ministry of Health and Social Development, Women, Family and Youth Department	Monitoring of the situation of women and children including those from at-risk groups; equal opportunity policy making.	<p>Regular reports on observance of the CEDAW Convention and reports of the status of children in the RF.</p> <p>Development of a state plan to improve the position and raise the status of women and eradicate violence against women.</p>
	Maintenance of a social service network for women and children from at-risk groups.	<p>Social centres for children and teenagers, Support Centres for abandoned children, Centres offering psychological support and educational assistance, Social Rehabilitation Centres for Minors, Rehabilitation Centres for Disabled Children, Social refuges, Centres for Women who are victims of domestic violence.</p>

Time frame	Region of Russia	Financial Source	Partners	Contacts
2003 - 2005	Moscow, also conferences in the capital cities of 7 federal districts.	US State Department, US Embassy in Moscow, Federal budget		Ye. Mizulina, Yu. Sirotin
2003, 2004	Moscow	Federal budget		M. O. Korunova
2000-2005	Moscow	Federal budget		
2000-2005	Moscow	Federal budget		
2001	Moscow	Federal budget		
Regularly from 1996	Moscow	Federal budget	Women's and children's non-governmental organisations	Sharapova, M. V. Gordeeva, T. A. Melnikova
On-going	Russian regions	Federal budget		

Non-Governmental

Organisation/ Agency	Project/Activities	Activity Focus
	Assistance to women who are the victims of any form of violence.	Hotline, counselling, psychological and legal assistance.
“Stop Violence” Russian Association of Women’s Crisis Centres (Moscow)	Gathering statistics of the number of calls made to HT hotlines. Classification of calls by application subject/object of the call (victim/request for help, request for information, etc).	Database. Work with databases.
	Arrangement of conferences, publication of materials jointly with:	
	<ol style="list-style-type: none"> 1. MIA staff 2. Staff of the General Prosecutor’s office 3. Round table with the Ministry of Foreign Affairs 	
	Project “Gender Violence and Ethnicity” (not completed).	<p>Phase 1</p> <ol style="list-style-type: none"> 1. Study of gender violence among migrants and ethnic population groups in Russia; 2. Publication of conceptual articles on the project topic, research results and training materials.
“Sisters” NGO (Moscow)	Creation of a training of human trafficking portfolio, running of seminars.	The training portfolio was published as a hard copy and electronically.
	Cooperation with to RF MIA in adhering to the provisions of the UN Convention and Protocol on Human Trafficking, 2000.	<ol style="list-style-type: none"> 1) Training seminars for MIA staff in three regions; 2) Research into the problems arising out of MIA operations and cooperation with NGOs; 3) Round tables in Moscow and Perm on the development of guidelines; 4) Publication of project materials.

Organisations

Time frame	Region of Russia	Financial Source	Partners	Contacts
Since 2000	Moscow + 47 NGOs from 40 Russian regions/cities (the North West region, the Ural region, Western Siberia, Central Russia, Volga, Tatarstan, and Buryatia).	EC, OSCE, UNESCO, UNDP, UNIFEM, UNICEF, British, Canadian, Dutch embassies, IREX, ABA/CEELI, Northern Network of Women.		Natalya Abubikirova
Since 2004	Moscow			
	Moscow			
2004	Moscow			
2004	Moscow			
2004	Moscow			
2004-2005	Moscow, Kazan	EC (financing was interrupted).		
2003	Moscow	US Embassy		
2004-2005. Final conference in Moscow, March 2005.	Moscow, Perm, Pskov	Global Opportunities Fund (UK)	Department of Internal Affairs and NGOs in Perm and Pskov.	Maria Mokhova

Organisation/ Agency	Project/Activities	Activity Focus
"Sisters" NGO (Moscow)	"Russia-CIS: a unified Anti-trafficking information space".	1. Creation of national web-sites and a common internet zone. 2. Creation and publication of a database on the web-site. 3. Sharing of information and best practices, delivery of a series of seminars and publication of results.
	Publication and dissemination of the electronic news bulletin "Stop Traffic Russia".	
Alexandra NGO, Saint Petersburg	Telephone emergency service.	
	Joint project with the London police.	Training for local law enforcement authorities, attempt to create a special police unit trained to deal with issues of sexual violence.
	Making of a documentary film "There is a Golden Town".	The film was used at training and information events.
	Training for trainers	
Perm Centre Against Violence and Human Trafficking	National Advocacy Project.	1) Training for NGOs and governmental officers entitled "Standards of human rights standards in dealing with victims of human trafficking", 2) Translation of the manuals "Human Rights and Human Trafficking" and "Standards of Human Rights for human trafficking Victims".
	"Perm Oblast Public Health Workers. Awareness of the Problem of Human Trafficking".	Social research
Angel Coalition/"Miramed Institute"	Research	Research among the public, NGO representatives and representatives of state institutions on their attitude to Human Trafficking.

Time frame	Region of Russia	Financial Source	Partners	Contacts
2004-2005	Russia, Ukraine, Kyrgyzstan, Uzbekistan, Armenia	UNIFEM (Alma-Aty)	La Strada (Ukraine, Yekaterina Levchenko); Women's Rights Centre (Yerevan, Suzanna Vardanyan); Women's Resource Centre (Tashkent), Women's Assistance Centre (Bishkek, Roza Aitmatova)	Maria Mokhova
Regularly since 2004	Moscow			Fedor Sinitsin
2002	Saint-Petersburg			Yelena Zabadykina
2002	Saint-Petersburg	Internews (Moscow)		
	Saint-Petersburg	Vital Voices, IREX		
2002	Perm and other cities in the Ural region.	"Global Alliance Against Trafficking in Women"		
2001	Perm			
1999	43 NGOs in various Russian cities.	USAID, UNIFEM		Marianna Solomatova, Afsona Kadyrova

Organisation/ Agency	Project/Activities	Activity Focus
Angel Coalition/"Miramed Institute"	Information campaigns	100-day campaign against human-trafficking in several large cities in Russia (press conferences, dissemination of posters, booklets, stickers, bags, badges, buttons, announcements; TV and radio programmes).
	Training for embassy and consular officers.	Training in issues of human trafficking for visa departments of foreign embassies and consulates in Russia (Finnish and Swiss embassies) publication of a brochure.
	Assisting the return and rehabilitation of HT victims.	Opening of five refuges for female victims of human trafficking: two in Saint Petersburg and one each in Murmansk, Petrozavodsk and Kazan.
"INGO Russian Community Organi- sation/Women's Crisis Centre" NGO	Cooperates with the Angel Coalition under a project to provide shelter for victims. Making the documentary film "Trap", publication and dissemination of the booklet "Different Women, Similar Problems" about women engaged in prostitution. Conference, "Cooperation between Governments and Non-Governmental Organisations on the issue of Human Trafficking", and Conference for At-risk Groups and those with an interest in the subject, "Social and Psychological Assistance Projects for Women".	
The NGO "Tatarstan Republic Community Innova- tion Fund", Kazan	Distribution of leaflets at employment fairs and those advertising tourism for women "from the perspective of gender". The NGO aims to open a refuge for HT victims.	
	Research among sex-workers	
The "Women's Social Support Centre" NGO	Project "Stop Trafficking in Women"	Publication and dissemination of information materials. Assistance with leaving Turkey, Europe and Asia.
The "Ekho Women's Commu- nity Organisation" and the "Women's Union" NGO	Running of working groups of human trafficking and gender issues. Formation of an Advisory Board from NGO and government representatives. Presentations at schools and universities.	

Time frame	Region of Russia	Financial Source	Partners	Contacts
2001	Saint Petersburg, Moscow, Yaroslavl, Nizhny Novgorod, Petrozavodsk, Novgorod	Soroptimist International and US Embassy Democracy Grant Programme.		
		The US State Department for Education and Culture.		
		US Department	IOM, Moscow SIDA	
2005	Saint Petersburg			Natalya Khodyreva
2000	Kazan			
	Smolensk, Moscow, Krasnodar, Stavropol, Briansk, Altay	USAID		
	Barnaul			

Organisation/ Agency	Project/Activities	Activity Focus
The "Baikal Centre for Legal Reforms" NGO and the "Women's Crisis Centre" NGO	Project "Trafficking in Women in the Irkutsk Region".	
The Women's Crisis Centre "Lana"	Delivery of seminars and publications in the press. Legal and psychological assistance to parents of HT victims.	
The Tula Regional Centre for the Support of Women and Families, "Friend"	Seminars for women's NGOs, law enforcement authority and regional administration representatives. Training, legal and psychological assistance.	
	Making the topical radio programme and the booklet "A Sold Bride".	
The "Karelia Centre for Gender Problems" NGO	Partnership with the Angel Coalition under the shelter maintenance project.	
The "Angaro-Baikal Regional Women's Union" NGO	Project "Baikal Region Women's Initiatives" addressing women's leadership problems.	The project incorporates a section on anti-trafficking.
	The Union organised an anti-trafficking session for the 3rd International conference "Women on Planet Survival".	
Internews	Social advertising against human trafficking.	3 video clips, each lasting 30 seconds.
	Educational film "There is a Golden Town"	
Independent Broadcasting Fund	Producing the topical radio programme and the booklet "A Sold Bride".	

Time frame	Region of Russia	Financial Source	Partners	Contacts
	Irkutsk			
	Nizhny Tagil (Sverdlovsk Region)			
	Tula	ABA/CEELI	La Strada (Poland)	
2002			"Independent Broadcasting Fund"	
2004-2005	Petrozavodsk			Larisa Boichenko
	Irkutsk Region (Sayansk, Bodaibo, Shelekhov); Ust-Ordynsky Buryatsky Autonomous Okrug, Olkhonsky and Usolsky districts, Ulan-Ude			
2003				
2001	Moscow			N. Khvorova
2001	Moscow, Saint Petersburg		"Alexandra", Saint Petersburg	
2002	Moscow		The Tula Regional Support Centre for Women and Families "Friend"	

International Donor

Organisation/ Agency	Project/Activities	Activity Focus
	Programme “Prevention of Trafficking in Women and Girls” - Prevention of Trafficking in Women in West Siberia and South Russia.	Delivery of seminars for NGOs, educational institutions and orphanages; educational and awareness raising campaigns for people in large and at-risk groups.
International Research & Exchanges Board (IREX)	Programme The “Prevention of Human Trafficking and Dissemination of Information” programme.	Increasing the economic possibilities of at-risk groups. Training to improve professional skills and develop entrepreneurial qualities. Work with women from at-risk groups and returned victims providing them with legal and psychological assistance, as well as educational and vocational training.
	Financing of a network of domestic violence prevention centres	
The “Winrock International” NGO	HT prevention and public awareness-raising about HT in the Far East and Siberia. Reducing the reasons for trafficking. Information campaign.	Training programmes To “extend women’s economic capacities” (“Professional Skills” and “Developing Entrepreneurial Qualities” programmes for unemployed and job seekers). 3-day training on small business creation and management (financial management, business strategy development, decision-making, basic marketing, etc.)

and Development Organisations

Time frame	Region of Russia	Financial Source	Partners	Contacts
2001 (1 year)	Saratov, Barnaul	US State Department of Education and Culture.	Saratov Regional Crisis Centre, Barnaul Women's Union, Russian Association of Women's Crisis Centres "Stop Violence"	
2001-2004		USAID		
	Yekaterina NGO (Yekaterinburg), Sisters NGO (Moscow), Maya NGO (Petrozavodsk) and Obereg NGO (Krasnodar).			
2001-2003	Khabarovsk Kray, Primorie, Far East, Siberia.	USAID	NIS-US Women's Consortium	

Organisation/ Agency	Project/Activities	Activity Focus
Central European and Eurasian Law Initiative of the American Bar Association (ABA/CEELI)	“Gender Issues Programme”	Cooperates with governments and NGOs in preventing domestic violence, discriminatory legislation and human trafficking.
	Pilot projects in three cities aimed at developing cooperation models for law enforcement authorities, general prosecutor’s offices, governmental bodies, medical institutions and NGOs in the prevention of domestic violence and human trafficking.	
	Social Advocates Programme	Provides legal training for non-lawyers from crisis centres and NGOs on domestic violence and human trafficking prevention.
International Labour Organisation	Direct Assistance to Migrants Programme.	Support of gainful activity of migrants from Central Asian republics.
	The Start and Improve Your Own Business Project.	Training for the unemployed and small businessmen in improving their awareness of business potential and knowledge of how to run an independent business.
UN Development Programme (UNDP)	The UNDP Gender Programme addresses certain aspects of trafficking.	The UNDP, jointly with the Angaro-Baikal Regional Women’s Union, has established a regional NGO network covering 6 Siberian regions as part of the Baikal Women’s Initiative project. UNDP jointly with the Angara Union created a library on gender issues, developed a guide to developing women’s NGOs, conducted research into the problem of violence against women and established an Information and Educational Centre. The Centre works with the mass media on issues of problems of domestic and sexual violence.

Time frame	Region of Russia	Financial Source	Partners	Contacts
2000-2003				Anton Chazov
	Saint Petersburg, Samara, Syktyvkar			
2000	Belgorod, Lipetsk, Voronezh		OHCHR	Natalya Shcherbakova
	Belgorod, Voronezh		The Vera NGO (Belgo- rod) and the Spiritual Unity NGO (Voronezh)	
Since 1999				Galina Kalinaeva

Organisation/ Agency	Project/Activities	Activity Focus
UN Development Programme (UNDP)	Research “Human Development against Human Trafficking”.	UNDP project, Bratislava
	Project “Developing Women’s Management Centres”.	
International Organisation for Migration (IOM)	Programme establishing a network of refuges for HT victims.	Five refuges opened: two in Saint Petersburg, one each in Murmansk, Petrozavodsk and Kazan.
	Voluntary Return and Reintegration Programme.	Since 2002, HT victims have been given help to return, including assistance at the airport, escort services, payment of travelling expenses, medical aid and occupational training in partnership with a NGO.
	Research of NGO anti-trafficking activity.	
	Research into the legal and institutional mechanisms of combating HT in Russia.	Outcomes are published in the national digest.
Organisation for Security and Cooperation in Europe (OSCE)	IOM organised a training seminar on governmental and NGO cooperation on issues of combating trafficking in women.	The seminar was attended by representatives from 15 NGOs. They studied models of successful policy-making, victim protection and strategies developed by foreign anti-human-trafficking NGOs jointly with IOM experts and other international organisations.
	Human trafficking seminars.	Participants included representatives of the Federal Border Service; Ministry of Public Health; Ministry of Labour and Social Development; Ministry, of Internal Affairs; General Prosecutor’s Office; Interpol National Bureau in the RF; several State Duma Committees; and delegates from international organisations.
	Programme “Development of a legal framework for legal labour migration”.	

Time frame	Region of Russia	Financial Source	Partners	Contacts
2004-2005	Moscow			
	Irkutsk and Syktyvkar			
Since 2003	Saint Petersburg, Murmansk, Petrozavodsk, Kazan		Angel Coalition	
2003	Moscow			
2004				
2002	Moscow			
	Rostov, Yekaterinburg, Saratov, Chelyabinsk			

