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2021 Trafficking in Persons Report: Russia

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, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Russia remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by facilitating the return of Russian children from Iraq and Syria, identifying some victims, and extending work and residence permits for foreign workers in response to the pandemic. However, during the reporting period there was a government policy or pattern of trafficking. The government was actively complicit in the forced labor of North Korean workers. The government did not screen North Korean workers for trafficking indicators or identify any North Korean trafficking victims, despite credible reports in previous years that the Democratic People’s Republic of Korea (DPRK) operated work camps in Russia and exploited thousands of North Korean workers in forced labor. Although the government took steps to repatriate North Korean workers in accordance with UN Security Council resolutions (UNSCRs), citizens from the DPRK continued to arrive throughout the year, many of whom likely engaged in informal labor. While the Russian government reported the number of North Korean workers in Russia declined in 2020, the government issued almost 3,000 new tourist and student visas to North Koreans in 2020 in an apparent attempt to circumvent the UNSCRs. Separate from this complicity, the government did not initiate any new prosecutions of suspected traffickers and convicted only one trafficker. Authorities continued to lack a process for the identification of victims and their referral to care, and the total number of victims identified by the government remained negligible compared with the estimated scope of the problem. Moreover, the criminal code did not establish a definition for a victim of trafficking, hindering identification efforts and limiting access to victim services. Authorities routinely penalized potential victims, including by detaining and deporting potential forced labor victims for immigration violations, and prosecuted sex trafficking victims for prostitution crimes without screening for trafficking indicators. The government offered no funding or programs to provide services for trafficking victims. As in previous years, the government did not draft a national strategy or assign roles and responsibilities to government agencies to combat human trafficking.

PRIORITIZED RECOMMENDATIONS:

Investigate and prosecute trafficking crimes and convict traffickers under the trafficking statutes, including complicit officials and suspected trafficking cases related to North Korean workers in Russia, respecting due process. • Implement a formal policy to ensure identified trafficking victims are not punished or deported for unlawful acts 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. • 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 care to victims. • 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 of 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 removal to countries where they face hardship or retribution. • Amend the criminal code to include a definition of human trafficking that is consistent with the definition 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 children.

PROSECUTION

The government decreased already minimal law enforcement efforts. 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 an adult victim, 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 an aggravating factor, rather than an essential element 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. The government 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 human 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.

Russia’s federal-level Investigative Committee and media publicly reported the government initiated four sex trafficking investigations in 2020 and had two ongoing sex trafficking investigations and one ongoing forced labor investigation; the government initiated three investigations in 2019 and 14 in 2018. The government did not report initiating any prosecutions under Articles 127.1 and 127.2 during the reporting period, compared with prosecuting two defendants for sex trafficking under Article 127.1 in 2019. The government reported convicting one trafficker for exploiting two men in forced labor, a decrease from eight convictions in 2019 and 21 in 2018. The government reported sentencing the convicted trafficker to 10.5 years’ imprisonment. Media reports in the past revealed the government sometimes prosecuted cases involving baby-selling as trafficking, and in 2020, authorities investigated several cases of children born through surrogacy as trafficking, both crimes that fall 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 hundreds 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. A 2019 supreme court clarification highlighted the criminal liability of those who recruit victims into trafficking situations, but this did not lead to an increase in prosecutions or convictions during the reporting period. Law enforcement training centers provided instruction on trafficking identification. Russian authorities did not report cooperating in any new or ongoing international investigations in 2020.

Official complicity in trafficking crimes remained a significant concern. Media reported that Russia-backed forces recruited Syrian children to fight as mercenaries in Libya; recruiters reportedly offered the children money to guard installations and volunteer for groups that are involved in hostilities. NGOs reported government officials and police regularly accepted bribes in exchange for not pursuing trafficking cases and officials often benefitted financially or materially from trafficking crimes. An NGO reported that some police officers accepted bribes in the form of unpaid sexual services or rape of individuals in commercial sex in exchange for not pursuing sexual exploitation cases. While the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses, civil society noted the government intentionally investigated official complicity cases under non-trafficking statutes, such as Article 290 (bribery) of the criminal code. Media reported the arrest in December 2020 of a federal official for allegedly receiving bribes from a nightclub at which some women were reportedly being sexually exploited; the official was investigated for bribery under Article 290.

Despite credible reports of the forced labor and slave-like conditions perpetuated by the DPRK government on North Koreans working in Russia, the Russian government did not report any investigations into those conditions. Migrant laborers from the DPRK continued to work in Russia, especially in the Far East, often under conditions of forced labor. Although the government claimed it would cease issuing new work permits to North Korean laborers and repatriate all of the workers by the end of 2019 in accordance with UNSCRs 2375 and 2397, authorities failed to return all workers by the deadline and cited the DPRK’s pandemic-related border closures as an obstacle in this effort. According to media reports, the government reported approximately 500 DPRK workers remained in the country at the onset of the pandemic in March 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. The government issued 2,609 student and 256 tourist visas in 2020 to North Korean citizens, a decrease from 16,613 tourist and 10,345 student visas in 2019; however, experts noted that many of these visa holders worked illegally in Russia, making them vulnerable to trafficking. Additionally, media reported the DPRK was preparing to send workers to Russia in the spring of 2021. 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 victims options to legally remain in the country. 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. Observers noted this may increase the risk of labor trafficking for North Koreans working in Russia and might subject victims to grave harm as DPRK authorities reportedly arrested, imprisoned, subjected to forced labor, tortured, and sometimes executed repatriated trafficking victims.

PROTECTION

The government maintained negligible efforts to protect victims. The government did not develop or employ a formal system to guide officials in proactive identification of victims or their referral to available services. The law did not specifically define who was a trafficking victim or differentiate trafficking victims from victims of other crimes; experts noted this hindered identification measures and limited access to victim services. The government reported the identification of 52 trafficking victims in 2020, compared with 61 in 2019 and 19 in 2018. According to law enforcement statistics, of these 52 identified victims, 50 were female sex trafficking victims and two were male forced labor victims. Available data did not specify national origin in all cases, but most victims identified were Russian. NGOs reported identifying approximately 80 victims during the reporting period, none of whom were referred by the government. NGOs estimated the actual 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 also did not 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 citizens but did not keep official statistics on how many trafficking victims it assisted in this way; there were no reported cases of trafficking victims repatriated to Russia under this agreement in 2020.

As in previous years, the government did not provide funding or programs for protective services dedicated to trafficking victims. 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 for trafficking victims. NGOs reported experiencing financial hardship due to the pandemic while also receiving more requests for assistance. Authorities did not routinely screen potential victims seeking assistance at government-funded homeless 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. As in previous years, there were no reports of victims assisted in these shelters in 2020; NGOs reported they do not send victims to these shelters because of their poor conditions and the risk that victims may be vulnerable to further trafficking. The government did not actively cooperate 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. The government continued the repatriation of Russian children, 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. Media reported the government paused repatriation flights for several months due to the pandemic but resumed repatriation efforts in August 2020. The government reported repatriating 144 children from Iraq and Syria in 2020; by the end of 2020, the government had repatriated 274 children since the start of the program in 2017.

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. Civil society reported one NGO leader was harassed and eventually indicted on criminal charges in 2020 for his efforts to raise awareness about the use of forced labor at the 2014 Sochi winter Olympics. The government passed laws in December 2020 that introduced new penalties and widened the definition of a “foreign agent” to include both individuals and unregistered organizations; experts believed the increased financial scrutiny that will be applied to NGOs as a result of these new laws will limit NGO activities. 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. Authorities also penalized victims for unlawful acts traffickers compelled them to commit. 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. Authorities reportedly prosecuted Russian citizens returning from Syria and Iraq, where some were subjected to trafficking, under anti-terror laws, without screening them for indicators of trafficking.

PREVENTION

The government maintained minimal 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. The government continued to operate regional migration centers where foreign 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. The Moscow city government financed the creation of a migration center in Tashkent to alert Uzbekistani migrant workers about job vacancies in Moscow and link them with potential employers. The center was designed to facilitate online interviews, background checks, and professional skill certification for potential migrant workers; however, it was unclear whether officials screened applicants for trafficking indicators. Authorities conducted scheduled and unannounced audits of firms employing foreign workers to check for violations of immigration and labor laws – with penalties in the form of fines and/or revocation of 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. In response to the pandemic, the government extended work and residence permits for foreign workers several times and allowed employers to hire foreign nationals and stateless persons during these periods. Moreover, in January 2021 the lower house of government approved a bill to provide temporary identity cards with a 10-year validity to stateless persons. The government participated in a Council of the Baltic Sea States project to establish long-term cooperation and exchange of best practices between students and teachers of journalism from the Baltic Sea Region on how to report on human trafficking. The government 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. The government did not make efforts to reduce the demand for participation in international sex tourism by its citizens, despite allegations of such actions by its citizens. 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 form of human trafficking in Russia, sex trafficking also occurs. Traffickers exploit workers from Russia and other countries in Europe, Central Asia, Southeast Asia, China, and DPRK in forced labor in Russia. Instances of labor trafficking have been reported in the construction, manufacturing, logging, textile, transport, and maritime industries, as well as in sawmills, agriculture, sheep farms, grocery and retail stores, restaurants, waste sorting, street sweeping, domestic service, call centers, and begging. Labor traffickers also exploit victims in criminal activities such as drug trafficking, facilitation of illegal migration, and the production of counterfeit goods. According to an NGO, foreign nationals increasingly enter the country illegally with the help of criminal groups, which subsequently increases the migrants' vulnerability to trafficking. There are reports of widespread forced labor in brick factories in the Dagestan region. Experts estimate there were approximately 10-12 million foreign workers in Russia prior to the start of the pandemic, only 2.5 million of whom were formally registered; the government reported that nearly half of all migrants left the country as a result of the pandemic. 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 escaped 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. Organized criminal groups often recruit victims from within their own ethnic communities. 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 into forced begging, forced criminality, child pornography, sex trafficking, and use by armed groups in the Middle East. Organized criminal groups recruit victims for forced begging from state institutions for the elderly and people with disabilities; these institutions are not trained on how to identify trafficking and sometimes facilitate the exploitation.

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. NGOs report an increasing number of sex trafficking victims are from Africa, arriving illegally and legally as students. 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 workers 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 500 North Korean workers remained in Russia as of March 2020, as did approximately 2,865 North Korean citizens who entered on student and tourist visas in 2020; 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 by the North Korean government.

Russia-led forces reportedly recruit Syrian children to guard installations and fight in Libya. Uncorroborated reports of Russia-led forces using children as soldiers, informants, and human shields in eastern Ukraine continue, but the number of such reports has decreased since the early years of the conflict. Russia-led forces reportedly used children to take direct and indirect part in the armed conflict to perform armed duty at checkpoints, and served as fighters, guards, mailpersons, and secretaries.

ecoi.net summary:

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