

Report

Prof. Sergey Ryazantsev

*ADSTRINGO: Addressing Trafficking
in Human Beings for Labour Exploitation
through Partnership, Enhanced Diagnostics
and Improved Organisational Approaches*

***“Trafficking in Human Beings
for Labour Exploitation and Irregular
Labour Migration in the Russian Federation:
Forms, Trends and Countermeasures“***

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Anna Ekstedt, Anthony Jay and Vineta Polatside

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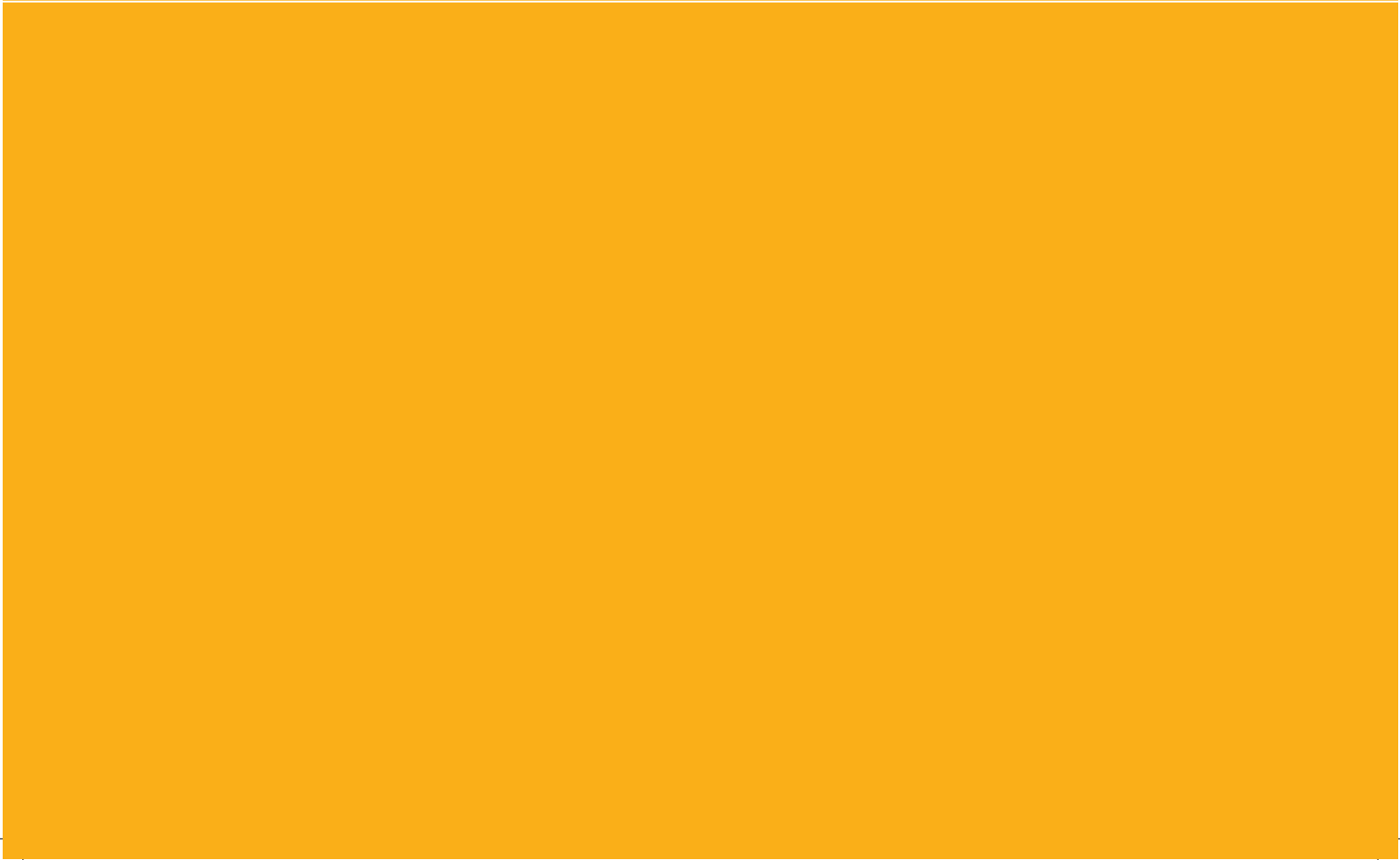


Table of contents

10 *Summary*

15 *Introduction*

18 *Research methodology*

21 ***Chapter 1.***

Human trafficking for labour exploitation and irregular migration in the Russian Federation: trends and aspects

22 1.1. Scale of the crime of human trafficking and the forms of crime related to human trafficking for forced labour in the Russian Federation

29 1.2. Key actors in counteracting human trafficking, the use of forced labour and irregular migration

32 1.3. Irregular migration as a form of human trafficking in the Russian Federation: basic concepts and scale

35 ***Chapter 2.***

Labour immigrants (foreign citizens) as victims of human trafficking for labour exploitation in the Russian Federation

36 2.1. Labour migration trends in Russia and factors facilitating the involvement of people from countries of origin in terms of labour migration

38 2.2. Use of migrant labour as well as labour exploitation of migrants by employers in Russia

48 2.3. Methods of recruitment in countries of origin and the transportation of human trafficking victims as well as irregular labour migrants to Russia

53 2.4. Forms of migratory labour exploitation as well as exploitation of victims of human trafficking

61 **Chapter 3.**
*Labour emigrants (Russian citizens) as victims
of human trafficking for labour exploitation
outside the Russian Federation*

62 3.1. Emigration trends of Russian citizens: scale,
channels and risks of being drawn into irregular
migration, labour exploitation and human
trafficking abroad

69 3.2. Recruitment methods of Russian citizens for
exploitation abroad as victims of human trafficking
and irregular labour migration

75 **Chapter 4.**
*Recommendations to counteract trafficking
in human beings and irregular migration
in the Russian Federation*

79 *Bibliography
and sources of information*

85 **Annex 1.**
Concepts and terminology

Summary

For the Russian Federation, human trafficking for labour exploitation has become particularly acute due to the country's special socio-economic situation and geographical location. In Russia, the collapse of the USSR was followed by a sharp increase in socio-economic inequality and a rise in unemployment and poverty, which created a socio-economic rationale for the involvement of sizeable socio-demographic groups among the Russian population in trafficking. Russia is not only a source and destination country for internal and external trafficking in human beings for labour exploitation, but by virtue of its geographical location and size, Russia has become a country through which a significant number of migrants from Asia, Africa, and the Near East attempt to enter Europe. Human trafficking in the Russian Federation is closely linked to irregular migration into which huge numbers of people from the former USSR have been drawn.

The aim of this research is to identify trends and patterns in human trafficking for labour exploitation as well as related irregular labour migration in the Russian Federation under the current socio-economic conditions and to formulate recommendations to combat these adverse phenomena.

In this research trafficking for labour exploitation is considered from a broad perspective, not only focusing on the legal definition of trafficking for forced labour but also on less legally severe cases of labour exploitation that constitute and facilitate the context in which a trafficking situation can occur. ***Slave labour*** and ***trafficking for labour exploitation*** are utilized as synonyms to trafficking for forced labour throughout the report (see Annex 1 – Concepts and terminology of the report).

The data for the research was collected by employing statistical, sociological, cartographic and analytical methods. The report analyses the scale of trafficking for labour exploitation in the Russian Federation and its link to irregular migration. The system for the regulation of labour migration in the Russian Federation can be viewed as imperfect and currently incomplete, enabling the possibility for labour migrants to be actively drawn into human trafficking and labour exploitation by unscrupulous employers and criminals.

The modern Russian economy may be described as “migrant-dependent” as between 1.5 million and 2 million official labour migrants come to the country each year. The majority of them are nationals of the Commonwealth of Independent States (CIS) who are fully entitled to enter Russia without a visa, but do not subsequently receive permission to work. This category of migrant workers is the most liable to be drawn into a situation of human trafficking for labour exploitation. Majority of foreign workers in Russia are men (approximately 86%), and the great majority of them are aged between 18 and 39 (approximately 80% of all migrant men). Assessing the skill level of labour migrants is quite difficult, because many of them do not work in their fields of expertise. In 2011, a sizeable proportion of foreign nationals (approximately 31%) were given permission to work in Russia in unskilled professions and as construction workers engaged in mining, mine development and installation and repair work (24%). The majority of unskilled workers were from Uzbekistan - 52%, Tajikistan - 24%, and Kyrgyzstan - 10%. Construction workers came primarily from Uzbekistan (36%), Tajikistan (14%), Ukraine (11%), and China (7%).¹

At the same time the Russian Federation has become a major supplier of “living goods” for foreign markets. Rough estimates from Interpol suggest that around 170 thousand Russian citizens across the world are currently living in conditions of slavery. This number is composed mostly of women who have been taken out of the country for labour exploitation and sexual exploitation in the USA, Western Europe, Japan and China.²

This research identifies the methods of recruiting migrant workers for the purpose of trafficking for labour exploitation. The mechanisms and methods used to recruit foreigners and Russian citizens into human trafficking are quite varied and are constantly being perfected by criminal structures. According to experts the most widespread methods of recruitment in the Russian Federation are recruitment by different network structures, private individuals,

independent recruitment, by firms and recruitment agencies, and by state structures. The role of the internet in recruiting trafficking victims has grown considerably in Russia and the internet has become a major platform for recruiting victims of trafficking.

The research shows that instances of labour exploitation and violation of migrants’ employment rights are commonplace among Russian employers. The most serious cases of exploited migrant workers have been found in construction and repair works, trade and catering, agriculture and forestry, processing industry, transport, housing, and utilities sectors. Another serious type of human trafficking also exists in private households in terms of domestic servitude.

1. Data from the Federal Migration Service (<http://www.fms.gov.ru>) [Date accessed: 4 June 2013]

2. A. Kolesnichenko, *4 million migrants from the CIS are living in near-slavery conditions in Russia*, Centre Asia report (www.centrasia.ru/newsA.php?st=1075269840). Retrieved 20 June 2013.

Introduction

Human trafficking for labour exploitation has become a widespread phenomenon in many countries around the world. According to ILO research 2012, around 21 million people worldwide are victims of trafficking for forced labour, including around 1.6 million people in the post-soviet area.³

For the Russian Federation, human trafficking for labour exploitation has become particularly acute due to the country's special socio-economic situation and geographical location. In Russia, the collapse of the USSR was followed by a sharp increase in socio-economic inequality and a rise in unemployment and poverty, which created a socio-economic rationale for the involvement of sizeable socio-demographic groups among the Russian population in trafficking. The spread of corruption and creation of a "migrant-dependent" economy based on the exploitation of cheap labour performed by foreign workers deprived of their rights spurred the arrival of human trafficking victims from neighbouring countries, especially those in Central Asia. Ultimately, the country's geographical position and transport links aided its transformation into a transit corridor between Asia and Europe through which trafficking victims are channelled. It should also be noted that there is a close link between human trafficking for labour and sexual exploitation and the phenomenon of irregular labour migration, into which huge numbers of people from the former USSR have been drawn.

The aim of this research is to identify trends and patterns in human trafficking for labour exploitation as well as related irregular labour migration in the Russian Federation under the current socio-economic conditions and to formulate recommendations to combat these adverse phenomena.

The tasks of the research are: 1) to identify the scale and trends in human trafficking for forced labour in the Russian Federation; 2) to investigate the relationship between human trafficking for labour exploitation and irregular labour migration in the Russian Federation; 3) to make an assessment of the socio-demographic groups of Russian and foreign citizens at the greatest risk of being involved in irregular

³ ILO Global Estimate of Forced Labour 2012: Results and Methodology, Geneva, 2012 (www.ilo.org) [Date accessed: 1 October 2013]

labour migration and potentially human trafficking for labour exploitation; 4) to determine the methods and forms of recruitment for human trafficking and irregular labour migration of Russian and foreign citizens in modern socio-economic conditions; 5) to evaluate the effectiveness of the efforts made by the government and society to combat human trafficking for labour exploitation in the Russian Federation; 6) to make recommendations to improve the labour migration regulation system and prevent irregular migration, and also to prevent human trafficking for labour exploitation in the Russian Federation.

This research was conducted by the initiative of the Task Force against Trafficking in Human Beings (TF-THB) of the Council of the Baltic Sea States (CBSS) and the Ministry of Foreign Affairs of the Russian Federation as part of the project "ADSTRINGO Poland and Russia: Addressing trafficking in human beings for labour exploitation through partnership, enhanced diagnostics and improved organisational approaches" and was undertaken by Doctor of Economics, Professor and Associate Member of the Russian Academy of Sciences, Sergei Vasilyevich Ryazantsev, the head of the Centre for Social Demography and Economic Sociology at the Institute for Socio-Political Research of the Russian Academy of Sciences from January to July 2013.

"ADSTRINGO Poland and Russia – Addressing trafficking in human beings for labour exploitation through improved partnerships, enhanced diagnostics and intensified organisational approaches" is a transnational project that focuses on trafficking for forced labour and labour exploitation in Poland and Russia. The project is being carried out from July 2012 to June 2014 with the financial support of the Swedish Institute. The ADSTRINGO Poland and Russia project complements the ADSTRINGO project which is implemented with the financial support of the Prevention of and Fight against Crime Programme European Commission – Directorate- General Home Affairs.

That specific project is implemented in Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, and Sweden. The project is coordinated by the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), and the

project partners are the Ministry of the Interior of the Republic of Lithuania, the University of Tartu in Estonia and the Council of the Baltic Sea States, Task Force against Trafficking in Human Beings.

The main objective of ADSTRINGO is to prevent trafficking for forced labour through enhanced national and regional partnerships and through improved understanding of the mechanisms that facilitate exploitation of migrant labour within the region. This is being done through several project activities, with this research being one of the main activities. In addition, the project involves the organisation of national and regional meetings in Poland and Russia in order to establish a dialogue between key labour actors at the national level, the development of a set of concrete guidelines for employers and recruitment agencies and other actors for the prevention of trafficking for forced labour and labour exploitation, and the organisation of an international high-level conference on 17 – 18 October in Vilnius.

The author of the report attended working meetings and conferences of the Task Force against Trafficking in Human Beings (TF-THB) of the Council of the Baltic Sea States (CBSS) in Moscow (11-12 April, 18 June 2013), St. Petersburg (15-16 April 2013) and seminars held as part of the "ADSTRINGO" project in Moscow (20 February 2013), Kaliningrad (11 June and 29 August 2013) and Kazan (25 February 2014).

Research methodology

The data for this research was collected by employing the following methods:

Firstly, the **statistical method**, which included gathering and processing statistical data regarding human trafficking offences, use of slave labour and human smuggling provided by the Russian Ministry of Interior and the Investigative Committee of the Russian Federation for the years 2009-2012; data from the Russian Federal Migration Service concerning the quantity and structure of permits for work in the Russian Federation issued to foreign citizens, and also data concerning the number and breakdown of Russian citizens employed abroad between 2006 and 2012.

Secondly, the **sociological method**, which included 18 interviews with experts, including government employees, law enforcement officials, embassy representatives, employees of international organisations, employees of non-governmental organisations, managers of companies which provide employment services, trade union leaders, academics, etc. The interviewees are referred to by the name of the institution they work for. The interview guide included questions designed to identify aspects of recruitment and involvement in human trafficking and irregular migration and focused on the following themes:

- The connection between labour migration and migrant labour exploitation,
- Practices of migrant labour exploitation and human trafficking (types, methods used to recruit victims, victims' and perpetrators' profile),
- Migrants' recruitment process,
- Various forms of trafficking for labour exploitation,
- Mechanisms to prevent migrant labour exploitation and role of the state institutions, employers, policymakers, and non-governmental organisation in combating trafficking for labour exploitation and protecting victims.

In addition, 35 interviews with human trafficking victims or their representatives (parents/relatives) were conducted personally by the author or obtained from the database of the Moscow office of the International Organization for Migration (IOM) between January – June 2013. For this, the author expresses sincere thanks to the staff at the IOM's office in Moscow.

The interviews conducted for the study were anonymous. The names of the interviewees have been changed, because human trafficking poses significant risks to the safety of victims, particularly before investigations are complete. For this reason, it was not possible in principle to use some interviews in this report, so as not to endanger the lives of some individuals.

A content analysis of the Russian and foreign press on the subject of human trafficking for labour exploitation was also carried out. Field data and interviews were collected in various regions of the Russian Federation, including in Moscow, St. Petersburg, Kaliningrad, the North Caucasus, the Volga region and the Russian Far East. The author wishes to thank the senior research worker at the Centre for Social Demography and Economic Sociology, Svetlana Yuryevna Sivoplyasova PhD Econ., for her help in gathering and processing the interviews with experts.

Thirdly, the ***cartographic method***, which entailed preparing a number of graphical materials, cartograms and diagrammatic representations relating to human trafficking and irregular migration. These were used to develop a typology of regions of the Russian Federation in terms of the proportion of labour emigrants within the workforce.

Fourthly, the ***analytical method***, which entailed analysing and reviewing legislation within the Russian Federation, intended to combat human trafficking for forced labour and irregular migration. Previous research conducted by international organisations and research institutes in the Russian Federation between 2000 and 2010 was also analysed.

Special thanks must go to Marina Anatolyevna Viktorova, who works for the Russian Ministry of Foreign Affairs and was the Russian chair of the TF-THB, and Vineta Polatside, who works for the TF-THB, for giving the author the opportunity to conduct this research, for their precise coordination of the work and for helping the author to conduct the research.

The author hopes that this report will go some way as a contribution to deepen understanding of the reasons, trends and issues surrounding human trafficking, the use of slave labour and the organisation of irregular migration and trafficking, and ultimately that it will aid the possibility to suppress and reduce the scale of these adverse phenomena in the Russian Federation.

Chapter 1.

*Human trafficking for
labour exploitation and
irregular migration in
the Russian Federation:
trends and aspects*

1.1.

Scale of the crime of human trafficking and the forms of crime related to human trafficking for forced labour in the Russian Federation

Almost immediately after the break-up of the Soviet Union, human trafficking appeared as a phenomenon in Russia. The opening of its borders and the integration of the Russian Federation into the global economy facilitated an increase in the number of journeys made by Russian nationals overseas and by foreigners to Russia, and also increased the problem of international trafficking and irregular migration. According to figures from the UNODC International Centre for the Prevention of Crime, Russia is top of the list of countries of origin of human trafficking victims.⁴ The Russian Federation has also become host to a significant number of labour migrants from Central Asian countries and CIS states, China and Vietnam, who often fall prey to human traffickers. The territory of the Russian Federation is also used as a transit area by criminal groups who organise human trafficking.

The development of a Russian legal framework aimed at tackling human trafficking began later. 1996 saw the adoption of the Criminal Code of the Russian Federation, which contained an article that prescribed a penalty for the trafficking of children (article 152). Federal Law no. 162 "On amendments

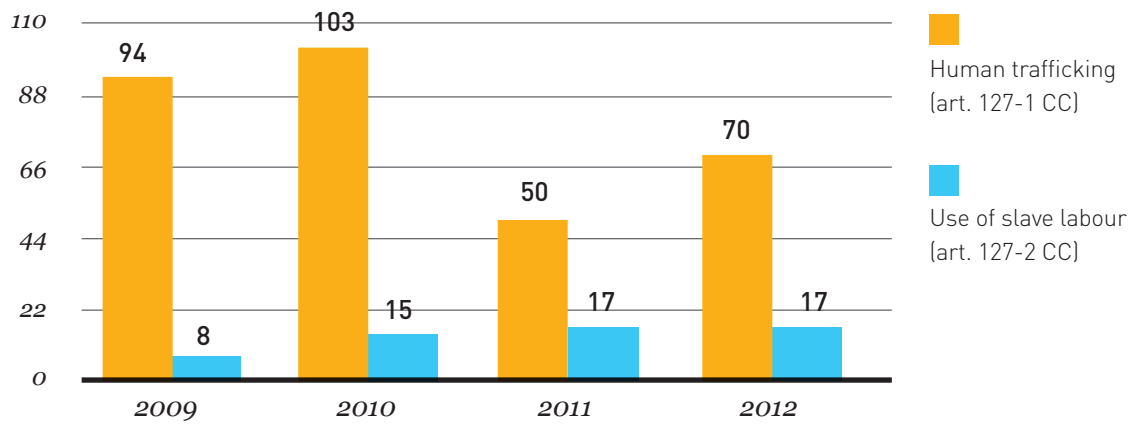
to the Criminal Code of the Russian Federation" was passed in December 2003. This law added two articles to the Criminal Code which criminalized human trafficking (article 127-1) and the use of slave labour (article 127-2) in the Russian Federation. This step constituted formal recognition by the government of the problem of human trafficking in Russia. The legal premises for the adoption of the aforementioned articles of the Criminal Code of the Russian Federation were the UN Convention "Against Transnational Organised Crime" and its supplementing Protocols: "Against the Smuggling of Migrants by Land, Sea and Air" and "To Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children".⁵ Improvements were subsequently made to Russian legislation. At present, seven articles of the Criminal Code of the Russian Federation include penalties for human trafficking offences.

4. B. Gorai. 21st-century slaves// *Interpol Express*. – 9 December 2003. – p. 2.

5. Human Trafficking and Legalization of Criminal Profits. Issues of Prevention: A Scientific and Practical Guide/ Edited by O.P. Levchenko. – Moscow: Publisher: Unity-Dana, 2009. – p. 21.

Fig. 1.1.2.

Number of criminals prosecuted for human trafficking and labour exploitation in the Russian Federation in 2009-2012, % *Source:* Ministry of Interior of the Russian Federation.

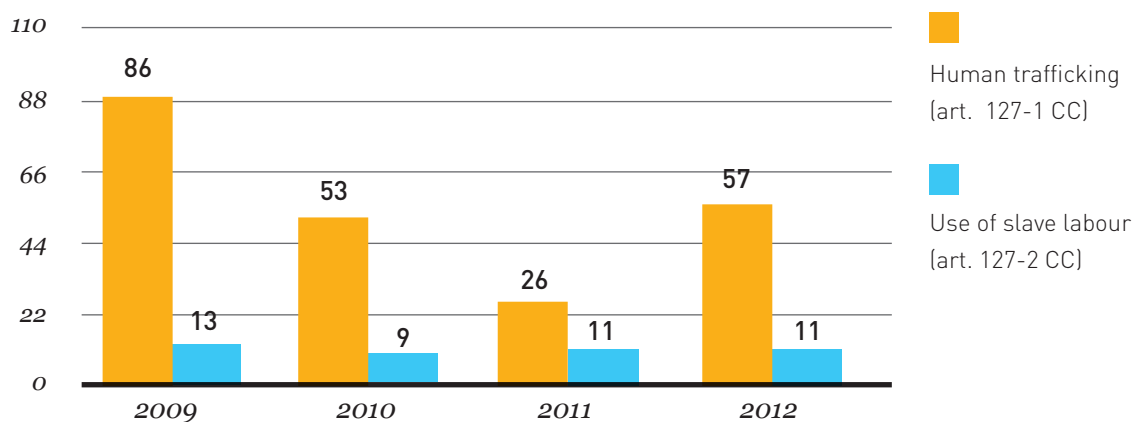


In 2009-2012, the law enforcement agencies of the Russian Federation brought criminal prosecutions against 226 criminals (fig. 1.1.2). Experts point out that many human trafficking offences are carefully planned and organised by criminal gangs. In 2011, the Russian law enforcement agencies identified 17,691 offences committed by organised criminal groups and criminal gangs, including 10,547 general criminal offences. Under article 210 of the Criminal

Code of the Russian Federation, "Organisation of criminal gangs", officers of the Russian internal affairs authorities identified 101 crimes and solved 64.⁶ An "Organised criminal group" means a structured group made up of three or more people which exists for a certain period of time and operates with the aim of committing one or more serious crimes in order to secure, directly or indirectly, financial or other material gain.⁷

Fig. 1.1.2.

Number of criminals prosecuted for human trafficking and labour exploitation in the Russian Federation in 2009-2012, % *Source:* Ministry of Interior of the Russian Federation.



6. Paper by A.A. Ovodkov (Head of the 26th Division of the Main Criminal Investigation Department of the Russian Ministry of Internal Affairs)// *Materials from the International Round Table Discussion "Improving Cooperation between Competent Bodies of International Universal Organisations To Combat Human Trafficking"* (23-24 May 2012, Moscow). – Moscow: "Verdy" Open Joint-Stock Company, 2012. – p. 65.

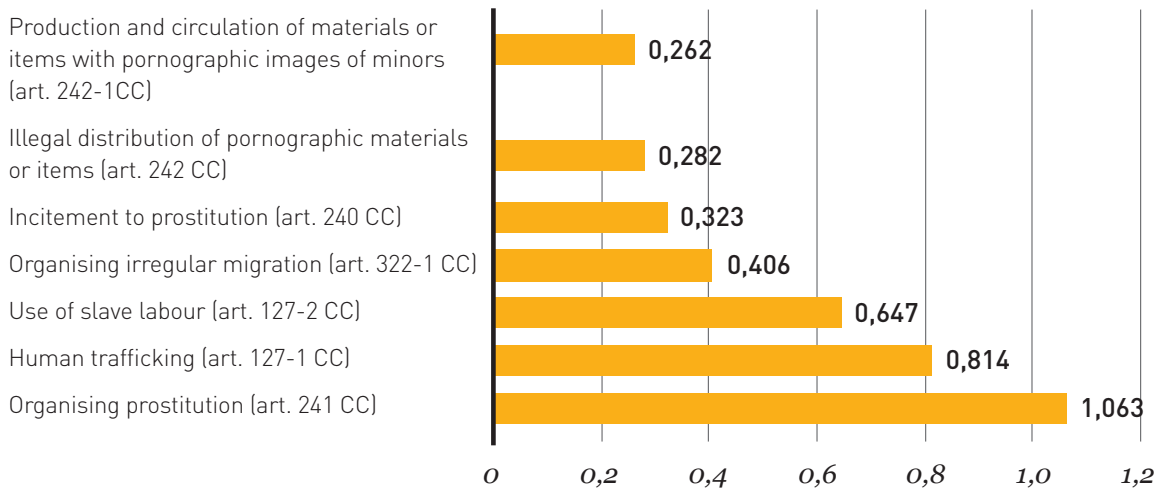
7. A. Jordan. *The Annotated Guide to the Complete UN Trafficking Protocol*. – Moscow: Syostri Sexual Assault Recovery Centre. – Moscow, 2005. – p. 7.

Organised criminal groups involved in human trafficking now operate on an international level, include citizens of a wide range of countries, are well equipped and informed, are assisted by a broad support base of contacts, and have significant financial resources at their disposal. Naturally, the activities of such groups can only be suppressed through international cooperation and coordination of the activities of the law enforcement agencies in different countries. As has been pointed out in research, a large proportion of the ringleaders of criminal human trafficking groups in Russia have previous convictions, the criminal activity is also undertaken by women who have previously been involved/operated in prostitution. There have been cases where leaders of organised criminal groups, certain charitable organisations and overseas employment companies have been involved in activity connected with human trafficking.⁸

A coefficient of involvement in various forms of crime related to human trafficking, labour exploitation and organised irregular migration in 2012 was calculated. It was found that the highest value of the coefficient, 1.063, was observed for the organisation of prostitution. This means that for every offence, there is more than one criminal. The coefficient of involvement in human trafficking crimes was 0.814, use of slave labour – 0.647, organising irregular migration – 0.406, incitement to prostitution – 0.323, illegal distribution of pornographic materials or items – 0.282, production and circulation of materials or items with pornographic images of minors – 0.262 (fig. 1.1.3). This means that the level of organised crime is greater for such types of crime as organising prostitution, human trafficking and the use of slave labour.

Fig. 1.1.3.

Coefficient of involvement in different forms of crime related to human trafficking and organisation of irregular migration in 2012, % **Source:** Author’s calculations based on data from the Ministry of Interior of the Russian Federation.



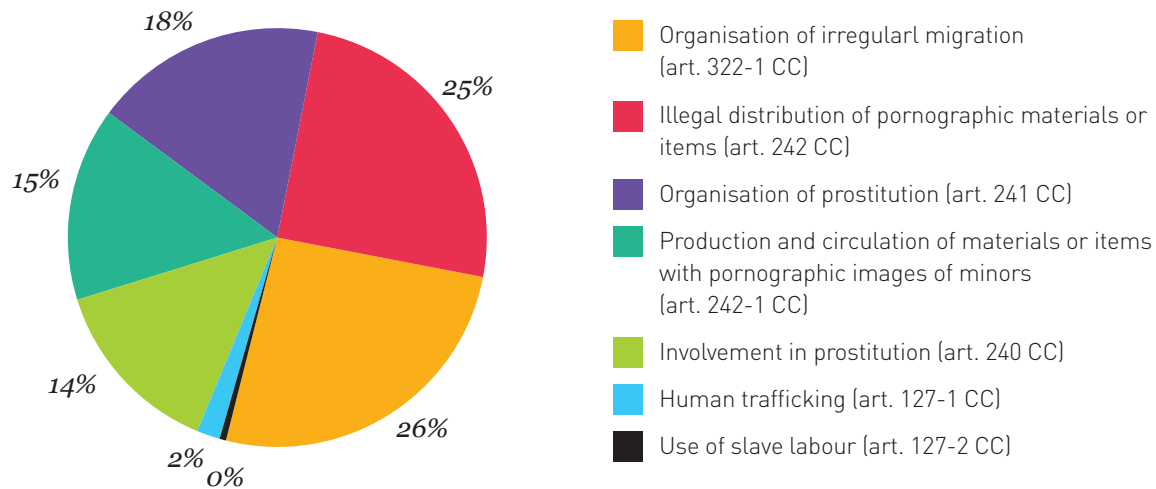
According to data in the official statistics of the Ministry of Interior, article 271-1 of the Criminal Code of the Russian Federation, "Human trafficking", is applied to only 2% of crimes and 3% of criminals prosecuted in

this sector (figs. 1.1.4 and 1.1.5). However, the problem is much more significant for society. This is demonstrated by two factors.

8. G.I. Zagorsky, M.A. Kaufman, T.F. Moiseeva, N.V. Radutnaya: *Court Proceedings in Human Trafficking Criminal Cases*. – Moscow: Publisher "Yuridicheskaya literatura", 2009. – p. 59.

Fig. 1.1.4.

Breakdown of recorded offences in the field of human trafficking and organisation of irregular migration in 2012, % *Source:* Ministry of Interior of the Russian Federation.



Firstly, there is a serious humanitarian aspect to human trafficking: the consequences of human trafficking are catastrophic for society. The biggest danger posed by these consequences is that crimes in this category are committed against young people aged up to 30 (primarily women and children) who should have access to the opportunities afforded to other sections of society and be able to act out their potential on their own terms by engaging in activity that is fulfilling and of asset to society as a whole. Life during and after experienced exploitation is extremely difficult for human trafficking victims as they have been subjected to psychological and physical harm. The trauma suffered by victims often causes long-term and irreparable psychological damage which destroys their physical health, and can sometimes be fatal. These various levels of harm are direct socio-demographic losses for the state.

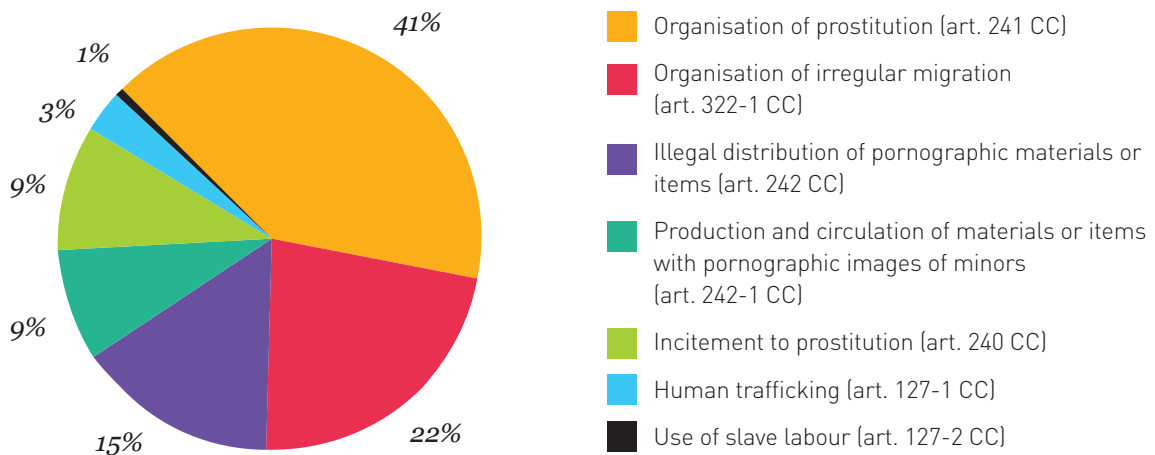
EXAMPLE 1. Rise in the number of human trafficking offences in the Russian Federation (interview with an expert who works for the Investigative Committee of the Russian Federation).

The “Human trafficking” article was added to the Criminal Code of the Russian Federation in 2003. We began recording crimes under this article. They came third after the sale of narcotics and weapons. On 27 December 2009, the article was expanded to include persons in a situation of dependence. In 2012, 70 human trafficking offences were recorded in Russia and 57 people were arrested. The victims were mainly women and female minors. 90% of cases were related to sexual exploitation. Deception of victims and violence towards them are typical features of these offences. Cases include the following stages: recruitment – transportation – exploitation. We also investigate offences connected with slave labour, involvement in prostitution and production of pornographic materials. We use new ways of tackling offences: 1) active investigation (recruitment, enquiries, observation); 2) non-active investigation (depending on whether the victim wishes to identify the offence and the offender); 3) immediate response (comprehensive investigation, questioning all suspects).

Secondly, human trafficking for sexual exploitation and labour exploitation is a complex phenomenon which, according to its legal characteristics, can be characterised by different parameters and can be classified by the Criminal Code of the Russian Federation under such articles as "Use of slave labour" [art. 127-2], "Incitement to prostitution" [art. 241], "Organisation of prostitution" [art. 241], "Illegal distribution of pornographic materials" [art. 242], "Production and circulation of materials or items with pornographic images of minors" [art. 242-1] and "Organisation of irregular migration" [art. 322-1].

Fig. 1.1.5.

Breakdown of recorded offences in the field of human trafficking and organisation of irregular migration in 2012, % *Source:* Ministry of Interior of the Russian Federation.



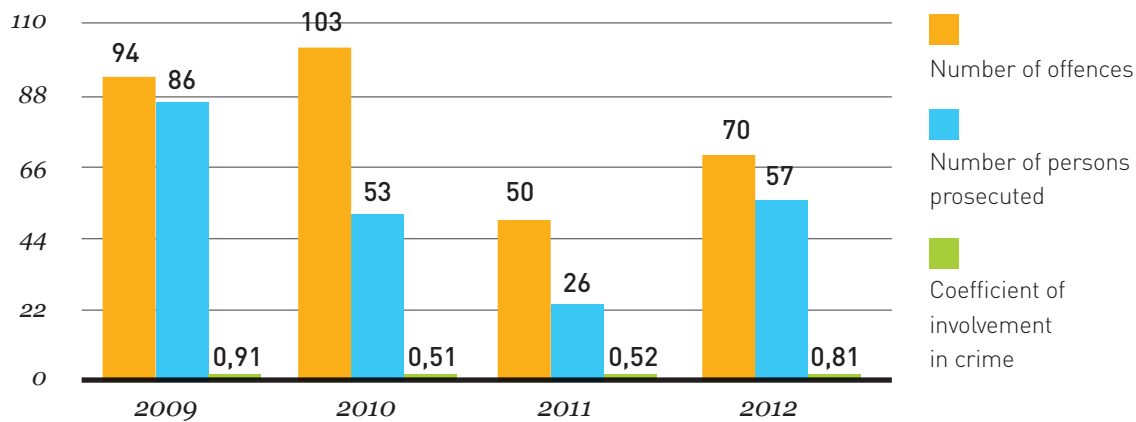
Human trafficking is closely linked with labour exploitation. Article 127-1 of the Criminal Code of the Russian Federation lists the following types of exploitation: exploitation of the prostitution of others; other forms of sexual exploitation; slave labour (or services); servitude. Human trafficking can also be done for the purpose of removing organs and tissue from a person. In its conventional sense, exploitation of a person is defined as activity relating to the appropriation of the outcomes of another person's labour and deriving benefits and assets.⁹ In the context

of article 127-1 of the Criminal Code of the Russian Federation, the concept of exploitation of a person may be defined as systematic appropriation of the outcomes of another person's labour which is committed through deception, abuse of trust, violence or the threat of violence, or exploiting the injured party's dependent position.

9. *Explanatory Dictionary of the Russian Language*/ ed. by S.I. Ozhegov and N.Yu. Shvedova. – Moscow, 1992. – p. 212.

Fig. 1.1.6.

Number of offences contrary to article 127-1 of the Criminal Code of the Russian Federation, "Human trafficking", committed in Russia in 2009-2012



One form of exploitation of a person is slave labour, whereby the exploited person performs work while in a state of slavery or subject to customs or social institutions similar to it.¹⁰ Article 127-2 of the Criminal Code of the Russian Federation defines slave labour as forced labour of a person over whom powers inherent in the right of ownership are exercised, including if this person is unable, for reasons beyond his control, to refuse to perform the work (or provide the services). Typical features of such labour include the lack of freedom of the worker and arbitrariness in the employer's behaviour.¹¹ The defining features of forced labour manifest themselves in the different forms of its use without the voluntary offering by the worker of her/his services (or without voluntary continuation of the work) with the use of different forms of coercion. The forced nature of the labour may take the form of changes to the terms of the contract of employment entailing unjustified expansion of the worker's duties, types of work, working hours, reduction in pay and time off, introducing unjustified penalties, etc.¹²

10. Human Trafficking and Legalization of Criminal Profits. Issues of Prevention: A Scientific and Practical Guide/ ed. by O.P. Levchenko. – Moscow: Publisher: Unity-Dana, 2009. – p. 31.

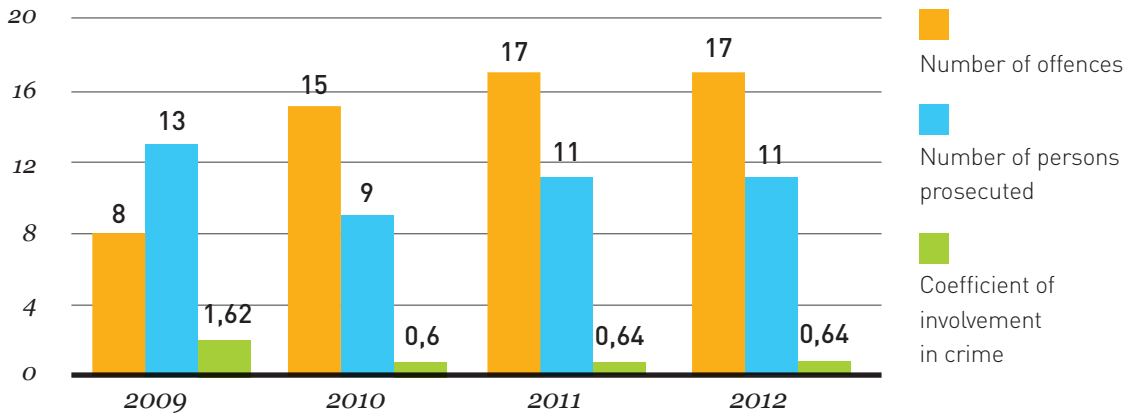
11. G.I. Zagorsky, M.A. Kaufman, T.F. Moiseeva, N.V. Radutnaya: *Court Proceedings in Human Trafficking Criminal Cases.* – Moscow: Publisher "Yuridicheskaya literatura", 2009. – p. 65.

12. S.V. Gromov. Criminal Law Assessment of Human Trafficking and Use of Slave Labour. Dissertation for a competition for the academic title of candidate of legal sciences. – Moscow, 2006. – p. 82-23.

Although figures from the statistics of the Ministry of Interior of the Russian Federation state that only 1% of all crimes are classified directly as “use of slave labour”, the phenomenon is widespread and many offences are covert and inhumane in nature.

Fig. 1.1.7.

Number of offences contrary to article 127-2 of the Criminal Code of the Russian Federation “Use of slave labour” committed in Russia in 2009-2012 *Source:* Ministry of Interior of the Russian Federation.



Consequently, amid the economic transformation and social changes that occurred in the Russian Federation in the 1990s and 2000s, human trafficking and slave labour became quite widespread phenomena. As the country has become integrated into the global economy, new kinds of offences have emerged coupled with new forms of organising criminal activities in this sector which pose a serious threat to national security. Many offences related to human trafficking are covert or latent and are classified under other articles of the Criminal Code, but this does not make their adverse consequences any less significant for society.

1.2.

Key actors in counteracting human trafficking, the use of forced labour and irregular migration

Despite the pervasiveness of the problem of human trafficking and irregular migration in the countries of the former USSR in the 1990s, for a long time these problems remained outside the field of view of state authorities in the Russian Federation. In particular, the concept of “human trafficking” itself was absent in legislation and in the practice of state authorities and law enforcement agencies. Only after the signing of the UN Convention against Transnational Organised Crime and the supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo protocol) by the Russian Federation in 2000 did state structures in the country dramatically step up their activity to counteract trafficking in human beings.

The turning point was brought about by the active work of experts and academics, ministries, international institutes and non-governmental organisations. In 2001, by the initiative of the Ministry of Foreign Affairs, the Commission on the Status of Women attached to the Government of the Russian Federation was launched. In 2002, an internal working group in the Ministry of Foreign Affairs was created to combat violence against women and human trafficking. In 2002, an inter-agency working group of the State Duma Committee for Civil, Criminal, Arbitration and Procedural Law was created to prepare a federal bill on counteracting human trafficking. In December 2003, Articles 127-1 “Human trafficking” and 127-2 “Use of slave labour” were

entered into the country’s Criminal Code, which allowed Russian law enforcement agencies to focus on and actively combat human trafficking. It should be noted that in 2004 the Russian Federation ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime.

As a result of these efforts to date, a system of state and civic institutions which actively work to counteract human trafficking and irregular migration has been formed in the Russian Federation.

Legislative, executive and judicial bodies

State Duma, Ministry of Interior (Mol), Ministry of Foreign Affairs (MFA), General Prosecutor’s Office, Investigative Committee, Federal Migration Service (FMS), Ministry of Labour and Social Protection, Ministry of Education and Science, Ministry of Health.

Non-governmental organisations (NGOs)

Experts have reason to believe that “initiatives from NGOs and international organisations have had a serious and, perhaps, decisive impact both on intensifying the activity of governmental structures in Russia in this area and on increasing the awareness of broad sections of the population and at-risk

groups regarding human trafficking and slave labour.”¹³ Among the non-governmental organisations working in this area, several which must be mentioned are the Anna National Centre for the Prevention of Violence, the Syostri Sexual Assault Recovery Centre, the St. Petersburg Centre for International Cooperation of the Red Cross, the St. Petersburg-based Doctors To Children, the Perm Centre Against Violence and Human Trafficking, and many others. NGOs are caring out a great practical work. However, due to a number of institutional constraints, including financial instability, only a few NGOs can provide needed assistance to victims of trafficking. Some NGOs provide psychological support via telephone hotlines, psychological support and rehabilitation assistance as well as legal assistance. Other kind of assistance and rehabilitation (shelter, medical assistance, safe return and reintegration, etc.) can be carried out by NGOs only with a financial and institutional support from the government.

International organisations and agencies

The United States Agency for International Development (USAID) has been the initiator of many projects to prevent human trafficking in Russia, as it has funded and supported around 20 Russian organisations which have developed programmes against human trafficking in the period 2000-2004.¹⁴ In 2004, a joint working group was formed which included the ILO, UNICEF, UNDP, UNFPA, UNDOC and the Office of the Permanent Coordinator of the UN in the Russian Federation. Several successful projects have been implemented in Russia: the voluntary return and reintegration programme by the International Organisation for Migration (IOM), the gender programme by the UNDP, projects by the International Labour Organisation (ILO), projects by the United Nations Office on Drugs and Crime (UNDOC), and programmes by the OSCE. In 2006-2009 a large-scale project on

“Preventing Human Trafficking in the Russian Federation” was carried out with funding from the European Union, jointly with the US State Department and the Swiss Agency for Development and Cooperation, of approximately 4 million euros. The IOM Office is doing important work for the prevention of human trafficking and the provision of assistance to victims of labour exploitation and sexual exploitation in the Russian Federation. Over the period 2006-2010 it has assisted over 450 people victimized by human trafficking. In 2012, assistance was given to 24 victims, including five Vietnamese citizens.¹⁵

Research institutions

Academic organisations and research centres at universities have made a significant contribution to the formation of a conceptual apparatus and description of the issue of human trafficking and slave labour. Several major papers have been published in Russia covering issues of irregular migration, human trafficking and the exploitation of labour migrants. This research has been carried out by, among others, the Institute of Social and Economic Studies of Population at the Russian Academy of Sciences (RAS), the Institute of Socio-Political Research RAS, the Institute of Economic Forecasting RAS and Lomonosov Moscow State University.

Private businesses

Small businesses and companies can be more than just a vehicle for new social technologies – such as efficient charitable giving – but also an agent of socially responsible activity which can also help to reduce the scale and risk of human trafficking. Full transparency and compliance with the law in labour relations with workers, including hired foreign workforces, development of private programmes for professional orientation and youth training, support

13 E.V. Tyuryukanova, *Human Trafficking in the Russian Federation: Overview and Analysis of the Current Situation* (Moscow: Institute for Urban Economics, 2006), p. 13

14 Ibid., p. 75

15 Paper by D.S. Babin (specialist for a project to prevent and counteract human trafficking in the Russian Federation at the International Organisation for Migration) at the international theoretical and practical conference on combating human trafficking (15-16 April 2013, St. Petersburg).

for a healthy lifestyle for workers and their families, advancing the development of local community infrastructure – this is only a small number of examples of how private business can effectively reduce the risk of many people becoming victims of traffickers.¹⁶ A crewing company which selects staff for foreign ship owners and companies in Russia is also an example of a socially responsible private business.

Media

The media can make a significant contribution to raising public awareness about the problems of human trafficking and the use of slave labour. In the Russian Federation certain newspapers and magazines periodically publish informative and analytical materials on these topics, and television channels show documentaries about the challenges surrounding irregular migration, human trafficking and labour exploitation. For example, the Russian journalist A. Mamontov made the film *Transit*, which was shown on a leading Russian television channel. However, not enough of this information is currently being disseminated and these are not priority topics for television channels and journalistic publications. Moreover, some channels display this information only within a context of criminality, which often creates a negative impression of trafficking victims.

1.3.

Irregular migration as a form of human trafficking in the Russian Federation: basic concepts and scale

Human trafficking for forced labour is closely associated with labour migrants, who fall prey to criminals as members of the most vulnerable social groups who often have no official status in their country of residence. Labour migrants in Russia who come from various countries and Russian nationals abroad are equally affected. Migrants who have no official status in the country where they live and work are doubly vulnerable.

There are various ways of becoming an irregular migrant in the Russian Federation. The first is to cross the border illegally. The second is to enter the country legally but fail to register or overstay one's visa. The third is to come to study but pursue a different activity (such as work).¹⁷ The Russian law enforcement agencies use a wide range of additional terms: "migrant-smuggling", "illegal importation of migrants", "human trafficking", "trading in human beings". Virtually all of them can relate to irregular migration. Some experts regard smuggling of migrants and human trafficking as forms of unregulated migration. And although the concept of "human trafficking" is closely connected with smuggling of migrants, there are several key differences. In particular, these differences concern four aspects.¹⁸

Firstly, the **issue of consent**. On the one hand, smuggling of migrants relates to people who, although frequently subjected to dangerous or degrading treatment, agreed to be illegally transported. On the other hand, human trafficking victims either did not consent to such actions or, if they did consent initially, this consent has ceased to have any meaning as a result of coercion, deception or cruelty on the part of the people-traffickers.

Secondly, the **element of exploitation**. Smuggling of migrants ends when the migrants reach their destination, whereas human trafficking entails ongoing exploitation of victims by one means or another so that the traffickers can derive an illegal profit.

Thirdly, **sources of financial gain**. Smugglers make a profit out of the initial payment made by a person who agrees to be smuggled into another country, whereas the profit made by human traffickers is based on the final exploitation.

Fourthly, **human smuggling is always transnational**, but human trafficking need not be. Trafficking can take place regardless of whether the victims are exported to another country or moved from one place to another within a single country.¹⁹

17 S.V. Ryazantsev. *Labour Migration in CIS and Baltic Countries: Trends, Consequences, Regulation*. – Moscow: Formula prava, 2007. – p. 25.

18 Human Trafficking and Legalization of Criminal Profits. Issues of Prevention: A Scientific and Practical Guide/ Edited by O.P. Levchenko. – Moscow: Publisher: Unity-Dana, 2009. – p. 15.

19. Human Trafficking and Legalization of Criminal Profits. Issues of Prevention: A Scientific and Practical Guide/ Edited by O.P. Levchenko. – Moscow: Publisher: Unity-Dana, 2009. – p. 16.

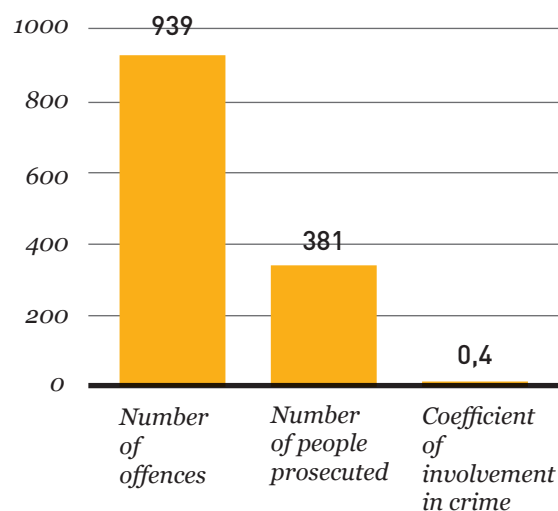
As migration intensifies, crimes related to the organisation of irregular migration have become widespread in Russia in recent years. Despite the magnitude of the problem, for a long time there were no complete and detailed statistics concerning this issue. Only in 2012 did the Russian law enforcement agencies add the concept of “organising irregular migration” to their legislative practice and statistical reporting. This crime is classified under article 322-1 of the Criminal Code of the Russian Federation. And as the statistics show, in 2012 it accounted for a quarter of all offences related to human trafficking in the Russian Federation – 26% (939 offences). Criminal prosecutions were brought against 381 people under the aforementioned article (fig. 1.2.1).

Irregular transit migrants may be regarded as a special group. By virtue of its geographical location and size, Russia has become a country through which a significant number of migrants from Asia, Africa, and the Near East attempt to enter Europe. IOM research carried out in Bulgaria, the Czech Republic, Hungary, Poland, Romania and the Ukraine has shown that the majority of migrants entered Eastern Europe via Russia.²⁰ This is also confirmed by research conducted for the Global Commission on International Migration, which states that the CIS as a whole and Russia in particular are among the routes used for the purpose of irregular transit migration.

According to a rough estimate, the number of irregular transit migrants in the Russian Federation is around 300,000. They come from such countries as Afghanistan, Angola, Bangladesh, China, Ethiopia, India, Pakistan, Sri Lanka, Turkey, Vietnam, the countries in the southern Caucasus (Armenia, Azerbaijan, and Georgia), etc. An informal infrastructure for the trafficking of transit migrants has been created in Russia. It provides them with the necessary contracts, itineraries and, if necessary, false passports, stamps,

Fig. 1.2.1

Number of offences contrary to article 322-1 of the Criminal Code of the Russian Federation (“Organising irregular migration”) committed in Russia in 2012 *Source:* Ministry of Interior of the Russian Federation.



documents, invitations, visas etc.²¹ Transit migrants try to enter EU countries and the USA via Russia. The average cost of services related to the transportation of transit migrants through Russia is \$7,000 per person, not including the cost of accommodation in the country of temporary residence.²²

Human trafficking in the Russian Federation is, therefore, often closely linked to irregular migration. This relationship is based on the high probability that irregular migrants, who do not have a full set of documents allowing them to reside and work in the country, will be drawn into human trafficking for labour exploitation. A special feature of Russia is the fact that it has visa waiver arrangements with the main countries of origin of labour migrants who fall prey to offences related to human trafficking and the organisation of irregular migration.

20. L. Williams, S. Aktoprak *Migration between Russia and the European Union: Policy Implications from a Small-Scale Study of Irregular Migrants*. – Moscow: IOM, 2010. – p. 21.

21. I. Ivakhnyuk, Analysis of the Economic, Social, Demographic and Political Basis of Transit Migration in Russia, Proceedings, and Migrants in the Transit Countries: Sharing Responsibilities in Management and Protection, Regional Conference on Migration, Istanbul, 30 September – 1 October 2004, Council of Europe, MG-RCONF, 2004, 9e, p. 21-23.

22 A. Kolesnichenko, 4 million migrants from the CIS are living in near-slavery conditions in Russia: CentrAsia report. (www.centrasia.ru/newsA.php?st=1075269840) [Date accessed: 20 June 2013]

Chapter 2.

*Labour immigrants
(foreign citizens)
as victims of human
trafficking for labour
exploitation in the
Russian Federation*

2.1.

Labour migration trends in Russia and factors facilitating the involvement of people from countries of origin in terms of labour migration

The modern Russian economy may be described as “migrant-dependent” as between 1.5 million and 2 million official labour migrants come to the country each year. The Director of the Russian Federal Migration Service, K. O. Romodanovsky, has pointed out that migrant labour accounts for 8% of Russia’s GDP.²³ There is a significant difference between the official figures and the actual scale of labour migration in Russia. The number of unregistered migrant workers is several times greater than the number of registered workers. Research shows that the actual number of unregistered migrant workers in Russia may be around 5 million. The majority of them are nationals of CIS states who are fully entitled to enter Russia without a visa, but do not subsequently receive permission to work. This category of migrant workers is the most liable to be drawn into human trafficking for labour exploitation.

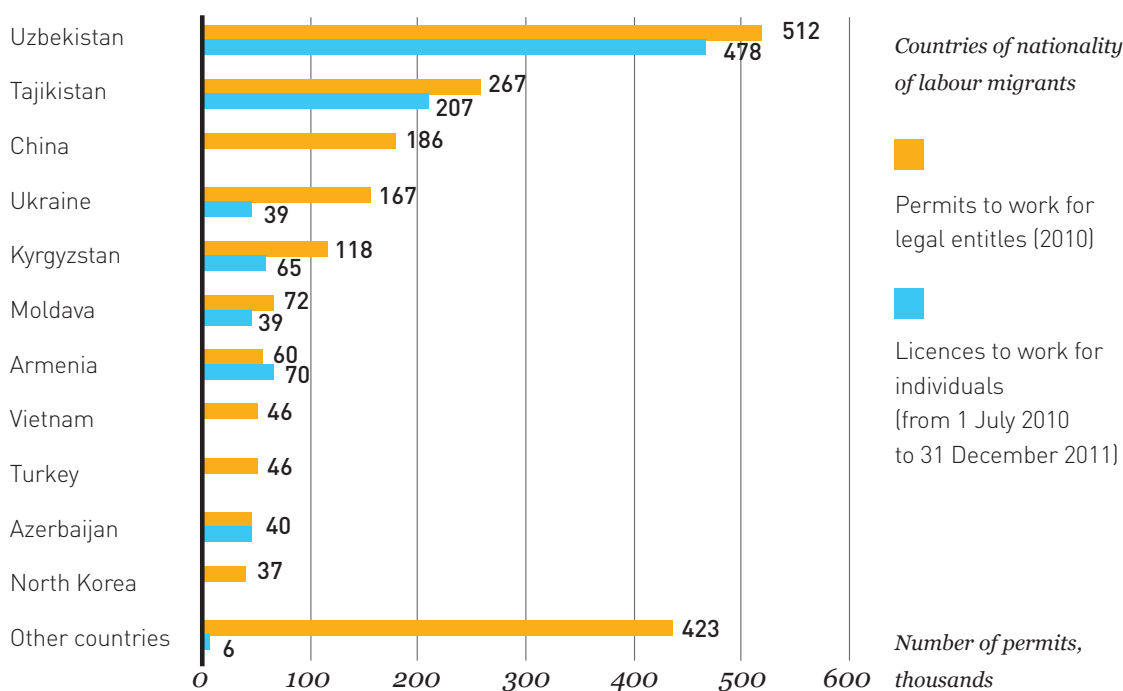
Although the proportion of officially registered foreign migrant workers among the population employed within the Russian labour market remained relatively small at just 3-5%, in some sectors this proportion was larger (for example, in the construc-

tion industry it reached nearly 20%). If irregular migrants are taken into account, this proportion can reach 50-60% in some economic sectors. At present, foreign workers come to Russia from many different countries, but the largest suppliers of workers are Uzbekistan, Tajikistan, China, Ukraine and Kyrgyzstan as the top five (fig. 2.1.1).

23. Number of labour migrants in Russia falls by 13% due to economic crisis. (<http://www.work.ua/news/world/269/>) [Date accessed: 1 June 2013]

Fig. 2.1.1.

Number of permits issued to foreign nationals entitling them to work in Russia in 2010-2011 by country of nationality, thousands.²⁴



New socio-demographic population groups have emerged within migration flows from the countries of origin of migrant workers. For instance, in Central Asian countries, people living in rural districts, small settlements, women and young people have started to become more actively involved in migration.²⁵ When foreign workers in Russia are broken down in terms of age and gender, it is men who predominate (approximately 86%), and the great majority of them are aged between 18 and 39 (approximately 80% of all migrant men). This gender-age breakdown of foreign migrant workers is due to the fact that within the Russian labour market, those foreign migrant workers who are most in demand are low-skilled workers in the construction, agriculture, housing, utilities, and transport sectors. Migrant workers arriving in Russia have become younger over the past few years; from 2007 onwards, the 18-20 age group overtook the

30-39 age group. The youngest people make up 37% of the total number of foreign migrant workers in Russia. This confirms that in the countries of origin, young people who have completed middle and higher education are being drawn into labour migration.

This means that a broad social base for irregular migration and human trafficking has formed and is being maintained in the countries of origin of migrants in the Russian Federation. In these circumstances, employers lack incentives to modernize their production and seek ways of increasing their labour productivity. They can use the labour of cheap migrant workers who are bereft of rights, avoid paying social security contributions and sometimes even avoid paying them wages.

²⁴ Data from the Federal Migration Service (<http://www.fms.gov.ru>) [Date accessed: 4 June 2013]

²⁵ S.V. Ryazantsev, N. Horie *Modelling labour migration flows from countries in Central Asia to Russia*. Economic-sociological research. – Moscow: Nauchnyi mir, 2011. – p. 35; *Migration Bridges in Eurasia: Collection of Papers and Materials of International Symposium Participants*/ ed. by S.V. Ryazantsev, Associate Member of the Russian Academy of Sciences – Moscow: Ekon-inform, 2012. – p. 15-16.

2.2.

Use of migrant labour as well as labour exploitation of migrants by employers in Russia

Currently, rough estimates by experts put the number of migrant workers in a situation of slavery at around 600,000, or 20% of all migrant workers in Russia. The president of the Association of Russian Lawyers for Human Rights, E. Arkhipov, estimates the value of a native from one of the Central Asian states on the criminal market between US \$300 and \$500 and says that “labour migrants can be ordered via criminal networks and also via leaders of migrant workers.” Migrants usually become slaves due to debts: even just to get to Russia and return home, they have to pay criminals.²⁶

The US Department of State report on trafficking in persons in 2012 included Russia in the category of countries where “the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing”. The report also states that around 1 million people in the Russian Federation are engaged in forced labour, including the construction of Olympic facilities in Sochi.²⁷ The Centre for Migration Studies estimates that there may be 1-1.5 million people who are effectively slaves.²⁸ Russian NGOs estimate that approximately

4 million migrants are subject to labour exploitation that approaches slavery.²⁹

EXAMPLE 2. Migrant labour exploitation in the Russian Federation (interview with expert who is the head of an NGO).

Question: *In your opinion, which sectors of the economy rely on the exploitation of migrant workers and why?*

Answer: *I think that as far as slave labour and irregular migration are concerned, there are two factors: the first is always the economic situation in the country that these people come from, so they agree to completely different terms of employment; the second factor is tax avoidance by the companies that hire them and thereby increase their own profits. And this can actually happen in any sector here. If you take a look, it can happen in construction, the restaurant business and the service sector. It can happen anywhere.*

Question: *Which countries do the workers come from?*

26 The Life of Slaves: How Labour Migrants become Prisoners. – Statement from the Moscow Office for Human Rights on the use of migrant slave labour via the REX news agency, 26 November 2012. (www.iarex.ru/articles/31509/html) [Date accessed: 25 June 2013]

27 Trafficking in Persons Report 2012, Washington, U.S. Department of State, 2012, (<http://www.state.gov/j/tip/rls/tiprpt/2012>) [Date accessed: 20 June 2013]

28 The Life of Slaves: How Labour Migrants become Prisoners. – Statement from the Moscow Office for Human Rights on the use of migrant slave labour via the REX news agency, 26 November 2012. (www.iarex.ru/articles/31509/html) [Date accessed: 25 June 2013]

29 A. Kolesnichenko, 4 million migrants from the CIS are living in near-slavery conditions in Russia: CentrAsia report. (www.centrasia.ru/newsA.php?st=1075269840) [Date accessed: 20 June 2013]

Answer: *Countries with poor economic opportunities. We have inter-regional traffic and international traffic. At the same time, Russia is a transit hub, so if we're talking about who comes to us, then it's Central Asia, but also people living in the Asia-Pacific region. I know there have been, and probably are, cases from Africa, and this is slave labour in the construction and restaurant businesses, as well as prostitution. They can also come from China and Vietnam.*

Question: *Are there any examples of exploitation whereby employers use legal and irregular migrants at the same time?*

Answer: *I haven't come across such a practice. As a rule, no. What I have seen is either slave labour or a normal company. Because there is a danger that people will be better informed. That is, it's risky for traffickers, for slave-dealers.*

.....

It is quite difficult to establish a clear and separate breakdown of human trafficking victims in the Russian Federation into distinct categories of foreign nationals and Russian nationals because the available crime statistics group both categories – foreign nationals and Russian nationals – together. According to UNODC figures quoted from the Russian Ministry of Interior, the majority of human trafficking victims in the Russian Federation were younger than 40, approximately 60% were men and around 93% of victims were Russian citizens.³⁰ The socio-demographic characteristics of human trafficking victims identified in the Russian Federation can only be ascertained on the basis of expert assessments which are approximations. On the basis of a survey of experts and analysis of information concerning trafficking and irregular migration, the following table was drawn up with regard to this issue (table 2.2.1).

30. UNODC database for the Russian Federation.

[www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Europe_Central_Asia.pdf] [Date accessed: 1 June 2013]

Table 2.2.1.

Socio-demographic characteristics of victims of human trafficking and irregular migration in Russia by country of origin

Criteria	Socio-demographic characteristics	Countries of origin
<i>Age</i>	Children, young people aged between 18 and 25 who are completing their education; young women aged under 30	Kazakhstan, Tajikistan, Vietnam
<i>Place of residence</i>	Small towns, rural areas; migrants from rural areas who live in small towns, and migrants from small towns who live in large towns	Kazakhstan, Kyrgyzstan, Tajikistan, Ukraine, Moldova
<i>Education</i>	Low level of education or none; partial secondary education; no vocational training or incomplete vocational training	Moldova, Tajikistan, Ukraine, Uzbekistan
<i>Occupation</i>	Unemployed people, including unemployed qualified graduates; people who have no permanent job and rely on casual work; migrants who are temporarily employed; women who <i>knowingly</i> engage in prostitution; students studying far away from home who live in student accommodation and are recruited during the holidays	Belarus, Kyrgyzstan, Moldova Tajikistan, Ukraine,
<i>Behavioural factors</i>	Plans to migrate and willingness to carry out those plans illegally; motivation to work or get married abroad; psychological propensity towards risky behaviours as a result of violence inflicted on them	Afghanistan, Bangladesh, Belarus, China, India, Pakistan, Ukraine, Vietnam
<i>Membership of socially vulnerable and marginal groups</i>	Children from deprived families; children from families where the parents are alcoholics; troubled families and children who have suffered violence; children who have been left without parental care and have been placed in children's homes; single mothers with limited means; mothers with large numbers of children; irregular migrant workers	Kazakhstan, Kyrgyzstan, Tajikistan
<i>Ethnic groups</i>	Members of minority ethnic groups which do not form part of the mainstream population, primarily ethnic minorities; ethnic groups from the poorest countries	Afghanistan, Bangladesh, China, India, Pakistan, Vietnam

In the Russian Federation, it is possible to identify the “migrant” sectors of the economy in which employers actively exploit the labour of foreign workers.

The main ones are **construction and repair works**. According to figures from the Russian Federal Migration Service, these sectors employed around 600,000 officially registered migrant workers (or 36% of all migrant workers). According to rough estimates, at least 1-1.2 million people may be unofficially employed. In the construction sector, unlike other sectors, workers are “transferred” by whole gangs after completing a building from one employer to another for a certain reward. The workers’ documents, which are often “retained” by the employer, can be transferred from the old master to the new one without even passing into the workers’ hands. Confiscation of documents is in itself a widespread method of exploiting workers and retaining control over them. In the construction sector, almost a third of workers do not hold passports. Migrant workers are thus deprived of the right to choose their job and employer freely, and become “tethered” to their employer and cannot leave.³¹

Similar practices are widespread in virtually all regions of Russia. But for the most part, they occur in areas where migrant workers have become dominant in the construction sector: Moscow, Moscow Oblast, Smolensk Oblast, Yaroslavl Oblast, Rostov Oblast, Samara Oblast and Krasnodar Krai. These are regions which have experienced a construction boom. The latest figures show that the labour of foreign workers is even being exploited on state-run sites where Olympic facilities are being built in Sochi.

EXAMPLE 3. Labour exploitation in construction and industry (interview with expert who is a project coordinator for a non-governmental organisation).

Happy people don't come to us. Unfortunately, we see few happy migrants. People are unhappy that they effectively end up in a situation of bondage. They are told that they will be paid their wages

at the end of the month, in actual fact they are paid a small advance so that they can eat. And then, the next month, they are only paid an advance once again. And when they want to quit, the employer says – I wasn't going to pay you your full wages. It's a classic labour exploitation model. And this problem affects not only women, but also men. Those who end up in labour exploitation situations most often are people who work in auxiliary construction roles, such as roofing, plumbing, electrical fitters and welders. We helped people who worked in construction, food and other sectors.

We manage to get payouts by negotiating with employers if they are private individuals at whose houses the work was carried out and a misunderstanding arose between them, so people were dealing with each other directly. In the case of a company where agency labour is involved, we don't know who the person was working for, so the chances of getting any money are small. I think it is better to work for a private individual. Organisations deceive people more than private individuals. That's why it's more advantageous to work with licences, because your wages will be paid. If you build a skyscraper and there are 100 people in the gang, the chances that you will all be conned are high. In principle, it really depends on the nature of the work. If you're a more highly-skilled worker, you're hardly likely to be treated like that.

The next sector is **trade and catering**. It employed 270,000 migrant workers, or 17% of the total number. The actual number of migrants employed in this sector could be as many as 350,000-400,000. Exploitation of the labour of foreign workers happens on an extremely large scale here too. Although the Russian authorities have attempted to curb the employment of foreign nationals in market trading, they have been unable to do this completely. After a number of legal clampdowns, the labour of many migrants was moved “underground” by business owners. This only served to expand the scale of labour exploitation in this economic sector. Research shows that the most

31 E.V. Tyuryukanova, *Human Trafficking in the Russian Federation: Overview and Analysis of the Current Situation*. – Moscow: Institute for Urban Economics, 2006. – p. 58.

widespread form of exploitation in this sector is debt bondage. Across the economy as a whole, an average of 15% of migrants said that the debts they owed to their employers prevented them from leaving or changing their job, and in the commerce sector the figure is significantly higher. The methods of placing a worker in a situation of debt bondage are widely known among employers who own sales outlets and shops, and the practice of “experience-sharing” is well established.³²

EXAMPLE 4. Forced labour involving migrants in Novosibirsk Oblast (press report).

The case of the owner of a pelmeni [filled dumpling] production unit where migrant workers performed forced labour was referred to a court in Novosibirsk Oblast in February 2013. Another sector is agriculture and forestry. Officially, it employs 150,000 migrant workers or 9% of the total. The actual number of migrants working in agriculture and logging could be as high as 300,000-350,000. The main regions with large numbers of migrants working in agriculture and forestry are Karelia, Kalmykia, Novgorod Oblast, Volgograd Oblast, Astrakhan Oblast, Kirov Oblast, Omsk Oblast, Amur Oblast, Krasnoyarsk Krai, and Khabarovsk Krai. Migrant workers are recruited to carry out agricultural work on collective and private farms, cultivate and harvest agricultural produce, perform logging and gather forest produce. Cases of labour exploitation are widespread within this sector too. Forced labour, non-payment of wages, violence, fines and other forms of labour exploitation are commonplace. It is often easier for employers to conceal exploitation in rural areas because many places are inaccessible for migration service and law enforcement inspections.

EXAMPLE 5. Labour exploitation of migrants in agriculture in Kurgan Oblast (news website report).

On 2 November 2012, a farmer and his assistant were arrested in Kurgan Oblast. Investigators believe they subjected two Kazakh nationals to forced labour.

EXAMPLE 6. Slave plantation in Moscow Oblast (news agency report).

In 2005, a farm with an area of 90 hectares where 134 migrant workers from Uzbekistan were working as slaves was discovered not far from Moscow. They had been recruited by a middleman named Shavkat who promised them good jobs. He brought them to Moscow in groups of ten and received 1,000 roubles from the farmer for each worker, including compensation for transport and food. As soon as the Uzbek workers arrived at the farm, the owner took their documents and said he would give them back only after the workers paid off their debt to him for transport and food. However, because of the system of fines that was applied on the farm, not one of the workers was able to work off their debt. In addition, guards cruelly beat those who did not obey orders. The slave plantation was discovered by Andrei, another farmer in this district, who was looking for seasonal workers. Two of the workers from Uzbekistan agreed to work for him, but without documents, it was impossible to hire them officially. When Andrei asked the farmer to return their documents, the latter demanded \$1,000 in compensation from him for “stealing” the workers and threatened him with the mafia. Andrei promised to pay but contacted the police.

Another economic sector, the processing industry, officially employs 220,000 migrant workers or 14% of the total. The actual number of workers could be 450,000-500,000. The practice of “organised recruitment” of

migrant workers by importing them *en masse* is widespread among industrial firms. This economic sector widely uses such forms of labour exploitation as work without an official contract, overtime, poor working and living conditions and non-payment of wages. The main industrial sites that exploit migrant labour are located in central Russia, in the Urals and Siberia. Minors from Central Asian countries are known to have worked at plants where the working conditions were literally slave-like.

EXAMPLE 7. Labour exploitation of children from Kyrgyzstan in Moscow Oblast (news agency report).

In April 2012, police officers in Novosibirsk went to a cardboard production facility where some twenty or so Uzbeks had been working without pay.

Forty Tajik nationals who had been working at a rubbish recycling plant were freed in Rostov-on-Don.

Migrant labour is also actively used in the **transport sector**. According to official figures, about 70,000 people have permission to work in this sector; if unofficial migrants are taken into account, the figure is around 150,000-200,000. In many regions of Russia, migrant workers also work as drivers of marshrutkas [fixed-route share taxis], city buses, trolleybuses, etc. In recent years, many disputes have arisen out of the employment of foreign workers within the transport sector in Russia. With effect from 1 January 2010, Moscow City Council banned migrants from working as marshrutka drivers. That said, this development does not apply to all drivers, just to commercial carriers. Foreigners still work officially for state companies. The Moscow authorities base their stance on concern for passenger safety. The former governor of St. Petersburg, V.I. Matviyenko whilst in her post said she supported the idea of requiring migrant drivers to undergo additional training on the grounds that their skills are not adequate to drive in big cities with heavy traffic.

However, the ban has not stopped employers from using migrant labour. Such forms of exploitation as overtime, the system of imposing fines for not complying with plans and accidents, and debt bondage are widespread within this economic sector.

The **housing and utilities sector** is one of Russia's most corrupt sectors. Officially it employs just 43,000 migrants, but the actual number could be at least 100,000-200,000. Research shows that the majority of migrant workers in this economic sector are simply not registered by employers as their wages are half of what Russian nationals earn. Moreover, in Moscow and other large Russian cities, there are arrangements whereby Russian nationals are entered on the payroll but the work is done by citizens of CIS countries. The difference is pocketed by the owners of, for example, rubbish clearance companies. Migrant workers do not receive their wages on time, work more than the statutory number of hours and live in dreadful conditions (in basements, lofts and rubbish shafts).

Research conducted in 2012 shows that the problem of labour exploitation exists **in households**.³³ Amendments to the law "On the legal status of foreign citizens in the Russian Federation" which took effect on 1 July 2010 introduced the legal basis for the legalization of migrant workers working for private individuals. Foreigners employed by legal entities have to buy a special licence. This licence became the brand-new document allowing foreign nationals to work in the Russian Federation. The main purpose of its introduction was to resolve the legal status of the many foreign migrant workers who worked for private individuals in households. For many years, this category of migrants was the "invisible part of the iceberg" and their presence in Russia was effectively illegal. Several sectors of the "domestic" economy in which active use is made of the labour of migrants holding licences can be distinguished. The first is the **dacha (summer house) sector**, which has a huge presence in Moscow Oblast. There is also the **"country home" (villa) sector**, which has emerged as the number of well-to-do

33 S.V. Ryazantsev, I.D. Gorshkova, Sh.Yu. Akramov, F.Sh. Akramov. *The practice of using licences for work performed by foreign nationals who are migrant workers in the Russian Federation [research results]*. - Moscow: International Organisation for Migration, 2012. - p. 15.

people in Moscow and a number of large Russian cities grew. It employs a large number of migrants, especially during the summer, as gardeners, caretakers, guards and manual workers. The second is the **repair and construction works sector**. In Moscow and other large Russian cities, the “repair and construction boom” of the 1990s and 2000s was accompanied by an increase in the number of migrant workers recruited to repair and build private houses and flats. The third is the **domestic service sector**, which comprises quite a wide range of types of work requiring special skills, training and qualifications. They include drivers, nannies, sick-nurses, healthcare personnel, and governesses and so on. Finally, there is a sector which cannot be categorized as part of the “domestic” economy but does have migrants with licences working in it. Many work as **taxi drivers, construction site staff, waiters and cooks in restaurants and cafés, and cleaners and support staff in company offices**. This is against the law, because it is not permitted to work with a licence as a private entrepreneur or for a legal entity. Many migrants are well aware that they are breaking the law, because obtaining permission to work is difficult. Some do not understand the differences between licences and work permits and are sincerely confident that they can work for legal entities and businesses if they have a licence.

There are a number of types of labour exploitation which affect certain socio-demographic groups of migrants for whom there is little social protection.

The first is the **exploitation of women who are migrant workers**. According to official figures from the Russian Federal Migration Service, the proportion of women among foreign nationals who had valid permission to work in 2011 was 14%. The 30-39 age bracket was the largest age group among migrant women (18%). It should be noted that there has recently been an increase in the proportion of women among the influx of migrant workers arriving in Russia from the countries of Central Asia. Female labour is widespread within the commerce and

service sector, agriculture and in private households. A special feature of the labour exploitation of migrant women is the fact that it is often combined with sexual exploitation and violence.

Secondly, **labour exploitation of children**. Poverty has forced many children, including children with disabilities, to drop out of school and earn enough not only for their own expenses, but also for their whole family. Children can be divided into sub-groups who run an above-average risk of falling into poverty and slavery. These are primarily orphans, including “social orphans” (children of alcoholics and drug addicts), children of unemployed parents and children from single-parent and large families. These children are particularly vulnerable to various types of criminal exploitation and human trafficking, which have become big business.

In Russia, children aged under 14 are not at risk of being pursued by the police, and traffickers take advantage of this. Criminals use children as full time beggars and also to distribute drugs, steal, sell stolen goods, produce pornography and pimp them in prostitution. According to journalists, it is child beggars aged between 6 and 12 who make the most money for their masters – up to 5,000 roubles (115 EUR) a day.³⁴ According to the findings of research into the problems of homeless children in St. Petersburg conducted as part of the ILO International Programme on the Elimination of Child Labour, approximately 7% of children who are forced to beg or steal on the streets and/or are prostituted are migrants from various CIS states.³⁵ Many of them are forced to survive on occasional earnings and they are virtually deprived of basic living conditions, adequate housing and human rights. Investigations by journalists have shown that nowadays, even infants can end up as slaves by becoming the “children” of professional beggar women. The children of such “wet nurses” are stolen or taken “for hire”. Infants are often dosed with medicine to keep them quiet. The cost of “hiring” an infant for a day is US \$200. According to the accepted “rules”, if a child dies “at work”, the

34. E.V. Tyuryukanova, *Human Trafficking in the Russian Federation: Overview and Analysis of the Current Situation*. – Moscow: Institute for Urban Economics, 2006. – p. 58.

35 A.Yu. Bukharov et al, *An Analysis of the Situation of Working Street Children in St. Petersburg*. – Moscow: ILO Office, 2000. – p. 20.

“wet nurse” must work for the remainder of the time and only then is the child disposed of. Moreover, the police are powerless to take such a child even if its appearance unequivocally indicates that the child was stolen. For example, it is impossible to prove that a child of Slavic appearance in the custody of a roma beggar woman is in a situation of slavery if children of a similar age are recorded in her passport.³⁶ In addition, children are exploited as manpower which is free of charge and bereft of rights at production facilities.

EXAMPLE 8. Labour exploitation of children from Kyrgyzstan in Moscow Oblast (news agency report).

An illegal facility manufacturing clothing where, in particular, minors – citizens of Kyrgyzstan were used as workers was discovered on the premises of an industrial site in Noginsk. The children were “under 24-hour guard in an unventilated barrack-like facility which was unsuitable for habitation”, and they were “used to perform the production process in a sewing room and forced to work at night”. Moreover, the adolescents were not given any pay or days off. The underage slaves were fed twice a day, generally with a portion of bread and mayonnaise. The children did not receive medical assistance and if they disobeyed or refused to work, they were subjected to violence.

Thirdly, **labour exploitation of people with disabilities**. This form is widespread in metropolitan areas and large cities in Russia (Moscow, St. Petersburg and provincial capitals). In general, people with disabilities are forced to ask for charity (alms) close to railway stations, on underground train networks, on busy streets and close to tourist attractions. This “business” is criminal and controlled by criminal groups who engage in human trafficking and may bribe police officers who monitor these areas. The most obvious examples of human trafficking for labour exploitation of disabled individuals occur in St. Petersburg and Kalmykia.

EXAMPLE 9. Slave-owners forcing migrants to ask for charity on the underground network (Interfax report quoting the press office of the regional headquarters of the Ministry of Interior).

Two Roma suspected of forcing migrants and individuals with disabilities to beg on the underground have been arrested in St. Petersburg. Police officers seized a large sum of money in small bills in a private house in the settlement of Anino. Migrant slaves, four disabled individuals and a woman who had been beaten up and hospitalized were also found. According to current information, the Roma slave-owners brought the workers from nearby countries by deception, promising them legal work in Russia. When they arrived in St. Petersburg, the migrants’ documents were taken from them and they were induced to beg.

EXAMPLE 10. Labour exploitation of an individual with learning difficulties in Kalmykia (news agency report).

On 14 August 2012, a man who had forced a mentally impaired person to work at a livestock facility was given a suspended sentence in Kalmykia.

Fourthly, **labour exploitation of migrants within closed ethnic communities** has become widespread in the Russian Federation. This problem primarily affects Chinese and Vietnamese communities in Russia. Officially, each year the Russian Federal Migration Service issues 100,000-200,000 permits to Chinese nationals and 50,000-100,000 to Vietnamese nationals allowing them to work in Russia. The 2002 census identified just 35,000 ethnic Chinese and 31,000 citizens of the People’s Republic of China as living in Russia. The figures given by the latest Russian census in 2010 were slightly lower – around 29,000 ethnic Chinese

³⁶ E.V. Tyuryukanova, *Human Trafficking in the Russian Federation: Overview and Analysis of the Current Situation*. – Moscow: Institute for Urban Economics, 2006. – p. 58.

and 28,000 Chinese citizens in Russia.³⁷ The actual number of Chinese in Russia could be at least 350,000-400,000. Unsurprisingly, it is impossible to gauge the size of the Chinese diaspora in Russia precisely. Aside from the poor quality of the statistics, this is also due to the high mobility of Chinese (for example, many come to Russia as seasonal and temporary workers or “shuttle traders”), the closed nature of the community and the criminality of those on the fringes of it. According to figures from the Russian Federal Migration Service, the overwhelming majority of Chinese migrant workers (around 90%) were men. Within the migrant worker population, just over 80% of men and 90% of women are aged between 18 and 39. The largest age group among foreign workers is the 30-39 category (around 40%). In 2006, half of all of the Chinese in Russia (more than 52%) were working in retail, wholesale and catering, around 21% were working in the construction sector, approximately 15% were working in agriculture and forestry, and about 3% were working at industrial facilities and in extractive industry. Only those who arrived legally under contract work in the sectors which experience the greatest labour shortages (construction, agriculture).

The main regions where Chinese migrants in Russia live are Moscow, the Russian Far East and Siberia. Chinese communities are becoming an increasingly important factor in the socio-economic development of Russian cities and regions. A support network for incoming Chinese which includes markets, shops, hotels, restaurants, banks, lawyers and contacts within the law enforcement agencies has been established in Russian cities. Several national societies which represent the interests of Chinese migrants are registered in many Russian cities. Criminal elements also exist within the community.

EXAMPLE 11. Chinese criminal communities control Chinese business and Chinese workers in Russia.

In the Russian Federation, Chinese criminal organisations are putting pressure on Chinese traders, businessmen and migrant workers by demanding

protection (“cover”) money from them. They cleverly take advantage of the unwillingness of victims and their relatives to seek help from the Russian law enforcement agencies out of ethnic loyalty and their fear of getting into trouble with the migration authorities. For this reason, it is impossible to identify witnesses to crimes committed by members of the Chinese triads. Criminals regard Chinese traders who until recently used to deal in consumer goods on city markets themselves, but now do so via “Russian” sellers, as a target worthy of the most serious attention. In addition, the many owners of Chinese restaurants are another category of victims of extortion.

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Chinese migrant workers have adapted quite well to the Russian labour market. The socio-economic aspect of their integration can be said to be particularly successful in that they have work and a relatively high level of income for migrant workers. However, the socio-psychological aspect of their adaptation is much less effective and successful. The community is quite closed and localized, and not inclined towards assimilation and cultural mixing. The majority of members of the Chinese diaspora in Russia are very isolated, have a poor command of Russian and do not seek to obtain Russian citizenship. All this reinforces the idea in the collective consciousness of Chinese migrants that their presence in Russia is temporary. Against the background of their lack of a proper relationship with the state and the authorities and against the background of the corruption that has come to surround the migration sector in Russia and the Chinese diaspora, this heightens the isolation of migrants and their alienation. This facilitates the labour exploitation of migrant workers within the Chinese community.

EXAMPLE 12. Exploitation of Chinese and Korean migrant workers in agriculture in Krasnoyarsk Krai.

Thousands of Chinese and Korean migrants work in Krasnoyarsk Krai. The majority of them were recruited by middlemen to work in agriculture or at

³⁷ Figures from the Federal State Statistics Service (www.gks.ru) [Date accessed: 21 June 2013]

outdoor markets as sales staff, and they are treated like slaves. Migrants generally arrive in the spring and summer, when agricultural work is carried out, but some also stay for the winter to work in greenhouses. They are not given protective clothing or housing, so they have to live at their workplaces. During the winter months, these are greenhouses. The temperature outside can drop to -40 degrees, and migrants do not have the necessary warm clothing.

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According to figures from the 2002 census, 26,000 Vietnamese were living in Russia, but according to the 2010 census the number fell to 14,000. However, the actual number is far higher, and according to estimates it is 100,000-150,000.³⁸ At present, a large proportion of the Vietnamese population live and work in Moscow, Stavropol Krai, Bashkortostan, Volgograd Oblast, Sverdlovsk Oblast, Khabarovsk Krai and several other Russian regions. Most of those who live and work in Russia are from northern Vietnam. In the capital city, newspapers and journals in Vietnamese are published and there is a Vietnamese satellite TV channel which broadcasts programmes for Vietnamese citizens living in Russia.³⁹ The Vietnamese mainly work in commerce, agriculture and the restaurant business. An increasing number work in the manufacturing sector for companies owned by Vietnamese businessmen in Russia. Instances of Vietnamese labour exploitation are known to have occurred within these companies. These instances are difficult to detect because they occur within the community itself, and the law enforcement agencies often do not have access to these businesses.

EXAMPLE 13. Labour exploitation of Vietnamese migrant workers (news agency report).

In one of its programmes, the BBC Russian Service reported that irregular migrants from Vietnam were being mistreated at a factory in the settlement

of Savino in the Yegoryevsky District of Moscow Oblast. At the time, neither the Investigative Committee nor the Ministry of Interior found that any breaches of criminal law had occurred, and the owners of the factory got away with administrative fines. It was later announced that the factory had burned down and that 14 Vietnamese had died in the fire, allegedly while locked inside the shop floor.

Police officers freed 77 Vietnamese who were working on a shop floor making children's clothing in Moscow. The "slaves" did not see any of their money, and were without documents, there was nowhere they could escape to.

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Migrant workers in Russia are, therefore, a risk group which is susceptible to active involvement in human trafficking and labour exploitation. The extent to which these negative phenomena occur depends on the economic sector and geographical location, but they have become most common in metropolises (Moscow and St. Petersburg) and also in construction, agriculture, the service sector, commerce and industry. Certain socio-demographic groups of migrants such as women, children, and people with physical or mental disabilities are at considerable risk of being drawn into human trafficking.

38. S.V. Ryazantsev, R.V. Manshin, Khanh Toan Nguyen, Comparative Analysis of Vietnamese and Chinese Migration to Russia, *Migration Law*, Issue 1, 2013 – p. 26.

39. S.V. Ryazantsev, R.V. Manshin, Khanh Toan Nguyen, Comparative Analysis of Vietnamese and Chinese Migration to Russia, *Migration Law*. - Issue 1, 2013. – p. 28.

2.3.

Methods of recruitment in countries of origin and transportation of human trafficking victims as well as irregular labour migrants to Russia

At present, labour migration from the main donor countries into Russia is largely unregulated or spontaneous. The majority of migrant workers come to Russia on their own, with the help of relatives and acquaintances or private individuals who generally do not have the appropriate employment licence and have no responsibility for the migrants. Research published in 2004 showed that ten years ago only 3-5% of labour migrants in Russia used the official channels to obtain information and jobs. That is to say, unofficial channels and informal connections were absolutely dominant in the employment of migrant workers.⁴⁰ The same could be said today – the overwhelming majority of migrant workers find jobs in Russia independently or through informal support channels (relatives, acquaintances, compatriots, private individuals etc.).⁴¹ State bodies which could provide help with employment are not even mentioned by migrants. Meanwhile, global experience shows that the most effective means of hiring migrant workers overseas are private recruitment and employment

agencies. The dominance of informal employment channels creates a favourable environment for the involvement of migrants in irregular migration and human trafficking. People have no guarantees that they will be employed even by their closest relative or acquaintance. Nevertheless, the majority of migrant workers continue to rely on these means of obtaining employment when seeking work in Russia.

A survey of experts carried out as part of this research made it possible to identify the methods of recruiting migrant workers for the purpose of labour exploitation and give them ratings in respect of the countries which are the biggest suppliers of migrant workers to Russia. The survey was carried out on 15 experts who were asked to use a 10-point scale to evaluate each recruitment method in terms of two parameters – prevalence and risk of being drawn into human trafficking and irregular migration. An average score was then worked out for each method in order to calculate the rating (Table 2.3.1).

40. *Forced Labour in Modern Russia: Unregulated Migration and Human Trafficking*. – Moscow: ILO, 2004. – p. 102.

41. S.V. Ryazantsev, *Workers from Central Asian Countries in Moscow's Housing and Utilities Sector (Working Report)*. Working report, ILO: Subregional Office for Eastern Europe and Central Asia. – Moscow: ILO, 2010. – p. 34. (www.ilo.org/public/russian/region/eurpro/moscow/projects/migration.htm) [Date accessed: 1 June 2013]

Table 2.3.1.

Expert assessments of methods used to recruit foreign citizens for the purposes of human trafficking and irregular migration in the Russian Federation expressed in points (10 points – maximum, 1 point – minimum)

Recruitment methods	Prevalence	Risk of being drawn into human trafficking and irregular migration	Average score
<i>Recruitment by network structures</i>	9.0	8.0	8.5
<i>Recruitment by private individuals</i>	8.0	8.0	8.0
<i>Independent recruitment</i>	4.0	5.0	4.5
<i>Recruitment by firms, agencies</i>	3.0	4.0	3.5
<i>Recruitment by state structures</i>	3.0	1.0	2.0

Recruitment by network structures may be regarded as the most widespread method and the riskiest one for potential victims. They include groups which are created on the basis of a family or clan, have their own robust codes of conduct and are characterized by a high degree of member loyalty, which poses great difficulties for the law enforcement agencies when they attempt to infiltrate them.⁴² The experts gave a score of 8.5 points out of the maximum 10. Within the Russian Federation, they include some network structures from Central Asia and the southern Caucasus which are generally created and run along ethnic lines.

EXAMPLE 14. Recruitment by network structures of labour migrants in Uzbekistan to work in Russia (press report).

Migrants are generally recruited to work in Russia by ethnic Uzbeks who came from Uzbekistan during the Soviet era. Having arrived from Moscow, Moscow Oblast, Kaluga Oblast or Ivanovo Oblast,

an Uzbek gathers together good carpenters and cooks (childhood friends, neighbours and relatives) and takes them to rural areas of Russia to build cottages or cowsheds on collective farms or cook plov (a dish in which rice is cooked in a seasoned broth). He houses them in a building or hut which is under construction and feeds them; he pays them for their work when it is completed or monthly. A year later, the worker returns home and along the way he pays off Uzbek police officers, who see every person travelling from Russia as a kind of cash cow, arranges a celebration, and prepares to start earning once again a month later.

Network structures are like a criminal organisation that employs cynical, cruel and inhumane methods: psychological intimidation of the victim, seizing their documents and money, restricting their freedom of movement and physical violence. For victims of human trafficking, this is the most dangerous means of being recruited and carries the risk of loss of health and life.

42. S. Harvey (Trafficking Human Beings Group Leader, Serious Crime Department of Europol), *Trafficking in Human Beings in the European Union: A Europol Perspective// Materials from the international conference "Improving International Cooperation in Counteracting Human Trafficking"*. - 29-30 September 2009, Moscow. - Moscow: IOM, 2010. - p. 40.

The experts put recruitment by **private individuals (or middlemen) in countries of origin or in Russia** second. This method is particularly common in Central Asian countries and is associated with relatives and national ties. Research shows that in the majority of cases, the recruiters are people who have previously come to Russia and adapted well there. They seek, select and induce people from the same area as them, relatives and compatriots to travel to Russia and promise them work. They are trusted because they usually come from the same region or country, speak the language and know the psychological make-up of the potential victim and their family and economic situation. Sometimes they lend the potential victim money and arrange for tickets to be purchased.

In some cases, former human trafficking victims can become recruiters. For example, women forced to operate in prostitution can use the channels and contacts they knew from their past exploitation to recruit other women whom they in turn sell on.

EXAMPLE 15. Recruitment of labour migrants for exploitation in brick factories in Dagestan (media report).

In 2012, the “Alternativa” young people’s movement began actively researching working conditions at business premises in Dagestan. As a result, on 12 October 2012 it was announced that five people – two young woman and three men – had been freed. The slave-owners forced the girls into prostitution and the men worked at a factory. Their working day began at 5:30am and ended at 10pm, and each evening the men were given 100 grams of spirits. They slept six people in a 4 square metres room. How do people end up in this situation? The most common way is when people are approached at a railway station by other women and men who talk to them at length and offer to help them with work, saying that they will earn a lot, go swimming at the seaside and eat fruit! Later, they put them on a bus and they arrive in Dagestan, where they are told that money has been paid for them and they must work until it has been repaid.

The third most common and risky form is **independent employment of migrants in the host country, in Russia** (4.5 points out of a maximum of 10). It was explained above that many labour migrants and potential human trafficking victims come to Russia through the visa waiver system and then try to look for work on their own, circumventing government institutions. They generally do this through impromptu labour markets. Impromptu labour markets (“labour exchanges”) are a forum where sellers and buyers of labour (generally irregular migrants) come together. They exist alongside motorways, around markets and beside underground stations and large shops in a number of large cities in Russia, especially in Moscow. The most “famous” market is the “labour exchange” at the intersection of the Moscow Ring Road and Yaroslavskoye Shosse, where hundreds of migrant workers from Central Asian countries stand every day from the morning onwards in the hope of finding work. For example, during the crisis in 2009, when some employers stopped paying wages and some laid workers off, the number of people wanting to find work here grew. Research indicates that some companies within the housing and utilities and construction sectors and private individuals in Moscow hire workers at this “labour market”. Naturally, irregular migrants are used. Many workers who stand at this “labour exchange” do not have permission to work and are therefore willing to work for low pay and live in poor conditions. Many end up in the hands of human traffickers and are sold to private employers who exploit them intensively. Migrants says that they are sometimes exploited by representatives of the law enforcement agencies who force them to work for free by building and repairing offices, private dachas, houses and so on.

Next on the ratings list comes **recruitment through firms, companies and agencies in the source or host countries**. Agencies are organisations of recruiters who work legally or semi-legally behind a legal front. They include private employment agencies (PAEs); travel agencies; modelling schools and fashion centres; agencies for female dancers; agencies for actors and stage workers, marriage agencies; agencies whose main

activity is not employment but nonetheless operate in this field; and social and pen pal clubs.⁴³

Experts believe that in terms of prevalence and risk, they are losing ground to the methods referred to above (3.5 points out of the maximum 10). This is because in recent years, these organisations have been more carefully monitored by the sending states through licensing of their activity. For instance, companies in Tajikistan and Kyrgyzstan must now hold a state licence to employ citizens abroad. Normally, the company signs a contract with a Russian employer and selects workers in Tajikistan or Kyrgyzstan for the Russian employer. The Russian employer then pays for the company's services in recruiting the workers.

EXAMPLE 16. Owner of a company that hires workers coming to Russia: Experience of work and situation of employment companies in Tajikistan (interview).

About 30 companies in Tajikistan currently recruit labour for Russian businesses. Last year, my firm arranged for a total of 100-150 people to be employed in Russia. We prepare the workers before sending them to Russia: we explain Russian laws, help them to go through medical examination and process their documents. I think there is clearly a shortage of employment firms in the countries of Central Asia; they can't cater to all migrant workers. For example, the number of labour migrants from Sughd Province was around 155,000, but only 1,600 people were employed through firms. This is just 1% of the migrants who found employment abroad. It must be pointed out that many firms do not actively seek new employers in Russia and do not work together with initial vocational training institutes.

However, problems remain in this field. As a receiving country, Russia does not license this type of activity, and this does not make it possible for these firms to be properly monitored. As a result, there

are unscrupulous agencies which do not fulfil their responsibilities towards their clients, charge considerable sums for recruitment and occasionally even push people into a situation of labour exploitation. For example, in Russia, cases of labour exploitation of schoolchildren from northern Tajikistan have been noted on tomato fields in Volgograd Oblast. By agreement with the owners of agricultural plantations in Russia, intermediary companies have arranged for schoolchildren to be brought in for "summer work experience".⁴⁴

EXAMPLE 17. Caretaker from Tajikistan: Paying to work (interview).

I work as a caretaker in the Severnoye Butovo district. I had problems when I looked for work. I approached a company; they promised to help me and asked me for 1,000 roubles. I paid them. They sent me to housing services and utilities and I was given a job as a caretaker. After five days, they told me "your work is bad, we're going to take on another worker". After that I approached an acquaintance, she said she would get me a job on condition that I paid her 2,000 every month. I agreed, and each month I paid her. I also had to pay the employer for getting permission for me to work. But I don't have a document. I lost my passport long ago, but if I want to go back to my home country, I'll get a certificate from the consulate and I'll go home, it doesn't matter when. If the police stop you, they ask for money whether you have a document or not. I live with other caretakers in a flat, it has everything necessary, we eat well.

Recruitment through **state structures** came bottom in these ratings with 2 out of a possible 10 points. However, it must be noted that although this is not the commonest method of recruiting labour migrants, it carries a minimal risk of being drawn into trafficking and irregular migration. In signing agreements, the state guarantees a job and compliance with obligations, and the person receives maximum protection

43. *Trafficking for Forced Labour. How to Monitor the Recruitment of Migrant Workers: Training Manual.* – Geneva: ILO, 2006. - p. 17.

44 N. Mitrokhin, *Labour Migration from Central Asian States* (www.strana-oz.ru) [Date accessed: 10 May 2013]

of their employment and humanitarian rights. These practices are being developed most successfully in Kyrgyzstan, which has created a state committee for migration and employment, opened its representative offices abroad, signed several agreements on the organised supply of labour with certain constituent entities of the Russian Federation and adopted a national action plan to tackle human trafficking.⁴⁵ Certain progressive steps to regulate the flow of labour migration, clamp down on human trafficking and tackle irregular migration have also been taken by the authorities of Uzbekistan and Tajikistan. However, despite the progressive nature of the development of this sector, there remain risks that sizeable population groups may be drawn into human trafficking and irregular migration.

Accordingly, due to the lack of a developed recruitment infrastructure in source countries and the Russian Federation, this market is dominated and virtually entirely controlled by private individuals. This creates fertile soil for the penetration of this market by criminals who draw migrants into human trafficking and irregular migration for their own gain under the pretext of helping them to find work. State institutions carry the lowest level of risk, and they need to be developed and stimulated as the most effective means of preventing irregular migration and human trafficking.

⁴⁵ Paper by K.T. Iyazalieva [Sector Head of State Committee for the Kyrgyz Republic on Migration and Employment] *Materials from the International Conference "Improving International Cooperation in Counteracting Human Trafficking"* (29-30 September 2009, Moscow). – Moscow: IOM, 2010. – p. 40.

2.4.

Forms of migratory labour exploitation as well as exploitation of victims of human trafficking

The system for the regulation of labour migration in the Russian Federation is still extremely imperfect, and this makes it possible for labour migrants to be actively drawn into human trafficking and labour exploitation by unscrupulous employers and criminals. Several key issues surrounding the regulation of labour migration in Russia which have a direct impact on the wide prevalence of labour migrant exploitation and slave labour can be identified.

Firstly, ***the possibilities of obtaining a licence and a work permit differ (price, time, effort), and this forces many labour migrants to follow the path of least resistance and get a licence rather than a work permit.***

Our research has shown that where it is difficult to obtain a work permit and easy to obtain a licence, labour migrants from CIS countries obtain a licence not only because they work for private individuals, but also because a licence is a more straightforward alternative by comparison with a work permit.⁴⁶

Secondly, ***the quota system for documents allowing foreigners to work in Russia for migrants and employers is non-transparent and time-consuming, and this creates a shadow labour market in this sector and quota-trading through middlemen.*** Work permits are inaccessible and expensive for migrants. They are issued by regional departments of the Fed-

eral Migration Service on the basis of a quota which is confirmed annually by the government of the Russian Federation, and the Ministry of Labour and Social Development then divides it between regions and occupational categories. The system through which work permits are issued is non-transparent. Even those employers who have expressed a desire to hire labour migrants in good time are unable to do this. All this is due to the lack of a system to expand the quota for specific employers. In this situation, essentially it does not matter what quota figure will be approved for the following year. Either way, the main players in the labour market (companies and labour migrants) are put in a situation where they have to pay middlemen for legalization purposes. If the official state duty for receiving a quota is 2,000 roubles (45 EUR), then the unofficial price is 25,000-30,000 roubles (570 - 670 EUR) (through middlemen). Employers are forced to pay for permission to recruit foreign workers from visa countries, and labour migrants from non-visa countries who approach the Federal Migration Service directly in order to obtain a work permit also have to pay. A shadow system whereby quotas for foreign labour are traded has effectively come into being in the country.

Thirdly, the ***system of using migrant workers in Russia is associated with significant corruption at the lower levels.*** There are cases

⁴⁶ S.V. Ryazantsev, I.D. Gorshkova, Sh.Yu. Akramov, F.Sh. Akramov. The practice of using licences for work performed by foreign nationals who are migrant workers in the Russian Federation (research results). - Moscow: International Organisation for Migration, 2012. - p. 78.

where local police officers, police departments and local authorities have “turned a blind eye” when encountering slave labour and exploitation of migrant labour.

EXAMPLE 18. Labour exploitation of migrant workers by law enforcement officers (report from the REX news agency).

For nine months, 38-year-old migrant worker was held captive with the family of an officer from the border division of the Russian Federal Migration Service.

Irregular migrants from Uzbekistan whose passports had been taken from them and who had been forced to work were found on a farm belonging to the head of an administrative manager at the Ministry of Interior office in the town of Yegoryevsk close to Moscow.

The trial of a member of the provincial anti-corruption committee has begun at Oryol Court. Investigators believe the defendant kept tens of migrants as slaves. They slept in groups of 20-30 on metal beds in a small room and ate just macaroni and bread. Sometimes the Uzbeks went without food. During migration inspections, they were taken to a town where they had to eat dogs. The “captives” every move was constantly watched, and those who managed to phone Tashkent secretly were cruelly beaten. The offending parties were even taken to a forest and subjected to a simulated shooting, after which they were forced to phone Uzbekistan and tell made-up stories about the “good pay” and their “happy life”.

For over six months, a district prosecutor in Bashkiria kept 12 Uzbek nationals as slaves at his plantations where they built a cottage. The foreign workers had their documents taken from them and were forced to work for 15 hours a day for no pay, and those who transgressed were cruelly beaten. The prosecutor himself, who threatened to kill disobedient workers if they escaped, took part in the beatings.

Research highlights some of the most widespread models of corruption involving the law enforcement

agencies and government employees. The first is **forging or illegally producing (or obtaining) identity documents, or migration documents** through public officials in the countries of departure and arrival. The second is **direct collusion between employers or other persons and local law enforcement agencies**. There have been reports of cases where victims who approached the police were “returned” to their former “masters”. A case involving the use of slave labour at a grocery store in the Golyanovo district of Moscow is highly illustrative.

EXAMPLE 19. Labour exploitation of migrants from Central Asia at a grocery store in the Golyanovo district of Moscow (media report).

On 30 October 2012, volunteers from the “Initsiativa” organisation and journalists freed 12 Tajik, Uzbek and Kazakh nationals who had effectively been slaves at a grocery store on Novosibirskaya Ulitsa in the Golyanovo district of Moscow. The shop was owned by a married couple from Kazakhstan: Zhansulu Istambekova and Saken Muzdybayev. Virtually all of the staff at the store – nine women and three men – were working there against their will. Their passports had been taken from them and no wages were paid to them. Physical punishment whereby staff members were hit with a tube made of metal foil and keys on a string was practised at the store. One woman had had her teeth knocked out three years ago. The most refined form of punishment was having their fingers broken. As a result, the bones knitted together any old how and their fingers became crooked. Finally, many of the workers were never allowed outside. One woman says she was locked inside for ten years. Members of staff at the store claim that Istambekova and Muzdybayev threatened to kill some people. One girl allegedly had a heart complaint, but was forced to continue the hard and gruelling work until she died. The children that some of the women gave birth to were taken away on the grounds that they would hinder them from working. Initially the woman would

be told that the child would be sent to the home country for its own good, and some time later she would be told that it had died. What happened to these children in the end is unknown. Some children stayed in the shop, and even the children of a woman who had run away some time ago continued to live there. The situation of some of the workers at the “Produkty” store is difficult to ascertain. For instance, 18-year-old Rakhimzhan Balkibekov says he was kept in conditions of slavery, but he happens to be a nephew of the owner. At the same time, many of the slaves say that the relatives of the owners were more like overseers. Seilkhan Daribayev, who is 36, admits that unlike the other workers, he received wages and was not victimized. He worked as a driver and enjoyed a considerable degree of freedom. But in any case, he was not entirely able to take liberties with the owners as his 26-year-old wife, Leila Ashirova, was held at the shop in slave-like conditions. When L. Ashirova escaped from the shop one day, knowing that the Golyanovo Internal Affairs Office (formerly police station no. 140) would hand her over to her masters, she approached another station. “But they brought me to station no. 140 anyway, they said things would be sorted out there. The female owner came. They swore on their own children’s lives that they would let me go and give me my wages.” The owners of the store were certain that no one would help the slaves in another town.

After the migrants were freed, amid intense public attention, the Investigative Committee announced on 1 November 2012 that the events described in the media had been investigated. On 5 November 2012 the Investigative Committee initiated a criminal case in relation to the illegal detention of the migrants at the grocery store. The case was opened under point “ж” of part 2 of article 127 of the Criminal Code, “Illegal deprivation of the liberty of two or more persons”. The lawyers supplied by “Memorial” and “Civil Assistance” asked for the case to be reclassified under article 127.2, “Aggravated use of slave labour – use of blackmail

and violence”. On 6 November 2012, a representative of the Kazakh Ministry of Foreign Affairs confirmed at a briefing in Astana that the national authorities were aware of “numerous instances of Kazakh nationals being taken abroad for the purpose of subsequent illegal labour exploitation”. However, on 14 November 2012 the prosecutor’s office of the Preobrazhensky district of Moscow annulled the decision to initiate a criminal case regarding the slavery in Golyanovo district on the grounds that the actions of the store’s owners did not constitute a criminal offence contrary to the “Illegal deprivation of liberty” article. An appeal against the reversal of the decision has already been filed with the prosecutor’s office of the Eastern Administrative District of Moscow.

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Thirdly, there is the **sale of registration, migration cards, work permits and citizenship of the Russian Federation**. Moscow and other big cities are saturated with companies and people who advertise such activities. Clearly, such large-scale “business” cannot exist without the support of the law enforcement agencies or the organisations responsible for issuing such documents through the normal procedure. Fourthly, **corruption in the migration monitoring sector** has come to exist on a massive scale and takes various forms which often turn it into a kind of criminal institution: for example, the “amount involved” when registering with the police, paying a fine for not being registered when stopped in the street for checks or “buying back” a passport which was confiscated during checks even if the person had the necessary documents is known. According to ILO figures, more than 70% of migrants in Russia pay unofficial fines, i.e. bribes, to the police for not being registered or not having a work permit.⁴⁷

Research shows that instances of labour exploitation and violation of migrants’ employment rights are commonplace among Russian employers. Let us now examine the main indicators of trafficking for labour exploitation of migrants in Russia.

47. E.V. Tyuryukanova, *Human Trafficking in the Russian Federation: Overview and Analysis of the Current Situation*. – Moscow: Institute for Urban Economics, 2006. – p. 69.

The research is inspired by the ILO indicators of trafficking for labour exploitation which are structured around six dimensions (ILO 2009):

1. Deceptive recruitment or transportation;
2. Coercive recruitment or transportation;
3. Recruitment by abuse of vulnerability;
4. Exploitative conditions at work;
5. Coercion at destination;
6. Abuse of vulnerability at destination.

According to the ILO, a certain combination of a number of these indicators can constitute trafficking for labour exploitation.⁴⁸

Firstly, **lack of a written agreement (contract of employment)**. In the Russian economy, widespread use is made of oral agreements, which are advantageous for the majority of employers, when recruiting. This problem largely affects the private sector, where it is more difficult to monitor employment relations. Very often, a contract of employment is signed but not given to the employee, which is another breach of his employment rights. According to figures from research on the housing and utilities sector in Moscow, the overwhelming majority (more than 93%) of migrant workers from Tajikistan and Kyrgyzstan signed contracts with their employers. Only 7% did not sign a contract and worked on the basis of an oral agreement. However, all of our attempts to see even just one contract entered into between an employer and an employee were unsuccessful. This means that even if a contract is signed, it is generally not given to migrants. If disputes arise, it is quite difficult for a migrant to assert their rights without a copy of the contract. This is confirmed by experts at the One-Stop Support Centre for Migrant Workers from Tajikistan, which is a non-governmental organisation. They believe that to a large extent, such problems arise due to the lack of documentary confirmation of employment relations between foreign nationals and employers. Where no contract of employment exists, staff at the Centre encounter

difficulties when giving migrant workers legal assistance. As a result of this, such employers do not pay taxes to the government, and the migrant workers become illegal. Their legal status does not enable them to defend their rights adequately.⁴⁹

Secondly, **the absence of a fixed working day and amount of work**. As a result, the working day for migrant workers exceeds the 8 hours stipulated by Russian law. This is a direct consequence of the absence of a written contract of employment and ignorance by migrant workers of their rights. Research on the housing and utilities sector in Moscow has shown that in half of all cases, migrant workers work 9 hours a day, in 17% of cases they work 10 hours, and in 10% of cases they work 11 hours a day. The majority of migrant workers work a six-day working week, with more than 88% having just one day off. Around 10% have no days off and work 7 days a week. Research has shown that more than 57% of migrant workers can take between 20 and 24 days' leave. About a third had difficulty answering this question because their contracts of employment do not make provision for any paid leave. As the migrants attested, it is not profitable for employers to pay holiday pay; it is much easier to dismiss staff when they need to go home and then hire them again. As a result, a considerable proportion of migrant workers become disadvantaged in terms of their rights to take leave. Sometimes these obligations are fulfilled out of compulsion, and sometimes migrants are put in a position where they are forced to work overtime in order to make ends meet. For example, in the housing and utilities sector they take it upon themselves to clear two or three sites. As the respondents stated, the volume and quantity of work take precedence for them over the amount of time. It is possible to clear a site quickly, but there is a system whereby the quality of clearing is constantly monitored by a technician. Inadequate quality of work can lead to a worker being fined or even dismissed. Some respondents cited examples where they had

⁴⁸ For more information on the ILO indicators and their recommended use, see ILO 2009.

⁴⁹ S.V. Ryazantsev, *Workers from Central Asian Countries in Moscow's Housing and Utilities Sector (Working Report)*. Working report, ILO: Subregional Office for Eastern Europe and Central Asia. – Moscow: ILO, 2010. – p. 69. [www.ilo.org/public/russian/region/eurpro/moscow/projects/migration.htm] [Date accessed: 1 June 2013]

had to collect a particular volume of bags of rubbish or leaves. If the worker did not collect the necessary number of bags, he was fined. For this reason, they even had to look for rubbish outside their areas in order to fulfil the “plan”.⁵⁰ A similar situation exists in the construction sector, at industrial plants, where the labour of foreign workers is used.

Thirdly, **confiscating and withholding documents**. This means that migrant workers are unable to leave their employer and end up in a situation of dependency where their freedom of movement is restricted. This effectively amounts to forcibly detaining a person against their will, which allows employers to manipulate and intimidate the worker.

EXAMPLE 20. Female worker from Tajikistan: withholding of documents, non-payment of wages (interview).

A woman worked for a company. In February 2008, she wanted to resign on health grounds, but her employer did not give her her wages and did not return her work permit or medical booklet. The attempts made by staff at the Centre to get the employer to obey by the law and solve the migrant worker’s problem were fruitless. A letter was sent to the deputy head of the City of Moscow Department of the Russian Federal Migration Service to request an inspection of this company to ascertain whether its use of labour performed by foreign nationals was legal.

EXAMPLE 21. Confiscation of documents, non-payment of wages and restriction of the freedom of workers from Uzbekistan in Samara Oblast (report from the REX news agency).

Staff from the migration service of Samara Oblast are making arrangements to deport 44 workers from Uzbekistan who were freed from slavery. They worked in a confectionery production unit.

The employers immediately took their passports away and forbade them to leave the premises of the unit. The majority of the workers received no more than 300 roubles (7 EUR) a month, and some did not receive any money.

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Fourthly, **much lower pay by comparison with local workers**. Research shows that the overwhelming majority of migrant workers are sure that they earn less than Russian nationals for the same jobs. If migrants obtain or have Russian citizenship, this by no means guarantees that their pay will automatically be increased to the same level as Russian nationals’ pay. Employers often continue to regard them as migrants and pay lower wages. Persistent social stereotypes are formed in the minds of employers, who are not keen to increase the wages that they pay and view migrant workers solely as cheap pairs of hands. A system of paying wages that circumvents official documents has emerged in many sectors of the Russian economy. As experts have stated, a “dual” record-keeping system is used by many businesses and companies, with one set of records for the workers and another for official accounting purposes. For example, an arrangement whereby a Russian national is officially registered as a caretaker or concierge but the job is actually done by a foreigner has become commonplace in the housing and utilities sector. The migrant is paid much less than the amount entered in the records. These arrangements help to keep the level of pay for migrants low.

EXAMPLE 22. Registration under a false identity and non-payment of wages to caretakers from Tajikistan (interview).

I came to Russia with a friend. It was his third year coming to work in the Podolsky district cultivating mushrooms for some Chinese people. We worked well and ate and lived in the same place. One day, the boss had an angry row with

50 S.V. Ryazantsev, *Workers from Central Asian Countries in Moscow’s Housing and Utilities Sector (Working Report)*. Working report, ILO: Subregional Office for Eastern Europe and Central Asia. – Moscow: ILO, 2010. – p. 69. [www.ilo.org/public/russian/region/eurpro/moscow/projects/migration.htm] [Date accessed: 1 June 2013]

my friend, we had to go to Moscow. Through an acquaintance, we found jobs as caretakers with a housing office. They got us to clear up a yard. We were paid on time on the 15th of each month. One day, they called us in and told us that the recruitment rules had changed. From now on, they would only recruit people who had an employment record book. We didn't have employment record books, of course. A technician offered to register us under assumed identities but said that we would earn less. From that day onwards, they began to cut our pay for an unknown reason. When the spring drew near, the technician began to be unsatisfied with our work. Our pay was cut by a thousand roubles each month. We realized that we had to find work elsewhere, met some people from our country somehow or other, and they said they could help us find jobs. Spring came, and we were sacked without being paid almost a month's wages. They said they were dissatisfied with our work. We took other jobs, once again as caretakers in the housing and utilities sector. We worked close to our old workplace and saw that other Tajiks were working in our yards. We asked them how much they were being paid. It turned out that they earned much less, worked all day long and lived in a basement. Now we are earning good pay and living in a rented flat.

A fifth aspect is **non-payment or withholding of pay** has become the most widespread violation of migrant workers' rights. For example, according to figures from the One-Stop Support Centre for Migrant Workers from Tajikistan, between January and May 2008 (during the time of the economic crisis in Russia) it was approached by migrant workers who said they had not been paid wages totalling more than 100 000 EUR. Through the intervention of human rights activists, about 70% of this money was recovered. During the first half of 2008, the Centre worked on enquiries from migrant workers

who had not received wages from 26 companies in the city of Moscow and Moscow Oblast, as well as from private employers.⁵¹ In 2007, 38 caretakers in the Eastern Administrative District (EAD) of the city of Moscow refused to go to work and went on strike after they had not been paid for several months. The arrears were partially paid, with 3,000 (70 EUR) roubles being paid to each worker, but the latter were immediately dismissed.⁵² According to official figures, average wage in public utility and social services in the city of Moscow amounts to 19.2 thousand rubles (around 3800 EUR). The study tells us that the average wage of migrant workers in utility services is 14 thousand rubles (around 2800 EUR). The wage depends directly on whether an official contract has been signed by the worker or not. Those migrant workers who did not sign any contract with their employers only had a wage of 12 thousand rubles (around 2400 EUR).⁵³

A sixth point relates to the **use of a system of fines** to punish migrant workers. A system of fines, many of which are unofficial in nature, has become a common form of violation of rights and exploitation of migrant workers in Russia. Around 25% of respondents paid fines to their employers for inadequate work or being late for work. Fines have come to be widely imposed on migrants. They have become a feature of the system used to violate the rights of migrant workers in Russia. The fines are usually unjustified and degrading and cause migrants to have a negative view of representatives of the authorities and employers.

EXAMPLE 23. Restriction of freedom, fines and violence towards migrant workers from Uzbekistan in agriculture in Moscow Oblast (media report).

For several months, 49 Uzbek workers endured inhumane conditions while sorting vegetables in

51. Comprehensive report from the Support Centre for Migrant Workers from Tajikistan for the January-May 2008 period – Moscow, 2008. – p. 4.

52. Brushing the asphalt// *Argumenty i fakty*. - Issue 1-2, 2008. – p. 23. S.V. Ryazantsev, *Workers from Central Asian Countries in Moscow's Housing and Utilities Sector (Working Report)*. Working report, ILO: Subregional Office for Eastern Europe and Central Asia. – Moscow: ILO, 2010. – p. 69. [www.ilo.org/public/russian/region/eurpro/moscow/projects/migration.htm] [Date accessed: 1 June 2013]

53. 'Brushing the asphalt', *Argumenty i fakty*, Issue 1-2, 2008, p. 23

the Ramensky district of the Greater Moscow region. They were categorically forbidden to leave their base, and the slightest infringement incurred fines which “ate into” their already meagre earnings. Law enforcement officers allege that the overseers beat their charges and that the youngest (and prettiest) of the female workers among the “slaves” were subjected to sexual violence.

EXAMPLE 24. System of fines at a company (extract from the contract of employment of a female cleaner from Tajikistan).

Financial penalties which the employer may impose on the worker: arguing with the manager – 1,000 roubles (23 EUR), being late for work – 300 roubles (7EUR), not turning up for work without giving notice to the management – 1,000 roubles (23 EUR), absence without due cause – 2,000 roubles (46 EUR), litter on the premises – 500 roubles (12 EUR), not coming to work due to intoxication with alcohol – 3,000 roubles (70 EUR), going off-site during working hours – 500 roubles (12 EUR). Dismissal at the employer’s initiative (without reasons being given) – non-payment of wages for the period worked.

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Furthermore, sub-standard/unfit living conditions remain a serious problem for migrant workers engaged in various economic sectors. Approximately 40% live where they work; this applies primarily to builders, agricultural workers, and those employed in the housing and public utilities sector. These are places which are completely unfit for habitation: building sites, garages, lofts, basements, unfinished or condemned buildings and rubbish chutes. Conditions in these premises are often unsanitary, without water, heating, lighting, and basic conveniences. This is where migrant workers cook their food, wash, and sleep. In such conditions, people frequently fall ill. Many migrants live and work in Moscow for several years but in that time never venture beyond their district or even the courtyard of their apartment block. In one case, a woman from Tajikistan,

who was working as a concierge and caretaker, gave birth to her child in a basement.⁵⁴

The inhumane living conditions endured by migrant workers not only impede their integration into Russian society, but lead to the formation of “parallel societies” where Russian is not spoken, and engender an attitude among the local population that migrants are “second-class” people. Aside from the fact that these dire living conditions demean human dignity and damage the health of labour migrants, they also foster a negative attitude towards the local population and towards Russia as a whole. This kind of situation can be fraught with social conflicts.

In summary, working and living conditions of migrant workers in Russia remain quite poor, and signing a work contract does not solve all of the problems faced by migrant workers. Unfortunately, migrant workers are viewed by employers as a very cheap work force whose few requests regarding working and living conditions are directly linked to their appeal. It is not in employers’ interest to raise the level of payment for labour or improve the living conditions of a particular economic sector while they are able to exploit the cheap labour of migrant workers. Research indicates that the violation of labour migrants’ rights in Russia is practically ubiquitous, both across economic sectors and across regions and cities. A rights violation is almost always characterized by several abuses simultaneously, such as confiscation of documents, confinement, penalties and physical punishments. Many rights violations have the attributes of trafficking for labour exploitation.

⁵⁴ ‘Brushing the asphalt’, *Argumenty i fakty*, Issue 1-2, 2008, p. 23

Chapter 3.

*Labour emigrants
(Russian citizens)
as victims of human
trafficking for labour
exploitation outside
the Russian Federation*

3.1.

Emigration trends of Russian citizens: scale, channels and risks of being drawn into irregular migration, labour exploitation and human trafficking abroad

Emigration from Russia is not currently recorded in sufficient detail by state authorities and statistical bodies. However, it is perfectly clear that after the collapse of the USSR, the volume of emigration from Russia increased considerably. Russians currently study, work and live in various regions across the world. The migration mobility of Russian citizens is substantial. According to figures from Russia's Ministry of Foreign Affairs, 1.5 million Russians were recorded in 2006 in the consular register as being permanently resident abroad.⁵⁵ However, these figures only included Russians who registered with the embassies and consulates of the Russian Federation. Many Russian citizens are abroad as business-people, labour migrants, tourists and students who do not register with consular institutions. A research indicates that the actual number of Russians living beyond Russia's borders is at least 10 million.⁵⁶ Russians leave the borders of the Russian Federation through various channels, each of which is variously

linked to irregular migration, trafficking in human beings and labour exploitation.

Firstly, **emigration for permanent residence** is generally to countries which are "far" abroad (outside the borders of the former USSR). Starting in 1989, more than 1.2 million people left Russia for permanent residence in countries which are "far" abroad. The main countries to which Russians have emigrated for permanent residence have been and remain Germany, Israel and the USA. New emigration destinations for Russians include Australia, Argentina, Canada, China, Finland, New Zealand, Spain, and the UK.⁵⁷ Yet while the list of countries receiving Russian migrants, in particular the leading countries, have stayed the same (Germany, Israel and the USA) the reasons for emigrating from Russia have changed significantly. Social and economic motives for emigration currently dominate, while political motives hardly feature. The majority of emigrants seeking permanent residence abroad do so

55 Official response of the Ministry of Foreign Affairs of Russian to the request from the Institute of Social and Political Research of the Russian Academy of Sciences regarding the number of Russian citizens living abroad, 2007

56 S.V. Ryazantsev, M.F. Tkachenko, A.S. Lukyanets, 'Emigration and the Russian Diaspora Abroad,' Demographical Perspectives of Russia, ed. by Academician G.V. Osipov and Professor S.V. Ryazantsev (Moscow: Ekon-inform, 2008), p. 634

57 Population and migration in the Russian Federation: Statistical Bulletin, (Moscow: Federal State Statistics Service (Rosstat), 2011), p. 45

in order to obtain a high salary or income and better conditions for doing business. Emigration is often accompanied by the withdrawal of capital, which is invested in business or property in the host country and serves as a basis for obtaining a residence permit and permission to remain in the country. In terms of age, permanent residence emigrants are overwhelmingly older citizens or middle-aged, while children and young people up to the age of 30 account for 35% of the migration flow.⁵⁸ The risks of migrants from this category being drawn into irregular migration and trafficking in human beings are small. Nevertheless, there are various situations in which Russian citizens find themselves involved in labour exploitation as employers in host countries.

EXAMPLE 25: Labour exploitation of Russians in Argentina (press report)

Fourteen Russians who found themselves in serious financial difficulties in Argentina are coming home. The funds to pay for their flights were allocated by the Russian government and the Russian embassy in Argentina and its consulate processed all of the necessary documents. These people left Russia several years ago. Many of them were university educated and all of them hoped to find work in Argentina and live in decent conditions. Not one of them found work in their field and all of them were forced to scrape along doing odd jobs.

Mr Deshchenko from Petropavlovsk-Kamchatsky admitted that he never managed to save any money in Argentina, as he only had enough for food, and sometimes not even that. With experience as a mate on a fishing vessel and as a mechanic, and with licenses to drive vehicles in all categories, Deshchenko worked as a security guard for a while. Then he had to fight for two months to get his wages from the company that had hired him.

Ms Arkhishchenkova travelled from Latvia. Now she is a stateless person. A civil engineer, in Argentina she washed clothes and cleaned, but work was never consistent. She and her son were invited to Argentina by a local resident, a man whose children

were grown up. He turned out to be extremely corrupt and did not pay them for their work.

The Ulakhanov family travelled from Yakutsk. They sold their flat, car and garage and wanted to settle down in New Zealand. The Moscow firm which had prepared their documents and received their payment of several thousand dollars simply disappeared overnight. There was nowhere to go back to, so they decided to leave for Argentina on the money they had left. The head of the family returned within a few months. The youngest daughter gave birth to a child. After some time, the child's Argentinian father gave permission for the child to receive Russian citizenship. Then he disappeared without giving any money to raise the child, and without his permission the family cannot take the child back to Russia. To do this they have to wait for the courts to decide. The mother is staying in Argentina for now. Only the eldest daughter was flying to Moscow.

Consular employees stated that some Russians who had previously asked for assistance had managed to return home independently. They expect another few dozen people to return on funds allocated by the Russian government.

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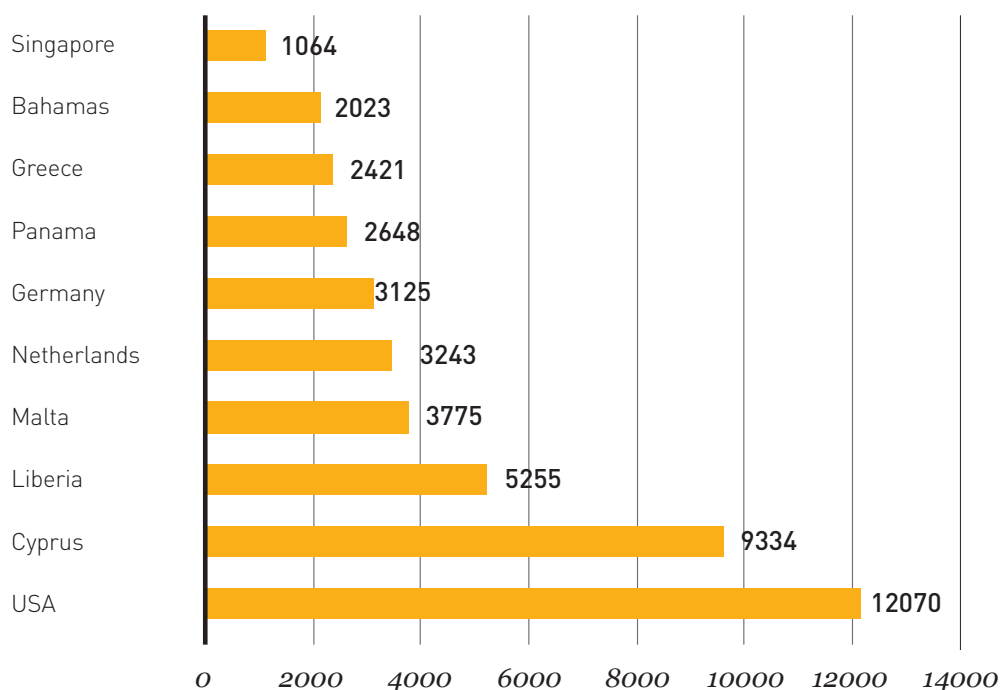
Secondly, Russia has become a major **exporter of temporary labour migrants** to the labour markets of foreign countries, with 45,000–70,000 people leaving the country every year on work contracts alone. The main disadvantage of this body of information is that it represents a record of only those temporary labour migrants from Russia who found employment through official channels (companies with permission from the Russian Federal Migration Service (FMS) to recruit workers, as well as through the FMS directly). However, research shows that many Russian citizens are currently finding work abroad, bypassing official channels and travelling to various countries on work, business, tourist and visitor visas, going directly to employers and thus being omitted from FMS records. The scale of temporary labour emigration from Russia is significantly greater than official FMS figures indicate.

58. Data from Federal Migration Service [<http://www.fms.gov.ru>]. Retrieved 12 June 2013

A large number of Russian temporary labour migrants travel to America and Europe, and Russians have lately become more and more visible in the labour markets in Asia and Australia. The main countries where Russians seek employment are the USA, Cyprus, Liberia, Malta, the Netherlands, Germany, Panama and Greece, among others. Some of these states are countries with “flags of convenience” under which ships are registered; they have been or still are home to offshore companies; and they have simplified the procedure for purchasing property and investing capital, which attracts Russians (Fig. 3.1.1). Set against traditional destination countries which are “far” abroad, CIS countries enjoy much less popularity among Russians, although labour migration does take place in them on a small scale. A comparison of foreign and Russian figures on the labour migration of Russians abroad points to the fact that migration from the country was at least double (for certain countries it was even greater in individual years).

Fig. 3.1.1.

Countries to which Russian citizens travelled for work in 2010, people⁵⁹



⁵⁹ Data from Federal Migration Service (<http://www.fms.gov.ru>). Retrieved 12 June 2013

In regional terms, residents of border regions in the Russian Federation were involved in labour migration to a greater extent. Calculations indicate that the proportion of labour emigrants in the working population at a regional level was highest in border regions, namely Primorsky Krai and Khabarovsk Krai, Krasnodar Krai, Karelia, Kaliningrad Region and Leningrad Region.

This has resulted in established “migration corridors”: residents of regions in the Far East primarily focused on finding work in the Asia-Pacific region (Australia, China, Japan, Korea, countries in South-east Asia); migrants from regions in the North Caucasus mainly travel to countries in the Near East (Cyprus, Israel, Turkey, UAE, etc.); residents of north-western border regions often travel to Nordic states (Finland, Norway and Sweden); while migrants from the European part of Russia seek work in Europe, the USA, and Canada. These geographical trends have also been identified in trafficking in human beings.

For the most part, labour migrants from Russia are primarily men. A third (35%) of labour migrants are young people aged between 16 and 29, a quarter (26%) are aged between 40 and 49, and a fifth (21%) are aged between 30 and 39. This indicates that young people are in demand on the international labour market. This skewing is especially pronounced among female labour emigrants from Russia, the majority of whom belong to the younger age groups. Russians with specialized (vocational) secondary education are the most in demand abroad, accounting for approximately 40-50% of all those going abroad on contracts. Russian workers with a higher education make up approximately a third of migration flow. On the international labour market, Russians with a trade are most in-demand, accounting for around half of labour migration flows, primarily those with links to the shipping and fishing industries. They account for approximately half of all trades. Approximately a quarter of all those working on contracts abroad are technical specialists or spe-

cialists in art and culture. Finally, managers make up a sixth of labour migrant flow. The risk of being drawn into human trafficking and labour exploitation among this general category of Russian emigrants is much higher than among permanent emigrants. Often, even Russian citizens who go abroad for work on written contracts and through official recruitment agencies can become victims of human trafficking.

The third emigration channel is **tourist and private trips** abroad taken by Russians. Such trips became much more widely accessible in the 1990s and 2000s after the opening of the borders and the development of trade and economic relations with various states. The pioneers of such “tourism” were “chelnoks”, small “shuttle” traders who combined trips abroad with the purchase of various mass-consumer goods and their subsequent import into Russia. According to rough estimates in the mid-1990s, between 10 and 20 million “chelnoks” were operating in Russia.⁶⁰ The geography of trips made by these entrepreneurs initially included China, Poland, then Turkey, the UAE, and later expanding to other countries. The number of business, work and tourist trips to Europe, the USA, South-east Asia and the Near East then increased. These waves of migration led to substantial socio-economic consequences: the creation of new “Russian-speaking communities” and “Russian-speaking infrastructure” in many countries around the world. In turn this gave traffickers the opportunity to use these channels for the human trafficking of primarily Russian women. According to the figures from the Russian Border Security Service (FSB) border service, annually there are approximately 20 million instances of Russian citizens travelling abroad. The breakdown of trips made by Russians abroad (to “far abroad” countries) shows that private trips account for around 46% of the total and tourism for 42%.⁶¹ It is these two types of border crossing which carry the highest risk for Russians from a human trafficking standpoint.

A survey (involving interviews with experts, employers, representatives of recruitment companies

60 O. Pravorotov, ‘The Chelnok’s last trip?’ *Ogonek*, Issue 32, August 1996, p. 21; S. Nagatin, ‘Old moves against the new “chelnok”’, *Itog*, 10 September 1996, p. 53; R. Narzikulov ‘“Chelnoks” have righted Russia’s foreign trade balance,’ *Segodnya*, 21 December 1993

61 *Tourism in Figures 2010: Statistical Bulletin* (Moscow: Statistics of Russia Information and Publishing Centre, 2010), p. 7

and non-governmental organisations, as well as with victims of human trafficking and employers) facilitated the identification of the main socio-demographic groups of Russian citizens involved as victims in human trafficking and irregular migration for labour exploitation abroad (Table 3.3.1).

Table 3.3.1

Socio-demographic characteristics of Russian victims of human trafficking and irregular migration by destination country

Key characteristics	Socio-demographic characteristics	Country of origin
<i>Women for sexual and labour exploitation</i>	Young women under 30 years old, Russian women resident in small towns or rural areas	Western European countries, the USA, Japan, Korea, China, other Asian countries
<i>Seafarers on foreign ships for labour exploitation</i>	Residents of port cities with the relevant education travelling on contracts to countries with “flags of convenience”	Countries in Africa, Asia and Europe
<i>Men who are labour migrants for low-skilled work in low-status sectors of the economy for labour exploitation</i>	Men with specialized secondary or higher education who have lost their job in Russia, aged between 35 and 50 years, residents of major cities	Countries in Western Europe, certain countries in Asia
<i>Children for adoption and sexual exploitation</i>	Children who have lost their parents, or are from orphanages, families where the parents have lost their parental rights or families with social challenges (alcoholism, drug addiction, etc.)	USA, countries in Western Europe

The most significant and persistent problem in terms of the exploitation of Russian citizens abroad still today is the trafficking of **girls and young women for labour exploitation and sexual exploitation outside of Russia**. After the collapse of the USSR, organised criminal groups began recruiting and transporting women of Slavic appearance from Russia and a range of neighbouring countries to Western Europe, the USA, Japan, Korea and Turkey for the purposes of prostitution.⁶² The formula

was usually very simple, but effective. The recruiting side used an “individual marketing” system. They would attract young women with promises of giving them work and good pay. They would help minors organise a foreign travel passport (normally a fake passport with a different name, surname and age) and they organised their travel abroad. They would then gather the young women’s passports under the pretence of extending their visas or needing to register them with the police. Ultimately, she would

62. P. Williams, *Organised crime in Russia and the Commonwealth of Independent States, Eastern Europe, Russia and Central Asia 2004* (London, New York: Europa, 2004), p. 63

be in a position of dependence and would be forced to provide sexual services to clients, and would be punished for the most minor offences.⁶³ Frequently a young woman would pay a middleman in Russia to be set up with a job, and sometimes the recruitment and even the transport to the country would be provided for free, held against the money to be subsequently earned. As a result women were turned into living goods which could be sold on to pimps. The recruitment formula has not changed since then, but the methods have become more sophisticated with the use of family or marriage channels and even the signing of official contracts with future employers. Among potential victims, traffickers now try to create an illusion of reliability regarding the employer's reputation using a varied arsenal of methods.

The next category is the **confinement and labour exploitation of Russian seafarers.**

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, passed by the UN General Assembly on 18 December 1990, included seafarers hired for work aboard a ship registered in a state of which they are not citizens in the category of migrant workers. As a result of the reduction of the national fleet, in recent years a huge number of Russians have ended up on the international labour market. Russian seafarers are hired by shipping companies whose ships are registered in countries with flags of convenience: Cambodia, Liberia, Panama, etc. It is therefore no coincidence that in the breakdown of statistics on official labour emigration from Russia, seafarers and other specialists working on ships account for 60-70% of all people leaving to work abroad. Many seafarers from Russia find work independently through recruitment agencies or former contacts. These contracts are not covered by official statistics. Given the lack of work in their home country, many sign contracts with unfavourable terms: low pay, poor working conditions and long work terms. Labour exploitation in this segment of the labour market is typically characterized by delay in payment and/or withholding of earned

wages, forced detention and restrictions on freedom of movement and confiscation of crew members' documents by shipowners or ship's officers. Russians are often kidnapped by pirates in the Horn of Africa, South-east Asia and other regions of the world. According to ITF figures, each year between 130 and 150 Russian seafarers find themselves in such a situation.⁶⁴

As experts have attested, as regards Russian seafarers confiscation of documents and non-payment of earned wages is a typical element of slave labour. In this situation, seafarers are "tied" to their ship as they cannot change employer and leave. Unscrupulous employers and shipowners (both Russian and foreign) benefit from this state of affairs.

Example 26: The problem of "abandoned seafarers" (expert interview – head of seafarers' union)

We have a problem with seafarers being abandoned, where the owner of a vessel leaves them to fend for themselves. The wages are pitiful, and they aren't even paid sometimes. Seafarers are left without money, without anything to live on. This applies primarily to small companies with only two or three ships. In 2012, a Russian ship, the Tyulen-6, a seal-fishing vessel, ended up in the hands of a man from Makhachkala, Dagestan, as a result of privatization. The crew was hired for one voyage from Tuapse to Africa, to the Congo Basin. However, the owner stopped the payment of wages and effectively left the crew to fend for themselves. Only after two months did the seafarers approach the union. Assistance was given to them thanks to the resolution of the Russian Government on the "Repatriation of Russian citizens in danger".

The recruitment of Russian seafarers usually follows this formula: the first time, a seafarer is normally hired via a crewing company. Later, when contacts have been made, he hires himself out, often through acquaintances, on the recommendation of

63. A. Gerasimov, 'Torture serves as entertainment in brothel,' *Kommersant*, Issue 215, 23 November 2001, p. 9

64. A. Polunin, D. Latypov, 'Prison in the harbour,' *Trud-7*, Issue 127, 14-20 July 2005, p. 3

colleagues. Typically in this situation seafarers can end up working for an unscrupulous ship owner.

The next category is labour exploitation of unqualified Russian workers in various economic sectors abroad. Similar situations involving Russian citizens have occurred in China, Greece, Italy, Portugal, Spain, Turkey, and a range of other countries.⁶⁵ Many have their documents taken from them; some of them are forced to work for the duration of daylight hours, without days off, under the supervision of their boss, without receiving any pay for their labour or even food.⁶⁶ In the majority of cases, people are in the country illegally with an expired visa, on a contract with their employer and without a work permit. They typically cannot assert their rights and are likely to be deported if they come to the attention of the police.

⁶⁵ P. Weinert, 'Foreign female domestic workers: Help wanted!' *World Employment Programme Working Paper* (Geneva: ILO, 1991), p. 45

⁶⁶ P. Rashkov, 'A trap for the trusting,' *Trud-7*, Issue 58, 30 March 2000, p. 10

3.2.

Recruitment methods of Russian citizens for exploitation abroad as victims of human trafficking and irregular labour migration

The Russian Federation has become a major supplier of “living goods” for foreign markets. Rough estimates from Interpol suggest that around 170 thousand Russian citizens across the world are currently living in conditions of slavery. This number is mostly women who have been taken out of the country for labour exploitation and sexual exploitation in China, Japan, the USA and Western Europe.⁶⁷

A ranking of methods for recruiting migrant workers in Russia for labour exploitation abroad was conducted using a similar method (a survey of 15 experts). A rating was given for each recruitment method on two parameters: prevalence and level of risk of being drawn into human trafficking and irregular migration. The results obtained differed from those concerning recruitment practices widely used with regard to victims of human trafficking and irregular labour migration into Russia (Table 3.2.1).

The most widespread type of recruitment of Russian citizens is that carried out **through network structures**. This type of recruitment was allocated 9 out of a maximum of 10 points. These structures commit the majority of crimes against Russian citizens, and they typically are composed of citizens of various countries, those who live abroad but have close contacts in Russia. This is the most prevalent and dangerous type of crime.

It should be noted that network structures and criminal groups are using online communications more and more for recruiting victims. The internet contains advertisements which promise a great deal, supported by delighted testimonials from “participants”. The possibilities offered by the internet allow traffickers to gain control over the victim more quickly, to swiftly establish demands and expectations, to speed up the recruitment process and to keep the conspiracy secret. It is extremely difficult for law enforcement agencies to track online information, which allows human traffickers to use this recruitment channel extensively.

67 A. Kolesnichenko, ‘4 million migrants from the CIS are living in near-slavery conditions in Russia,’ Centre Asia report (www.centrasia.ru/newsA.php?st=1075269840). Retrieved 20 June 2013

Table 3.2.1

Expert ratings of methods used to recruit Russian citizens into human trafficking and irregular migration abroad (1 – lowest, 10 – highest)

Recruitment methods	Prevalence	Level of risk of being drawn into human trafficking and irregular migration	Average rating
<i>Recruitment by network structures</i>	9.0	9.0	9.0
<i>Recruitment by firms, agencies</i>	6.0	8.0	7.0
<i>Recruitment by private individuals</i>	6.0	8.0	7.0
<i>Independent arrangement of employment and marriage (incl. via internet)</i>	6.0	7.0	6.5
<i>Recruitment by state structures</i>	4.0	1.0	2.5

EXAMPLE 27: Recruitment via the internet (expert interview – researcher)

In the context of globalization, the role of the internet in recruiting trafficking victims has grown considerably. The internet has become a major platform for trafficking in human beings. Currently, law enforcement agencies rarely monitor advertisements published online. Recruitment progresses quickly, and is hidden from law enforcement agencies. People are more frequently being recruited online to transport drugs as “living containers”, or to be donors of embryonic material for surrogacy. These are new forms of human trafficking.

Second in the ranking is **recruitment through recruitment firms, companies and agencies in Russia**. Based on the assessment of experts, this type of recruitment was allocated 7 out of a maximum of 10 points. Immediately after the collapse of the USSR a sizeable number of firms sprung up offering to organise employment for Russian citizens abroad.

Now the range of companies and the services they provide is very broad: firms that arrange employment abroad; companies that organise study, leisure and medical treatment abroad; travel agencies, wedding bureaus, and modelling agencies, and so on. Each firm must undergo a special licensing procedure. Despite this, a great number of unscrupulous companies operate in this market. Often these firms not only find clients a job abroad, but also offer complementary services (they purchase the ticket, book the hotel, arrange the visa, etc.). It is thought that at least half of all Russians travelling abroad for work make use of a channel like this. There have been recorded instances where firms have received money from their clients and promised to provide employment services, but abandoned them when they arrived in the destination country. Russians have not only been left without any money, but without any documentation as well, making their position in a foreign state extremely difficult and leaving them without any rights. Certain firms have even engaged in human trafficking. Figures from the La Strada programme

indicate that women in Russia and CIS countries annually receive up to three thousand invitations to go abroad through such firms.⁶⁸

Example 28: The deception of a Russian labour migrant by a recruitment firm (interview with the victim's mother)

My son signed a contract with one of the firms in Perm to get work in Portugal. The firm assured us that it had its own representative in Portugal. We paid 600 dollars for the firm to prepare the work contract; we did not see their license entitling them to perform this type of activity. The firm bought the tickets and arranged the visa, but the visa was made for Spain instead of Portugal. My son only found out that the visa was for Spain, and not for a year as we had agreed, but for two months, right before flying out of Sheremetyevo. The firm assured us that my son would be met by their representative in Portugal, and this person would set him up with work and would make sure that he was legally in the country, i.e. ensure that his visa was extended. In reality it turned out that there was no representative of the firm as a legal entity, there was only an odd-jobber called Vasya who took 300 dollars to set someone up with work and after that washed his hands of any responsibility.

So my son made his way from Spain to Portugal over the course of 24 hours by travelling on various trains, as the firm didn't even know the travel route from Barcelona to Lisbon. While the firm had previously claimed that they sent large groups of people to work in Portugal, the real number was about ten. My son was in Portugal for over two months. He was arrested in Portugal and charged with failing to extend his visa. Since the visa had been made for Spain and not Portugal, as was written in the contract with the firm, my son's employer had been unable to extend the visa and so all of the money my son had earned was taken from him to buy a plane ticket back to Moscow. He was deported from Portugal, but not to Russia – to Germany.

In Frankfurt my son was detained in prison for a week. After the week in Frankfurt, he was sent to Moscow, and he made his way from Moscow to Perm in a sitting carriage. He arrived home without a penny.

The firm we had signed the contract with to provide my son with work in Portugal refused to fulfil its obligations, saying that it was his choice to leave Portugal.

.....

There is a relatively widespread recruiting practice whereby firms promise good working conditions abroad. However, in the majority of cases this is a trick to give the client the false impression of living the high life abroad, typically in countries with a high income levels. When Russians respond to similar advertisements, the deception ends when the firm vanishes after receiving hard cash for its "employment services". In certain Eastern European states the Norwegian Embassy was forced to clarify in no uncertain terms the lack of such work in the country, let alone in such huge numbers.

Experts have highlighted the need to ensure that the role of Russian recruitment companies does not only amount to recruiting people for work abroad. Their obligations are much broader than this: providing legal assistance workers, monitoring working conditions in the host country, and possibly providing assistance in the event of any problems arising with employers.

EXAMPLE 29: The role of recruitment companies in combating trafficking in human beings (expert interview – director of a non-governmental organisation)

Interviewer: *If a foreign company works with a recruitment agency, how can they find out if they can trust the agency to fully inform workers about working conditions?*

Expert: *If we are talking about what a recruitment company should do, then, of course, they should interview the people who are going to be hired through this company, and so on – in effect, ensuring*

68. V. Soule, 'Ukraine, haut lieu de la traite des femmes,' Liberation, 15 March 2000, p. 11

transparency in the company. That's the first thing. The second thing is to fully monitor the fate of the worker: to have methods of communicating with people who have gone abroad, to obtain information from them to ensure that people are being paid, etc., completely normal forms of oversight to ascertain whether the employer is fulfilling all the terms of the contract. They could hold interviews with people who are returning and find out for certain if the working conditions were as was guaranteed to the workers and that they were really being upheld.

Interviewer: *And employers should ensure that the recruitment company really is providing accurate information to potential workers?*

Expert: *This depends on the companies and what they are aiming to do. If they are seeking to hire a quality workforce, they will have defined requirements for this recruitment company, but if they are just looking for cheap labour they will not be interested in close contact as this will mean others monitoring their activity. So it's a win-win situation for them: if I want to know more, I will also disclose more. The third category is **recruitment by private individuals**, which was allocated 6.5 points out of the maximum of 10. In the majority of cases, human traffickers are Russian or people with dual citizenship – citizens of those countries from which people are recruited for sexual exploitation and other forms. In Russia, majority of them are women. In the most typical situation, a young woman will respond to an advertisement or is recruited on an informal basis by an agent – a middleman (sometimes even an acquaintance) who promises her a good job abroad. IOM figures show that 35% of victims of human trafficking are recruited by someone they know, around 15% by close friends, and around 2% by relatives. Only 34% of victims did not know their “hiring agent” before being recruited. The main recruitment methods are promises of work abroad (approximately 65% of victims were recruited under this pretence), offers of travel (16%) and even kidnapping (in approximately 5% of cases).⁶⁹*

Experts point out that mechanisms and forms of recruitment are constantly being improved. Forms of recruitment are now becoming more and more “personally oriented” to individual characteristics and the living situation of a specific person, and psychological pressure is applied through close friends and acquaintances. The role of **recruitment through private individuals, acquaintances and even close relatives** is growing.

In fourth place is **employment organised independently by Russian citizens through various migration channels** such as work, tourism, and marriage. In this instance there is a high risk of becoming a victim of human trafficking, especially for women. Experts rated this recruitment method as 6.5.

Recruitment through **state structures** is in the last place in this ranking, having been allocated 2.5 points out of 10. This method refers for the most part to recruitment of low-level categories of labour migrants in the Russian Federation who work in state institutions or in Russian corporations operating abroad.

EXAMPLE 30: The role of the state in combating trafficking in human beings (expert interview)

Interviewer: *How can we curtail the practice of exploitative recruitment?*

Expert: *We currently do not have sufficient regulatory acts that would allow us to completely eliminate it. Nevertheless, while this business exists, this niche will exist, but a preventative measure would be to, firstly, work tirelessly to inform the public about what to look out for: if you want to get a job, what to look out for when starting out with recruitment companies. In effect, a higher level of personal responsibility. Secondly, trade unions must play a greater role and not only for dues-paying members: they are public organisations that represent particular target groups and it is here that they must play a more practical role. Our field is*

⁶⁹ S.V. Ryazantsev, M.F. Tkachenko, *Labour Migration of Women from Russia: Departure, Employment and Protection of Rights* (Moscow: Nauka, 2009), p. 56

still underdeveloped, so perhaps what we need is licensing for recruitment companies so that there is some sort of process. However, I don't believe that even licensing is a way out of this situation. These companies usually have money, so they will pass through the licensing stage. What's important here, I think a multidisciplinary cooperation. In this system is a key because as soon as there are any suspicions, we need people to sound the alarm and be aware that people are being sold, that their rights are being violated. We must be proactive. And the state, which has already taken many steps to combat this type of crime, nevertheless needs to work more closely with its citizens, so that as soon as the first allegations arise, there is a response, and no less important, that there are response mechanisms in place. There are still fundamental gaps in this area, and recruiters and traffickers survive in these gaps.

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In summary, the mechanisms and methods used to recruit Russian citizens into human trafficking are quite varied and are constantly being perfected by criminal structures. Recruitment through private companies, network agents and private individuals present the highest risk from a human trafficking standpoint. The most sophisticated method of drawing someone into human trafficking is an individualized method of influencing a person, which takes into account their particular psychological characteristics, their living situation, and their ideas about wealth and prosperity. The state must monitor the foreign employment activity of recruitment agencies and firms more closely.

Chapter 4

*Recommendations to
counteract trafficking
in human beings and
irregular migration in
the Russian Federation*

The research which has been carried out enables us to propose the following measures to counteract human trafficking and the use of slave labour in the Russian Federation:

Develop and adopt a state strategy to counteract human trafficking in the Russian Federation, which should include conceptual ideas for the prevention and suppression of human trafficking, as well as for the provision of assistance and rehabilitation of victims of human trafficking.

Pass the Federal Law "On counteracting human trafficking and the use of slave labour in the Russian Federation."

Pass the Federal Law "On providing assistance to Russian citizens who are victims of human trafficking and labour exploitation and sexual exploitation abroad."

Develop a national action plan to prevent human trafficking in the Russian Federation that includes measures for all ministries and agencies involved in these issues – the Ministry of Interior (Mol), Ministry of Foreign Affairs, General Prosecutor's Office, Investigative Committee, Federal Migration Service (FMS), Ministry of Labour and Social Protection, Ministry of Education and Science, Ministry of Health – as well as non-governmental organisations and other public institutions. The national plan must include a system of targeted measures to protect against, prevent and suppress crimes in the area of human trafficking and the use of slave labour, to identify and protect victims and witnesses of crimes and outlines for cooperation between state structures and non-governmental organisations.

Considering the scale of this problem in Russia today, create a coordinating authority (ministry or agency) that can carry out targeted work to counteract human trafficking and the use of the slave labour of foreign and Russian citizens, as well as facilitate cooperation between other state structures and non-governmental organisations, to monitor the situation and assess the effectiveness of adopted measures.

Add confiscation of the property of human traffickers as a form of punishment in the Criminal Code of the Russian Federation, which may erode the economic base of this phenomenon.

Continue and expand upon the practice of preparing and publishing annual state reports on adherence to the norms of the Convention and Protocol against human trafficking in the Russian Federation, including all aspects of the fight against human trafficking (preventative measures, punishment, assistance and support for victims).

Amend the Federal Law "On the social protection of the population" to include a guarantee of a minimal level of required social assistance for victims of human trafficking for labour exploitation and sexual exploitation.

Define in the legislation of the Russian Federation on social services for the population the procedure under which victims of human trafficking, labour or sexual exploitation can be admitted to crisis centres, refuges and other temporary accommodation facilities.

Create a network of specialized government centres in Russia's regions and certain other countries to provide assistance to victims of human trafficking, labour exploitation and sexual exploitation, with urgent legal, psychological and medical assistance to trafficking victims.

Conduct a national campaign to raise public awareness in the Russian Federation about the problem of human trafficking for labour exploitation and the forms and methods used to recruit people into trafficking using the media, advertising campaigns and educational programmes. Booklets, pamphlets, placards, stands, films, television advertisements, radio broadcasts, classes, lectures and seminars are some of the forms that could be used to deliver this information to the public.

Introduce a system of licensing and regular reporting for recruitment firms or agencies for every hired foreign citizen in the Russian Federation.

As part of the licensing system for recruitment firms (agencies) carrying out employment services for Russians abroad, introduce a regular system of reporting for every person employed abroad with their assistance.

Hold a national award competition for the "Best Recruitment Company in Russia".

Create and publicize a list (register) of companies and people who have participated in the unscrupulous recruitment of Russian citizens for work abroad

and the recruitment of foreign citizens to the Russian Federation.

Organise a single national information and reference system that will gather information about the scale of the problem in the Russian Federation and abroad based on actual instances of human trafficking. Any organisation which is alerted to a crime or is approached by a victim of human trafficking, labour or sexual exploitation should be able to use this system.

Involve private businesses and major companies in solving the problem and in supporting actions to counteract human trafficking and the use of slave labour.

Allocate grants for non-governmental organisations working on issues of counteracting the problem and assisting victims of human trafficking, labour exploitation and sexual exploitation.

Allocate grants for academic research in the field of irregular migration, human trafficking for labour exploitation and sexual exploitation of foreign citizens in the Russian Federation and Russian citizens abroad.

Hold an annual National Forum on counteracting and preventing trafficking for labour exploitation with the involvement of state structures, the research community, non-governmental organisations, and private businesses.

Russian authorities should focus on the problems facing the Russian seamen when they get into slavery-like conditions abroad.

Elaborate and pass a law that will introduce criminal responsibility of ship owners for holding back the wages.

Increase the funding and expand the mandate of labour inspectorate responsible for monitoring working conditions, start up a hotline so that workers could inform about violations of employment terms and working conditions, overdue salary etc. Migrant workers should be informed about such possibilities.

Build up co-operation between the Russian embassies and consulates and the Russian citizens living and working abroad, focusing especially on providing information on assistance in a trafficking situation. Inform about the possibility of getting into a trafficking situation in particular countries.

*Bibliography and
sources of information*

Bibliography:

- 'Are there Russians on the oil derricks?' *Russian Boulevard*, Issue 3, 6 May 2003
- A.Yu. Bukharov et al., *An Analysis of the Position of Working Street Children in St. Petersburg*, (Moscow: ILO Office, 2000)
- 'Brushing the asphalt', *Argumenty i fakty*, Issue 1-2, 2008
- Comprehensive report from Centre on assistance given to labour migrants from Tajikistan from January to May 2008 (Moscow, 2008)
- Counteracting Trafficking: A Theoretical and Practical Guide*, ed. by O.P. Levchenko (Moscow: Unity-Dana, 2009)
- D. Deleu, 'Human Contraband: Trafficking in Women,' *Population of Moldova and Labour Migration: State and Current Forms*, (Chisinau: Moldova State University, 2000)
- Explanatory Dictionary of the Russian Language*, ed. by S.I. Ozhegov and N.Yu. Shvedova (Moscow, 1992)
- Forced Labour in Modern Russia: Unregulated Migration and Human Trafficking* (Moscow: ILO, 2004)
- V. Fush, 'Suppliers of girls for brothels currently at liberty', *Stavropolskie gubernskie vedomosti*, Issue 10-11, 18 January 2001
- G. Charodeev, 'On one's honour', *Trud*, Issue 144, 6 August 2005
- A. Gerasimov, 'Torture serves as entertainment in brothel', *Kommersant*, Issue 215, 23 November 2001
- B. Gorai, '21st-century slaves', *Interpol Express*, 9 December 2003
- S.V. Gromov, 'The Legal and Criminal Characteristics of Human Trafficking and Use of Slave Labour', Candidate of Juridical Sciences Dissertation, (Moscow, 2006)
- S. Harvey (Trafficking in Human Beings Group Leader, Serious Crime Department of Europol), 'Trafficking in Human Beings in the European Union: A Europol Perspective', *Materials from the international conference "Improving International Cooperation in Counteracting Human Trafficking"* (29-30 September 2009, Moscow) (Moscow: IOM, 2010)
- How to Organise and Protect Labour Migrants in Agriculture and Related Sectors* (Geneva: International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations, 2008), p. 13 (www.fpkk.ru/text/migrantsbook.pdf)
- D.M. Hughes, *Trafficking for Sexual Exploitation: The Case of the Russian Federation*, (Geneva: IOM, June 2002)
- International Cooperation in Counteracting Human Trafficking* (29-30 September 2009, Moscow) (Moscow: IOM, 2010)
- 'Irregular Migration in Russia: Open Discussions,' Information Bulletin (Moscow: IOM, July-August 2001)
- I. Ivakhnyuk, 'Analysis of the Economic, Social, Demographic and Political Basis of Transit Migration in Russia, Proceedings, and Migrants in the Transit Countries: Sharing Responsibilities in Management and Protection,' Regional Conference on Migration, Istanbul, 30 September – 1 October 2004, Council of Europe, MG-RCONF, 2004, 9e
- A. Jordan, *The Annotated Guide to the complete UN Trafficking Protocol*, (Moscow: Syostri Sexual Assault Recovery Centre, 2005)
- A. Kolesnichenko, '4 million migrants from the CIS are living in near-slavery conditions in Russia,' Tsentr Asia report (www.centrasia.ru/newsA.php?st=1075269840)
- E. Krasinets, E. Kubishin, E. Tyuryukanova, *Illegal Migration into Russia*, (Moscow: ACADEMIA, 2000)

- N.V. Khodareva, M.G. Tsvetkova, 'Russian women and the trafficking phenomenon', *Sociological Research*, Issue 1, 2000
- P. Kuznetsov, 'Inhospitable Argentina' (www.rusedina.org)
- Labour and Employment in Russia 2011: Statistical Digest* (Moscow: Rosstat, 2011)
- S.E. Lelyukhin, *Chinese Organised Crime in Russia's Far East*, Final Report, 10 October 2011 (<http://forums.drom.ru/garazh/t115185899.html>)
- 'The Life of Slaves: How Labour Migrants become Prisoners,' statement from Moscow Office for Human Rights in connection with the use of migrant slave labour via REX information agency, 26 November 2012 (www.iarex.ru/articles/31509/html)
- 'Measuring Misery: Counting Forced Labour,' *World of Work*, No. 54, August 2005
- Migration Bridges in Eurasia: Collection of Papers and Materials of International Symposium Participants*, ed. by RAS Associate Member S.V. Ryazantsev (Moscow: Ekon-inform, 2012)
- N. Mitrokhin, *Labour Migration from Central Asian States* (www.strana-oz.ru)
- Monitoring Legal (Lawful) Foreign Labour Migration 2007-2008*, (Moscow: FMS, 2009)
- V. Moshnyaga, L. Zavata, 'Trafficking in "living things": involuntary sexual migration of the population of the Republic of Moldova,' *Moldoscopie (Problems of Political Analysis)* (Chisinau: USM, 2002)
- V.I. Mukomel, 'Counteracting Human Trafficking: the Russian Federation. Explanatory Note 13/29,' *Socio-political Framework of Migration*, CARIM-East Consortium for Applied Research on International Migration (Florence: Migration Policy Centre, April 2013)
- S. Nagatin, 'Old moves against the new "chelnok",' *Itogi*, 10 September 1996
- R. Narzikulov, "'Chelnoks" have righted Russia's foreign trade balance,' *Segodnya*, 21 December 1993
- P. Nesteruk, 'One day I read an ad in the paper...' *Emigrant*, Issue 7, July 2005
- 'Number of labour migrants in Russia falls by 13% in connection with the economic crisis,' information from Work.ua (<http://www.work.ua/news/world/269/>)
- Official response of the Ministry of Foreign Affairs of Russia to the request from the Institute of Social and Political Research of the Russian Academy of Sciences regarding the Number of Russian Citizens living abroad, 2007
- Paper by D.S. Babin (specialist for project to prevent and counteract human trafficking in the Russian Federation at the International Organisation for Migration) at the international theoretical and practical conference on combating trafficking in human beings (15-16 April 2013, St. Petersburg)
- Paper by K.T. Iyazalieva (Sector Head of State Committee for the Kyrgyz Republic on Migration and Employment), *Materials from the International Conference "Improving"*
- Paper by D.A. Ovodkov (Head of the 26th Division Main Criminal Investigation Department of the MVD), *Materials from the International Roundtable Discussion "Improving Cooperation between Competent Bodies of International Universal Organisations to Combat Human Trafficking"* (23-24 May 2012, Moscow) (Moscow: Verdy, 2012)
- Paper by S.A. Skorokhodov (Deputy Chief of the Administration of the FSB), *Materials from the International Roundtable Discussion "Improving Cooperation between Competent Bodies of International Universal Organisations to Combat Human Trafficking"* (23-24 May 2012, Moscow) (Moscow: Verdy, 2012)
- Paper by E.Yu. Yegorova (Deputy Director of FMS Russia), international symposium "Migration Bridges in Eurasia" at the Institute of Socio-Political Research of the Russian Academy of Sciences (7 November 2012, Moscow)

- L.T. Poladova, 'Irregular Migration in Russia: Trends, Consequences, Countermeasures,' Candidate of Economic Sciences Dissertation (Moscow: Institute of Socio-Political Research of the Russian Academy of Sciences, 2012)
- A. Polunin, D. Latypov, 'Prison in the harbour', *Trud-7*, Issue 127, 14-20 July 2005
- Population and Migration in the Russian Federation: Statistical Digest* (Moscow: Federal State Statistics Service (Rosstat), 2011)
- O. Pravorotov, 'The Chelnok's last trip?' *Ogonek*, Issue 32, August 1996
- 'Prosecutor's Office closes "slavery in Golyanovo" case,' Grani.ru, 14 November 2012 (<http://grani.ru/Society/Law/m.208702.html>)
- P. Rashkov, 'A trap for the trusting', *Trud-7*, Issue 58, 30 March 2000
- Regional labour market in the context of the socio-economic transformation of the Russian economy (Case study of Southern Federal District)*, ed. by P.V. Akinin, S.V. Stepanova (Stavropol: Servisshkola, 2002)
- 'Roma employers forced migrants to beg for money in the metro,' Interfax with link to the regional MVD press service, 26 March 2013 (http://tvrain.ru/articles/tsygane_rabovladeltsy_prinuzhdali_migrantov_prosit_milostynju_v_metro-330613/)
- L.L. Rybakovsky, S.V. Ryazantsev, *International Migration in the Russian Federation*, (Moscow: Institute of Socio-Political Research of the Russian Academy of Sciences, 2005)
- S.V. Ryazantsev, *Labour Migration in CIS and Baltic countries: Trends, Consequences, Regulation*, (Moscow: Formula Prava, 2007)
- S.V. Ryazantsev, *Workers from Central Asian Countries in Moscow's Housing and Utilities Sector (Working Report)*, ILO Subregional Office for Eastern Europe and Central Asia (Moscow: ILO, 2010) (www.ilo.org/public/russian/region/eurpro/moscow/projects/migration.htm)
- S.V. Ryazantsev, I.D. Gorshkova, Sh.Yu. Akramov, F.Sh. Akramov, *Practices of using patents as work permit documents by migrant workers in Russia: research results* (Moscow: IOM, 2012)
- S.V. Ryazantsev, A.A. Grebenyuk, 'Return Migration to Russia: Potential and Migration Policy', *Demographical Perspectives of Russia*, ed. by Academician G.V. Osipov and Professor S.V. Ryazantsev (Moscow: Ekon-inform, 2008)
- S.V. Ryazantsev, Y. Hongmei, *Chinese Migration to Russia: Trends, Consequences and Approaches to Regulation*, (Moscow: Ekonomicheskoe obrazovanie, 2010)
- S.V. Ryazantsev, N. Horie, *Modelling labour migration flows from countries in Central Asia to Russia*, Economic-sociological research, (Moscow: Nauchnyi mir, 2011)
- S.V. Ryazantsev, R.V. Manshin, Khanh Toan Nguyen, 'Comparative Analysis of Vietnamese and Chinese Migration to Russia,' *Migration Law*, Issue 1, 2013
- S.V. Ryazantsev, M.F. Tkachenko, *Labour Migration of Women from Russia: Departure, Employment and Protection of Rights* (Moscow: Nauka, 2009)
- S.V. Ryazantsev, M.F. Tkachenko, A.S. Lukyanets, 'Emigration and the Russian Diaspora Abroad,' *Demographical Perspectives of Russia*, ed. by Academician G.V. Osipov and Professor S.V. Ryazantsev (Moscow: Ekon-inform, 2008)
- V. Soule, 'Ukraine, haut lieu de la traite des femmes', *Liberation*, 15 March 2000
- V. Tishkov, Z. Zayonchkovskaya, G. Vitkovskaya, 'Migration in the countries of the former Soviet Union,' Paper for the Policy Analysis and Research Programme of the Global Commission on International Migration, September 2005
- A.V. Topilin, 'Human Trafficking and Money Laundering: Questions,' CIS: *Demographic Potential, Migration and the Labour Market*, (Moscow: Ekon-inform, 2002)
- Tourism in Figures 2010: Statistical Digest* (Moscow: Statistics of Russia, 2010)

- Trafficking for Forced Labour: How to Monitor the Recruitment of Migrant Workers*”, Training Manual (Geneva: ILO, 2006)
- Trafficking in Persons Report 2012* (Washington D.C.: U.S. Department of State, 2012) (<http://www.state.gov/j/tip/rls/tiprpt/2012>)
- Twenty Years of the Commonwealth of Independent States 1991-2010: Statistical Digest*, (Moscow: CIS Interstate Statistical Committee, 2011)
- E.V. Tyuryukanova, *Human Trafficking in the Russian Federation: Overview and Analysis of the Current Situation*, (Moscow: Institute for Urban Economics, 2006)
- E.V. Tyuryukanova, *Model Methodology for Basic Research of Human Trafficking in the Regions of the Russian Federation* (Moscow: IOM Office in the Russian Federation, 2009)
- P. Varfolomeev, ‘To Russia – for second-hand goods’, *Trud-7*, Issue 131, 19 July 2001
- M. Vyshegorotsev, ‘A long road and ruble interest’, *Ekonomika i zhizn*, Issue 49, December 1998
- P. Weinert, ‘Foreign female domestic workers: Help wanted!’ World Employment Programme Working Paper (Geneva: ILO, 1991)
- P. Williams, *Organised Crime in Russia and the Commonwealth of Independent States, Eastern Europe, Russia and Central Asia 2004* (London, New York: Europa, 2004)
- L. Williams, S. Aktoprak, *Migration between Russia and the European Union: Policy implications from a small-scale study of irregular migrants* (Moscow: IOM, 2010)
- G.I. Zagorsky, M.A. Kaufman, T.F. Moiseeva, N.V. Radutnaya, *Court Proceedings in Human Trafficking Criminal Cases* (Moscow: Yuridicheskaya literatura, 2009)
- T. Zverintseva, ‘Slaves in the utility room,’ Lenta.ru, 25 June 2013 (<http://lenta.ru/articles/2012/11/02/golyanovo/>)

Data bases:

- Data bank of trafficking victims in Moldova in 2000-2004 (www.migratie.md)
- Federal Migration Service figures (www.fms.gov.ru)
- Federal State Statistics Service figures (www.gks.ru)
- Information from website of a Russian agency for employment abroad (www.telerabota.ru)
- International Labour Organisation figures (www.unmultimedia.org/radio/russian/detail/50091.html)
- Russian radio (www.unmultimedia.org/radio/russian/detail/50091.html)
- UNODC database for the Russian Federation (www.unodc.org/documents/data-and-analysis/glotip/Country_Profiles_Europe_Central_Asia.pdf)

Annex 1

Concepts and terminology

Continuum of exploitation: Labour exploitation can be conceptualised as a continuum of situations and acts, ranging from less severe to more severe forms of exploitation. Forced labour and trafficking for forced labour can be seen to represent the most severe forms of exploitation of labour while more subtle forms of coercion represent less serious forms of exploitation (see Andrees 2008). Less serious forms of exploitation can be seen as a breeding ground for more serious acts, leading up to trafficking for forced labour (e.g. David 2010).

Forced labour: According to ILO Convention No. 29 of 1930 (Forced Labour Convention) “forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (Art 2).

ILO indicators on forced labour: ILO (2005) has listed six elements that describe the loss of rights or privileges that point to a forced labour situation. These include (ILO 2005, 20–21):

- Physical or sexual violence or the threat of such violence.
- Restriction of movement of the worker e.g. through confinement or through preventing contact with the host community.
- Debt bondage or bonded labour e.g. arising from the process of recruitment and transportation.
- Withholding wages or refusing to pay the worker at all.
- Retention of passports and identity documents.
- Threat of denunciation to the authorities.

Labour exploitation/exploitation of migrant labour: Any exploitative or illegal practice directed against the employee. There are overlaps between exploitative labour conditions and trafficking for forced labour but the drawing of strict lines is difficult and this is why the idea of the continuum of exploitation is useful to conceptualise the shift between different forms of exploitation. Exploitation may turn into trafficking for forced labour when the migrant worker is unable to quit his or her job and step away from the control of the employer. If the

worker cannot leave because of his or her dependency on the employer, due to the position of vulnerability and control enforced by the employer, it may be a case of trafficking for forced labour.

Trafficking for labour exploitation, labour exploitation and slave labour: used as a synonym to trafficking for forced labour.

Trafficking for forced labour: Forced labour is one of the forms of exploitation in the crime of trafficking in persons. Forced labour may exist without trafficking, but many jurisdictions require that for the crime of (labour) trafficking to be fulfilled, there must be exploitation that amounts to forced labour. Trafficking for forced labour hence exists where trafficking in human beings and forced labour overlap. Forced labour is a difficult concept in many jurisdictions especially if it is not included as a separate offence and reference is therefore usually made to the definition of the ILO Convention of 1930.

References

- Andrees, Beate (2008): *Forced Labour and Trafficking in Europe: How people are trapped in, live through and come out. Working Paper*. Special Action Programme to Combat Forced Labour. Geneva: ILO.
- David, Fiona (2010): *Labour Trafficking*. AIC Reports Research and Public Policy Series 108. Canberra: Australian Institute of Criminology.
- ILO (2005): *Human trafficking and forced labour exploitation*. Guidance for legislation and law enforcement. Special action programme to combat forced labour. Geneva: ILO.
- ILO Convention No 29: *Convention concerning Forced or Compulsory Labour* (1930).
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (2000).

