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Section IV: Recommendations

80. In the light of the foregoing, we propose the following recommendations to the Government.

Human trafficking

- Bring legislation in line with the Palermo Protocol and other relevant international instruments. In particular, include means as a constituent element of human trafficking; establish irrelevance of trafficking victims' consent; adopt a definition of a trafficking victims that would not depend on criminal proceedings.
- Adopt anti-trafficking law and national action plan that provided for, i.a., a national coordination and national referral mechanisms and data gathering.
- Develop and implement sufficient specialized training for state officials, including law enforcement officials who are likely to come into contact with trafficking victims, on key indicators of human trafficking;
- Set up a sufficient framework for protection and assistance of trafficking victims. In particular, secure unconditional shelters, financial, medical, psychological and legal assistance to all trafficking victims regardless of their status, in a language that they can understand.
- Adopt a comprehensive anti-discrimination law and ensure that it covers and criminalizes discrimination on all grounds.
- Abolish foreign agents legislation and decriminalize assistance to foreigners with irregular migration status.
- Amend Article 18.8 of the RCAO to exempt trafficking victims from responsibility for migration violations.

Prisoners exploitation

- Repeal legislation allowing forced labor in prisons and imposing disciplinary measures on prisoners refusing to work.
- Ensure that incarcerated workers are paid no less than the federal minimum wage.
- Limit wage deductions and repeal deductions for costs of incarceration.
- Ensure that prisoners have free and prompt access to effective complaint mechanisms and redress while not being subject to retaliation.
- Permit incarcerated workers to join labor unions.
- Protect prisoners from recruitment by private or state military agents.
- Provide education programs for securing prisoners' employment after release.

Section V: Endnotes

[1] See: Report of the Working Group on the Universal Periodic Review (Russian Federation). 3 September 2018 (A/HRC/39/13/Add.1). For instance, Qatar, Bahrain, Sri Lanka, Belarus, Armenia, Bosnia and Herzegovina, Poland, Turkmenistan, Maldives, Kyrgyzstan, paras. 14, 16.

[2] *Ibid.* E.g., Poland or Bosnia and Herzegovina (*ibid.*).

[3] See: Letter of the UN High Commissioner for Human Rights. 2 November 2018. URL: https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/RU/HC_LetterRussianFederation_30Session.pdf (accessed 16 March 2023).

[4] See: Position on the Recommendations Presented to the Russian Federation by Foreign Delegations during the Third Cycle of the Universal Periodic Review (UN doc. no. A/HRC/39/13). 12 June 2018.

[5] See, for example: Jacqui True. *The Political Economy of Violence against Women*. Oxford University Press (2012).

[6] *Ibid.*

[7] See: Commission on the Status of Women. *Commemorating 30 Years of the Convention on the Elimination of All Forms of Discrimination against Women: Moderator's Summary* (UN Doc. E/CN.6/2010/CRP.12). 29 March 2010, paras. 10–11.

[8] See: Anti-Trafficking Platform of Armenia. *Migrants who break the law often become victims of trafficking*. URL: <http://antitrafficking.am/eng/armeniasputnik-am-migrants-who-break-the-law-often-become-victims-of-trafficking-prosecutor-general-of-the-russian-federation/#more-2942> > (accessed on 15 December 2022);

Izvestiya. *Krasnov spoke on the human trafficking situation in Russia*. 29 October 2021. URL: <https://iz.ru/1242821/2021-10-29/krasnov-rasskazal-o-situacii-s-torgovlei-liudmi-na-territorii> (accessed on 15 December 2022);

Radio Liberty. 8 March 2012. *Central Asian Women's Shattered "Russian Dreams"*. URL: https://www.rferl.org/a/central_asia_women_shattered_russian_dreams/24509262.html (accessed on 15 December 2022).

[9] See: The Seventh Periodic Report of the Russian Federation (CAT/C/RUS/7), 7 December 2022, para. 71.

[10] See: ECtHR. *Volodina v. Russia*, no. 41261/17, § 132, 9 July 2019; and *Tunikova and Others v. Russia*, no. 55974 and 3 others § 129, 14 December 2021.

[11] See, CEACR Observation in response to the observations of the Confederation of Labour of Russia. 2020. URL: https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4046649,102884 (accessed on 1 April 2023); In addition, in

its General Recommendation No. 35 (on gender-based violence against women, updating general recommendation No. 19) (2017), the UN CEDAW Committee acknowledges that discrimination against women is linked to various factors, such as ethnicity and socioeconomic status. General Recommendation No. 35 calls on states to consider intersectional discrimination and address gender-based violence in a way that takes into account the particular situation of affected women.

[12] See the facts description at URL: <https://hudoc.echr.coe.int/eng?i=001-213182> (accessed on 28 March 2023); Civic Assistance Committee. "Golyanovo slaves" case reached Strasbourg. URL: <https://refugee.ru/en/news/delo-golyanovskih-rabov-doshlo-do-strasburga/> (accessed on 4 April 2023).

[13] This regulatory flaw was deplored, for example, in the report on Russia by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (2018). She noted that the definition provided under the Criminal Code limits the scope of human trafficking to the "trade of human beings", while excluding the "means" provided in the Palermo Protocol. As a result, the police deal with the issue as primarily a street crime and fail to identify acts and means that are constitutive elements of the offense of human trafficking beyond the sale and purchase of a person (para. 17).

[14] In the abovementioned report the OSCE Special Representative highlighted this irregularity and urged the Russian authorities to include a reference to a victim's consent in the criminal legislation (para. 15).

[15] See: Federal Law of 29 December 2010 No. 436-FZ "On the protection of children from the information that harms their health and development", Article 5(2)(4)-(9).

[16] See, for example, Mediazona. *Founder of the movement "Against slavery" detained on suspicion of organizing illegal migration*. 22 February 2017. URL: <https://zona.media/news/2017/22/02/melnikov> (accessed on 4 April 2023).

[17] See: Eurasianet. *Russia: New migrant registration rules threaten tenuous livelihoods*. 17 July 2018. URL: <https://eurasianet.org/russia-new-migrant-registration-rules-threaten-tenuous-livelihoods> (accessed on 4 April 2023); and Communication of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the human rights of migrants to the Russian Federation. 5 November 2015. URL: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=17482> (accessed on 4 April 2023).

[18] See, for example, OVD-News. *New criminal case opened against Tatiana Kotlyar, a human rights defender providing assistance to migrants. Her office was searched*. 27 March 2023. URL: <https://ovd.news/express-news/2023/03/27/na-pravozashchitnicu-tatyanu-kotlyar-pomogayushchuyu-migrantam-zaveli-novoe> (accessed on 4 April 2023).

[19] ECtHR. *Ecodefence and others v. Russia*, no. 9988/13 and 60 other applications, 14 June 2023. URL: <https://hudoc.echr.coe.int/eng?i=001-217751> (accessed on 17 March 2023).

[20] See: OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, para. 17.

[21] See: Federal Law of 20 August 2004 No. 119-FZ "On state protection of the victims, victims and other parties to the criminal proceedings".

[22] See: OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, para. 21.

[23] See, e.g., rules of the Moscow crisis center. URL: <https://krizis-centr.ru/services/statsionarnoe-obslyuzhivanie> (accessed on 22 March 2023).

[24] See, i.a., Principle 7 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1), 20 May 2002.

[25] See, e.g., Izvestiya. "*Worse than pre-trial detention centers*": human rights defenders visited a foreigners detention center. 22 November 2019. URL: <https://iz.ru/940763/boris-klin/khuzhe-chem-v-sizo-pravozashchitniki-posetili-tcentr-soderzhaniia-migrantov> (accessed on 4 April 2023); Advokatskaya gazeta. *The problem of extensive detention at migrant temporary detention centers needs to be addressed in a systemic manner*. 19 December 2018. URL: <https://www.advgazeta.ru/mneniya/problema-dlitelnogo-soderzhaniya-v-tsvsig-trebuetsya-sistemnogo-podkhoda/> (accessed on 4 April 2023); Radio Svoboda. "*It's Russia, you can be kept in detention your whole life*". *How migrants are deprived of liberty*. 10 November 2020. URL: <https://www.svoboda.org/a/30938640.html> (accessed on 4 April 2023).

[26] See: RIA Novosti. *MVD and FSB put an end to the functioning of the international drug syndicate*. 10 February 2017. URL: <https://ria.ru/20170210/1487687548.html> (accessed on 4 April 2023).

[27] See: Walk free. Russia country study. URL: <https://www.globallslaveryindex.org/2018/findings/country-studies/russia/> (accessed on 17 March 2023).

[29] ICtHR, *Case of Women victims of sexual torture in Atenco v. Mexico*. Preliminary objections, merits, reparation and costs, 28 November 2018. Series C No. 371, § 179. See also the case of *J. v. Peru*. Preliminary objection, merits, reparations and costs. Judgment of 27 November 2013. Series C No. 275 and *Case of Espinoza Gonzales v. Peru*. Preliminary objections, merits, reparations and costs, 20 November 2014. Series C No. 289, § 197.

[30] See: Seventh Periodic Report on the implementation by the Russian Federation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Para. 71.

[31] See: Hestia. *Forgotten Children: The Intergenerational Impact of Modern Slavery*. October 2021. URL: <https://www.hestia.org/Handlers/Download.ashx?IDMF=9e80d4ef-5910-470d-b46a-968facba852d> (accessed on 4 April 2023).

[32] Walk free, Russia country study. URL: <https://www.globalslaveryindex.org/2018/findings/country-studies/russia/> (accessed on 17 March 2023).

[33] See: Judicial department at the Supreme Court of the Russian Federation. Report on the number of convictions for all crimes listed in the RCC for the first half of 2022. Form no. 10-a. URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-1-2022.xls> (accessed on 4 April 2023); Judicial department at the Supreme Court of the Russian Federation. Report on the number of convictions for all crimes listed in the RCC for 2021. Form no. 10-a. URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-2021.xls> (accessed on 4 April 2023); Judicial department at the Supreme Court of the Russian Federation. Report on the number of convictions for all crimes listed in the RCC for 2020. Form no. 10-a. URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-2020.xls> (accessed on 4 April 2023); Judicial department at the Supreme Court of the Russian Federation. Report on the number of convictions for all crimes listed in the RCC for 2019. Form no. 10-a. URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-2019.xls> (accessed on 4 April 2023); Judicial department at the Supreme Court of the Russian Federation. Report on the number of convictions for all crimes listed in the RCC for 2018. Form no. 10-a. URL: <http://www.cdep.ru/userimages/10-a-svod-2018.xls> (accessed on 4 April 2023).

[34] See: *Human trafficking in the Russian Federation. Review and analysis of the current situation* (2006), p. 94. URL: https://www.un.org/ru/rights/trafficking/human_trafficking_russia.pdf. (accessed on 5 April 2023).

[35] *Ibid.*

[36] See: Lenta.ru. *Two former police officers and 20 more are convicted for organization of prostitution*. 28 December 2022. URL: <https://lenta.ru/news/2022/12/28/prostit/> (accessed on 5 April 2023); Tvtdomsk. *Former Tomsk police officer convicted for 3,5 years imprisonment for organizing of prostitution*. 21 November 2023. URL: <https://www.tvtdomsk.ru/news/81562-byvshij-sotrudnik-tomskoj-policii-osuzhden-na-35-goda-kolonii-za-organizaciju-zanjatija-prostitutciej.html> (accessed on 5 April 2023).

[37] See: Sever.Realii. *"You will be a combat zone wife". Women are "distributed" at war to pleasure the officers*. 28 March 2023. URL: <https://www.severreal.org/a/zhenschina-voyne-raspredelayut-dlya-uteh-ofitserov/32333303.html> (accessed on 5 April 2023).

[38] *Ibid*; BBC News. "You either end up at war or in a dungeon". How Russian conscripts are forced to withdraw refusals to serve in the army. 21 November 2022. URL: <https://www.bbc.com/russian/features-63705004> (accessed on 5 April 2023); Astra. Telegram post of 26 November 2022. URL: <https://t.me/astrapress/16432> (accessed on 5 April 2023).

[39] See: Report of Prosecutor General at a meeting of the Federation Council. 18 April 2018. URL: <https://procrf.ru/news/624894-doklad-generalnogo-prokurora-rf.html> (accessed on 4 April 2023).

[40] See: Information of the FPS on the results achieved in 2020. 16 April 2021. URL: <https://fsin.gov.ru/budget/info.php> (accessed on 4 April 2023).

[41] See: Decree of the Government of the Russian Federation No. 1138-r of 29 April 2021 "On Approval of the Concept of Development of the Penal and Correctional System of the Russian Federation until 2030". URL: <https://www.garant.ru/products/ipo/prime/doc/400639567/> (accessed on 4 April 2023).

[42] The last available official data refers to 2020. See: Information of the FPS on the results achieved in 2020.

[43] Usually, prison administration spends up to 100 RUB (1,26 USD) per day for prisoners' food. See: Takiye Dela. *Without support from the outside, it is impossible to survive in our prison: how much is spent on food in prisons in Russia and Europe*. 13 February 2018. URL: <https://takiedela.ru/news/2018/02/13/tyuremnoe-menyu/> (accessed on 4 April 2023).

[44] RBB provides legal advice and represents prisoners in cases concerning labour rights violations. The information given in this section is based on requests and documents processed by RBB, followed by additional sources.

[45] See: Center for Eastern Studies. *Russia behind bars: the peculiarities of the Russian prison system*. 7 February 2019. URL: <https://www.osw.waw.pl/en/publikacje/osw-commentary/2019-02-07/russia-behind-bars-peculiarities-russian-prison-system> (accessed on 4 April 2023).

[46] See: Insider. *Slaves are dumb. How the modern Russian penal system works and why prisoners do not complain about inhumane conditions*. 19 November 2021. URL: <https://theins.ru/obshestvo/246132> (accessed on 4 April 2023).

[47] See: Lenta.ru. *Incarcerated Business. How much does Russia earn from its prisons?* 21 May 2021. URL: <https://lenta.ru/articles/2021/05/02/zakluchrabota/> (accessed on 4 April 2023).

[48] See: Radio Liberty. *Slavery or the GULAG? Prisoners will be sent to factories and construction sites*. 21 January 2020. URL: <https://www.svoboda.org/a/30387207.html> (accessed on 4 April 2023); Antidiscrimination Center "Memorial". *The country is big, but there are not enough workers: working conditions for prisoners in Russia are worse*

than for migrant workers. 9 June 2021. URL: <https://adcmemorial.org/statyi/strana-bolshaya-a-rabochih-ruk-ne-hvataet/> (accessed on 4 April 2023).

[49] See: Kommersant. *Colony of servitude regime*. 11 January 2021. URL: <https://www.kommersant.ru/doc/4639677> (accessed on 4 April 2023).

[50] See: Accounts Chamber of the Russian Federation. *Press release concerning the results of audit "Verification of the effectiveness of prisoners' employment"*. 23 January 2018. URL: <https://ach.gov.ru/news/v-ugolovno-ispolnitelnoj-sisteme-ne-privlekaetsya-k-trudu-bolee-60-trudosposobnyh-osuzhdennyh-32329> (accessed on 4 April 2023).

[51] Alexey Navalny described his working regime as follows: "At work, you sit for seven hours at the sewing machine on a stool below knee height. There is a 15-minute lunch break at 10-20." See: Deutsche Welle. *Navalny described his life in a maximum-security prison*. 1 July 2022. URL: <https://www.dw.com/ru/navalnyj-opisal-svoj-byt-v-kolonii-strogogo-rezhima/a-62326492> (accessed on 4 April 2023); Kommersant. 11 January 2021. "Colony of servitude regime".

[52] See: Information of the FPS on the results achieved in 2020.

[53] See: Data on the minimum wages in 2020. URL: <http://www.consultant.ru/law/ref/mrot/2020/> (accessed on 4 April 2023).

[54] See: Average monthly wage in the Russian Federation according to Rosstat. URL: http://www.consultant.ru/document/cons_doc_LAW_326052/ (accessed on 4 April 2023).

[55] See: Report of Prosecutor General at a meeting of the Federation Council. 18 April 2018.

[56] See: Accounts Chamber of the Russian Federation. *Press release concerning the results of audit "Verification of the effectiveness of prisoners' employment"*. 23 January 2018.

[57] Ural Democratic Foundation (2014). *Slave Labour of Prisoners in Contemporary Russia*. P. 19. URL: <http://uraldem.ru/wp-content/uploads/2017/04/RabTrud.pdf> (accessed on 4 April 2023); See: Insider. *Slaves are dumb. How the modern Russian penal system works and why prisoners do not complain about inhumane conditions*. 19 November 2021.

[58] A former prisoner of IK-14 on Mordovia noted: "People from the administration would bring us fabric, tell us how much, what, and what size they needed. And they took it all away themselves, not as usual when we gave the sewn products to the warehouse. We were also given the tightest possible deadlines for such orders". See: Meduza. 2 September 2019. "It was very much like a concentration camp". URL: <https://meduza.io/feature/2019/09/02/eto-bylo-ochen-pohozhe-na-kontslager> (accessed on 4 April 2023).

^[59] RBB has been repeatedly contacted by inmates who received salaries of 50-300 rubles per month while working much more than eight hours a day, six days a week. Similar cases are widely covered by the media. See: Meduza. *It was very much like a concentration camp*. 2 September 2019.

^[60] See: Mediazona. *The second circle. Recruiters of the "Wagner PMC" again travel around the colonies, where they have already taken the convicts – but now they are hardly trusted*. 6 February 2023. URL: <https://zona.media/article/2023/02/06/verbovka> (accessed on 4 April 2023).

^[61] See: EPLN and RBB. *Prisons in wartime: the report on Wagner Group's recruitments in Russian prisons*. 21 September 2022. URL: <https://www.prisonlitigation.org/wagner/> (accessed on 4 April 2023).

^[62] See: Meduza. *The Russian Defense Ministry formed the "Storm" assault unit from prisoners*. 14 February 2023. URL: <https://meduza.io/feature/2023/02/14/minoborony-rossii-sformirovalo-iz-zaklyuchennyh-shturmovoe-podrazdelenie-shtorm-ono-neset-v-ukraine-katastroficheskie-poteri-v-tom-chisle-popadaya-pod-ogon-po-svoim> (accessed on 4 April 2023).