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2020 Trafficking in Persons Report: Russia

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RUSSIA: Tier 3

The Government of Russia does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Russia remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by convicting some traffickers, facilitating the return of Russian children from Iraq and Syria, and identifying some victims, including foreign nationals. However, during the report period there was a government policy or pattern of forced labor; the total number of victims identified by the government remained negligible compared with the estimated scope of the issue; and authorities routinely penalized potential victims, including by detaining and deporting potential forced labor victims for immigration violations and prosecuting sex trafficking victims for prostitution offenses, without screening for signs of trafficking. While estimates vary, the Russian government reported the number of North Korean workers in Russia declined from 11,500 to approximately 1,000 in 2019, yet the Russian government issued in excess of 20,000 new tourist and student visas to North Koreans in 2019 compared with in 2018. Although the

government took steps to repatriate North Korean workers in accordance with UN Security Council resolutions (UNSCR), citizens from the Democratic People's Republic of Korea (DPRK) continued to arrive throughout the year, many of whom likely engaged in informal labor. The government did not screen laborers for trafficking indicators or identify any North Korean trafficking victims, despite credible reports that the DPRK operated work camps in Russia and subjected thousands of North Korean workers to forced labor. The government offered no funding or programs for trafficking victims' rehabilitation; authorities lacked a process for the identification of victims and their referral to care. The government did not consistently provide comprehensive information on prosecution efforts, but the limited available data and media reports suggest prosecutions remained low compared with the scope of Russia's trafficking problem. As in previous years, the government did not draft a national strategy or assign roles and responsibilities to government agencies.

PRIORITIZED RECOMMENDATIONS:

Implement a formal policy to ensure identified trafficking victims are not punished or deported for unlawful acts their traffickers compelled them to commit. • Develop and implement formal national procedures to guide law enforcement, labor inspectors, and other government officials in identifying and referring victims to service providers, particularly among labor migrants and individuals in commercial sex, and screen for trafficking indicators among individuals arrested for commercial sex or immigration violations. • Investigate allegations and prevent the use of forced labor in construction projects and North Korean-operated labor camps. • Given significant concerns that North Korea forces its citizens to work abroad, screen North Korean workers, students, and tourists for trafficking indicators and refer them to appropriate services. • Allocate funding to state bodies and anti-trafficking NGOs to provide specialized assistance and rehabilitative care to victims. • Investigate and prosecute trafficking offenses and convict traffickers, including complicit officials and suspected trafficking cases related to North Korean workers in Russia, respecting due process. • Create a national anti-trafficking action plan and establish a central coordinator for government efforts. • Ensure victim identification and protection measures are not tied to the prosecution of a trafficker and allow all first responders to officially identify potential trafficking victims and refer them to

care. • Ensure screening among children returned from Iraq and Syria for child soldiering indicators and provide them with rehabilitation and reintegration support. • Provide victims access to legal alternatives to deportation to countries where they face hardship or retribution. • Amend the criminal code to include a definition of trafficking that is consistent with the definition of trafficking under international law. • Create a central repository for publicly available information on investigation, prosecution, conviction, and sentencing data for trafficking cases. • Increase efforts to raise public awareness of both sex and labor trafficking, including among minors.

PROSECUTION

The government decreased already minimal law enforcement efforts. It did not report comprehensive data on trafficking criminal cases, making it difficult to assess the adequacy or effectiveness of law enforcement efforts. Media reports and publicly available data revealed some details on trafficking cases investigated and prosecuted, including some conviction information, during the reporting period, although the limited number of cases reported did not constitute an adequate law enforcement response compared with the scale of trafficking in Russia. Some publicly available data was likely duplicative or contradictory of information from other sources, as no single agency was responsible for maintaining comprehensive law enforcement statistics. Articles 127.1 (trafficking in persons) and 127.2 (use of slave labor) of the criminal code criminalized sex trafficking and labor trafficking. Article 127.1 prescribed penalties of up to five years' prison labor or up to six years' imprisonment for offenses involving adult victims, and three to 10 years' imprisonment for those involving a child victim. Article 127.2 prescribed penalties of up to five years' prison labor or up to five years' imprisonment for offenses involving an adult victim, and up to five years' prison labor or three to 10 years imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. However, inconsistent with the definition of trafficking under international law, these articles established the use of force, fraud, or coercion as aggravating factors, rather than essential elements of the crime. There were reports authorities often prosecuted trafficking crimes under related statutes, including Articles 240 (involvement in prostitution), 240.1 (receiving

sexual services from a minor), and 241 (organization of prostitution), the penalties for which were generally lower than the penalties prescribed for trafficking offenses.

Russia's federal-level Investigative Committee publicly reported three new investigations (two sex trafficking and one labor trafficking) in 2019, as well as three ongoing sex trafficking investigations, a decrease from 14 reported in 2018. The government publicly reported prosecuting two defendants in a single case for sex trafficking under article 127.1. Public records showed courts convicted six individuals (two cases) under article 127.1 and two (one case) under article 127.2, compared with 18 convictions under article 127.1 and three under 127.2 in 2018. The government published sentencing information for these convictions that included, for article 127.1, four prison terms (five years and four months, four years and six months, four years and six months, two years) and two compulsory labor sentences (six years and four months, five years and six months) and for article 127.2, two prison terms (four years, three years and six months). Media reports in the past revealed the government sometimes prosecuted as trafficking cases involving baby-selling, a crime that falls outside the international definition of trafficking. Authorities continued to prosecute suspected traffickers under commercial sex and pimping statutes, but did not report data on the frequency of these prosecutions. NGOs reported that tens of thousands of trafficking-related cases were reported to authorities, but the government processed most under other administrative or criminal codes, which suppressed statistics and masked the scale of the problem. In December 2019, the supreme court issued a clarification on cases including trafficking in persons that highlighted the criminal liability of those who recruit victims into trafficking situations, which experts hoped would increase the use of the criminal code to prosecute and convict traffickers.

Law enforcement training centers provided instruction on trafficking identification. Russian authorities did not report cooperating in any new or ongoing international investigations in 2019. The government maintained bilateral contracts with the DPRK government, which continued to operate work camps in Russia throughout 2019. Despite credible reports of forced labor and slave-like conditions of North Koreans working in Russia, the Russian government did not report any investigations into those conditions. Media reported the arrest of a police officer accused of forcing an individual he arrested to work on the family farm. Corruption

and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year.

PROTECTION

The government maintained negligible efforts to protect victims. As in previous years, the government did not provide funding or programs for protective services dedicated to trafficking victims. The law did not specifically define who is a trafficking victim or differentiate trafficking victims from victims of other crimes; experts noted this hindered identification measures and limited access to victim services. NGOs provided all protection services, including shelter, food, legal services, basic medical and psychological support, interpretation, facilitating the return of documents or wages, and assisting in the resettlement or repatriation of victims, although few were able to provide specialized assistance specifically for trafficking victims. The last dedicated trafficking shelters closed in 2015 due to lack of funding; however, government-funded homeless shelters could accommodate Russian and foreign victims. Authorities did not routinely screen potential victims seeking assistance at these shelters for trafficking indicators; in prior years, the shelters provided medical and psychiatric aid, and referred victims to international NGOs and other homeless shelters located in many of Russia's regions. There were no reports of victims assisted in these shelters in 2018 or 2019. A shelter "for women in difficult life situations," run by the Russian Orthodox Church, continued to accept victims and offered them food, housing, and psychological care, although not medical assistance; the government did not provide financial support for the shelter. There were limited examples of government cooperation with civil society. Despite the lack of formal cooperation, NGOs reported working with some local government-run centers to provide assistance to potential victims on an ad hoc basis. Similar to previous reporting periods, the government took steps to limit or ban the activities of civil society groups, including some dedicated to anti-trafficking activities, through measures such as "foreign agent" laws. Further, the government's efforts to exert pressure on NGOs through the implementation of restrictive laws also targeted those providing protective services for trafficking victims; the government previously designated two locally registered NGOs working on trafficking issues as "foreign agents" and NGO employees who criticized the government's anti-trafficking efforts reported receiving verbal threats. The "Yarovaya" package of anti-terror laws made it

a crime for individuals or organizations to provide material assistance to people considered to be in Russia illegally; authorities could prosecute NGOs who assisted unlawfully present victims of trafficking.

The government reported the identification of 61 trafficking victims in 2019, compared with 19 reported identifications in 2018. According to law enforcement statistics, of these 61 identified victims, 41 were female sex trafficking victims, four males were victims of forced labor, and 16 were children, although many of these were likely baby-selling cases not considered to be trafficking without the purpose of exploitation in sex trafficking or forced labor. Available data did not specify national origin in all cases but most victims were Russian, at least four were from Uzbekistan, and one was Nigerian. NGOs estimated the number of victims to be in the thousands. Police regularly avoided registering victims in criminal cases that were unlikely to be solved in order not to risk lower conviction rates. The government did not develop or employ a formal system to guide officials in proactive identification of victims or their referral to available services, nor did it have a program to protect or support victims who participated in the investigation or prosecution of their alleged traffickers. Authorities reportedly pressured some victims to cooperate in investigations without any offer of protection. Although informal cooperation between law enforcement and NGOs at the local level resulted in some victims receiving limited services, NGOs reported a significant number of cases go unreported due to the lack of a formal referral mechanism, victims' fears, and the lack of government assistance to victims. The government maintained a readmission agreement with the EU to assist in the repatriation of Russian trafficking victims, but did not keep official statistics on how many victims it assisted in this way; NGOs reported authorities referred few returning victims to them for services.

Authorities penalized victims for crimes committed as a direct result of being subjected to trafficking. Observers noted authorities often did not recognize foreign victims as such when they were unlawfully present in Russia, which resulted in the penalization of foreign victims rather than their referral to care. Authorities treated foreign victims as illegal migrants and criminally charged them with prostitution or unlawful presence in country; many victims were detained or deported without being screened for trafficking indicators. Authorities frequently prosecuted Russian

and foreign victims of sex trafficking for engaging in commercial sex and did not take proactive measures to identify victims during raids on brothels. Authorities punished child victims of forced criminality, often together with the traffickers who forced them to commit these crimes. Authorities did not screen other vulnerable populations, such as migrant workers or foreign women entering Russia on student visas despite evidence of their intention to work or other vulnerabilities to trafficking. In limited instances, Moscow city police informally provided “permit letters” valid for one year to individuals the police determined were trafficking victims. While the letters offered no official status to the migrants, they allowed victims to remain in the Moscow region without risk of deportation or prosecution while police investigated their trafficking case. Authorities reportedly prosecuted Russian citizens returning from Syria and Iraq, where some were subjected to trafficking, under anti-terror laws without being screened for indicators of trafficking. The government continued the repatriation of Russian minors, including potential trafficking victims, whose parents were alleged fighters with ISIS. ISIS was known to use child soldiers and perpetrate other forms of trafficking. The government did not report screening specifically for indicators of trafficking, but media reports indicated the children received counseling. An estimated 200 children had returned to Russia since this program first became public in 2017; media reports indicated the government repatriated 122 children in 2018-2019.

Migrant laborers from the DPRK continued to work in Russia, especially in the Far East, often under conditions of forced labor. A February 2016 agreement between Russia and the DPRK enabled Russian authorities to deport North Koreans residing “illegally” in Russia, possibly even those with refugee status; this may increase the risk of labor trafficking for North Koreans working under the state-to-state agreement. Moreover, DPRK authorities reportedly arrested, imprisoned, subjected to forced labor, tortured, and sometimes executed repatriated trafficking victims. In February 2018, government officials announced that in accordance with UNSCRs 2375 and 2397, Russia would cease issuing new work permits to North Korean laborers and repatriate those workers whose contracts had expired. Russian officials further stated they were taking steps to fulfill Russia’s obligations under the relevant UNSCR to repatriate all of these workers by the end of 2019, and reported the number of DPRK workers in Russia (11,490 at the start of 2019) declined steadily throughout the year. However, the government reported at least 1,000 DPRK

workers remained in the country at the end of January 2020. Despite reports that the government ceased issuing new work permits to North Korean laborers, observers noted many laborers continued to enter the country via fraudulent channels to work informally, for example by obtaining tourist or student visas, which increased their vulnerability to trafficking. The government issued 16,613 tourist and 10,345 student visas to North Koreans in 2019, compared with 2,035 tourist and 2,610 student visas in 2018. Although government representatives publicly stated authorities asked DPRK workers to leave voluntarily, it was not evident that authorities screened workers for trafficking indicators or offered them options to legally remain in the country.

PREVENTION

The government maintained limited efforts to prevent trafficking. The government had neither a designated lead agency to coordinate its anti-trafficking efforts nor a body to monitor its anti-trafficking activities or make periodic assessments measuring its performance. Russia did not have a national action plan; legislation that would implement a coordination framework continued to languish at the highest levels within the presidential administration. The government continued to operate regional migration centers where migrants who did not also need visas to enter the country could obtain work permits directly from the government; however, an international organization estimated only half of eligible migrants obtained these permits as they entailed large upfront and monthly fees and sometimes required multiple time-consuming trips to the center. The international organization noted migrants who were not able to complete the permit process were increasingly vulnerable to labor exploitation and trafficking due to their lack of proper documentation. Recruitment agencies that sought to employ Russians overseas were required to obtain a license from the ministry of internal affairs, but no such requirement existed for agencies recruiting foreign workers, which increased the vulnerability of such workers to forced labor. Authorities conducted scheduled and unannounced audits of firms employing foreign laborers to check for violations of immigration and labor laws—with penalties in the form of revoking foreign worker permits. While these raids took place with some regularity, the use of undocumented or forced labor remained widespread due to complacency and corruption. As in previous years, the government made no efforts to develop public

awareness of forced labor or sex trafficking and provided no funds to NGOs to carry out prevention and awareness campaigns. Prevention campaigns were hampered by a law that made it a crime to talk to children younger than 16 about sexual issues and exploitation. The government did not make efforts to reduce the demand for commercial sex acts. There were anecdotal reports the government provided anti-trafficking training to some of its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Russia, and victims from Russia are exploited abroad. Although labor trafficking remains the predominant human trafficking problem within Russia, sex trafficking continued. Traffickers exploit workers from Russia and other countries in Europe, Central Asia, Southeast Asia, China, and the DPRK in forced labor in Russia. Instances of labor trafficking have been reported in the construction, manufacturing, logging, textile, and maritime industries, as well as in saw mills, agriculture, sheep farms, grocery and retail stores, restaurants, waste sorting, street sweeping, domestic service, and forced begging. There are reports of widespread forced labor in brick factories in the Dagestan region. International organizations estimate there are between six and 12 million foreign workers in Russia, of which approximately three million lack proper work authorization. Many of these migrant workers experience exploitative labor conditions characteristic of trafficking cases, such as withholding of identity documents, non-payment for services rendered, physical abuse, lack of safety measures, or extremely poor living conditions. According to an international organization, children of migrant workers are vulnerable to forced labor in informal sectors. According to press reports, 2.3 million Ukrainians resided in Russia, including more than one million who went east to escape Russian aggression in Ukraine. International organizations estimate up to 40 percent of these migrants were working unofficially and vulnerable to both forced labor and sex trafficking; most identified victims of forced begging in recent years are Ukrainian. Subcontracting practices in Russia's construction industry result in cases of non-payment or slow payment of wages, which leave workers at risk of labor trafficking. Traffickers have been known to pose as landlords renting rooms to migrant laborers in order to recruit victims and coerce them into forced labor. There are reports of Russian citizens facing forced labor abroad. Traffickers lure minors

from state and municipal orphanages to forced begging, forced criminality, child pornography, sex trafficking, and use by armed groups in the Middle East.

Women and children from Europe (predominantly Ukraine and Moldova), Southeast Asia (primarily China and the Philippines), Africa (particularly Nigeria), and Central Asia are victims of sex trafficking in Russia. Sex trafficking occurs in brothels, hotels, and saunas, among other locations. During the 2018 World Cup, Russia relaxed its visa requirements, allowing all Fan ID holders to enter and exit Russia without a visa through December 31, 2018. Traffickers exploited this system to bring foreign sex trafficking victims into the country, especially from Nigeria; NGOs report many victims remain in Russia. Observers note migrant laborers are also vulnerable to sex trafficking. Homeless children are exploited in sex trafficking. Russian women and children are reportedly victims of sex trafficking in Russia and abroad, including in Northeast Asia, Europe, Central Asia, Africa, the United States, and the Middle East. Traffickers use social media to recruit, monitor, and control victims. Russian criminal groups threaten family members to coerce women into commercial sex in Russia and abroad. Women from Russia's North Caucasus region as well as women from Central Asia residing in Russia have been recruited to join ISIS through online romantic relationships and are subjected to exploitation once they arrive. Wives and children of foreign fighters are sold after their spouse or father is killed in action.

The ILO Committee of Experts noted its deep concern in 2016 that some provisions of the Russian criminal code, which include compulsory labor as possible punishment, are worded broadly enough to lend themselves to application as a means of punishment for the expression of views opposed to the government. Corruption among some government officials and within some state agencies creates an environment enabling trafficking crimes. In recent years, criminal cases have involved Russian officials suspected of allegedly facilitating trafficking by enabling victims' entry into Russia, providing protection to traffickers, and returning victims to their exploiters; in some instances officials have engaged directly in trafficking crimes. Employers sometimes bribe Russian officials to avoid enforcement of penalties for engaging illegal workers. Prior to 2018, the DPRK sent approximately 20,000 North Korean citizens to Russia annually for work in a variety of sectors, including logging in Russia's Far East. An estimated 1,000 North Korean workers remained in Russia as of January 2020, as did approximately 26,958 North

Korean citizens who entered on student and tourist visas in 2019; observers note a growing trend in the use of non-labor visas to bring DPRK workers to Russia. Many of these North Korean citizens are subjected to conditions of forced labor.

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