

Flygtningenævnets baggrundsmateriale

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Denna rapport är en sammanställning grundad på Utrikesdepartementets bedömningar. Rapporten gör inte anspråk på att ge en fullständig bild av läget för de mänskliga rättigheterna, demokrati och rättsstatens principer i landet. Information bör också sökas från andra källor.

Mänskliga rättigheter, demokrati och rättsstatens principer i Ukraina 2015–2016

I. SAMMANFATTNING

Situationen för mänskliga rättigheter, demokrati och rättsstatens principer i Ukraina präglas av ansträngningar att bryta med det sovjetiska arvet och den utbredda korruptionen. En grundläggande utmaning är den pågående konflikten med Ryssland och den ukrainska statens faktiska möjligheter att garantera mänskliga rättigheter på hela sitt territorium.

Amnesty rapporterar om kränkningar av krimtatarers mänskliga rättigheter på Krim, och rapporter föreligger om dödshot och utbrett våld mot romer i Ukraina, bland annat från högerextrema grupper.

De senaste president- och parlamentsvalen genomfördes 2014 och bedömdes återspegla folkviljan och vara i huvudsak fria, pluralistiska och rättvisa. Det finns en aktiv opposition i parlamentet. Kvinnor är generellt underrepresenterade i både politik och i näringsliv. Det civila samhället är aktivt. Medier tillåts verka fritt, men ägs ofta av oligarker och kan därför vara tendentiösa. De rättsvärdande myndigheterna som ofta är svaga och allmänt betraktas som korrumperade är under reformering. Straffrihet för högre tjänstemän och politiker är utbredd.

Hälsoläget i Ukraina är allvarligt, med en låg medellivslängd för män, världens lägsta vaccineringsgrad, stor utbredning av hiv och TBC, hög alkoholkonsumtion bland män och en relativt hög barnadödlighet. Våld i nära relationer är ett allvarligt problem. Diskriminering av etniska minoriteter förekommer och det finns en utbredd negativ syn på hbtq-



Freedom in the World 2017 - Crimea

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Freedom Status: Not Free

Aggregate Score: 9/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 6.5/7 (1 = Most Free, 7 = Least Free)

Political Rights: 7/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 6/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 2,300,000

Press Freedom Status: Not Free

OVERVIEW

In early 2014, Russian forces invaded the autonomous Ukrainian region of Crimea, which was then quickly incorporated into the Russian Federation through a referendum that was widely condemned as having been conducted in violation of international law. The occupation government severely limits political and civil rights, has silenced independent media, and employs antiterrorism and other laws against political dissidents. Some members of the peninsula's indigenous Tatar minority continue to vocally oppose the annexation, despite the risk of imprisonment.

Key Developments

- In November, the International Criminal Court stated in preliminary findings that the annexation of Crimea constituted a violation of Ukraine's territorial integrity and was "equivalent to an international armed conflict between Ukraine and the Russian Federation."
- In September, elections for the Russian State Duma were held in Crimea. Local rights activists reported that some residents were threatened with dismissal from their jobs if they failed to vote, or were pressured to attend a preelection rally for Russian president Vladimir Putin's United Russia party.
- Crimean Tatar activist Ervin Ibragimov was abducted in May, and his whereabouts were unknown at year's end.

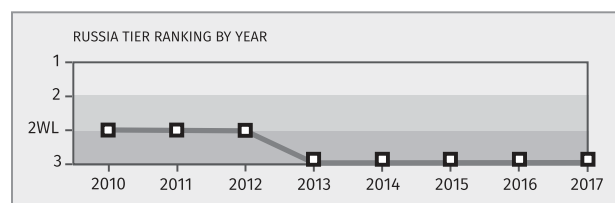
Executive Summary

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=58ff3e264> 26-04-2017

trafficking victims throughout Europe. Romanian men, women, and children are subjected to labor trafficking in agriculture, construction, domestic service, hotels, and manufacturing, as well as forced begging and theft in Romania and other European countries. Romanian women and children are victims of sex trafficking in Romania and other European countries. Romani children are particularly vulnerable to forced begging and sex trafficking. Romania is a destination country for a limited number of foreign trafficking victims, including sex trafficking victims from Italy and Armenia. Romanians living in privately run institutions for the mentally disabled were vulnerable to forced labor. Government officials have been convicted of human trafficking crimes, and there have been reports of local officials obstructing trafficking investigations.

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, there were reports some authorities took steps to address trafficking, including the Moscow police issuing informal permits to allow three victims to stay in Russia while police investigated their cases and easing the acquisition of work permits for citizens from select countries to reduce vulnerability to trafficking. However, the government maintained, and recently expanded, bilateral contracts with the Democratic People's Republic of Korea (DPRK or North Korea) under which the DPRK operated labor camps on Russian soil and subjected thousands of North Korean workers to forced labor. Authorities routinely detained and deported potential forced labor victims without screening for signs of exploitation, and prosecuted victims forced into prostitution for prostitution offenses. The government offered no funding or programs for trafficking victims' rehabilitation, while several privately run shelters remained closed due to lack of funding and the government's crackdown on civil society. Authorities did not report identifying or assisting any victims and 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 indicate 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.



RECOMMENDATIONS FOR RUSSIA

Allocate funding to state bodies and anti-trafficking NGOs to provide specialized assistance and rehabilitative care to trafficking victims; develop 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 prostitution; investigate allegations and prevent the use of forced labor in construction projects and North Korean-

operated labor camps; create a national anti-trafficking action plan and establish a central coordinator for government efforts; increase efforts to investigate and prosecute trafficking offenses and convict traffickers including complicit officials, respecting due process; implement a formal policy to ensure identified trafficking victims are not punished or detained in deportation centers for acts committed as a direct result of being subjected to trafficking; provide victims access to legal alternatives to deportation to countries where they face hardship or retribution; create a central repository for publicly available information on investigation, prosecution, conviction, and sentencing data for trafficking cases; and increase efforts to raise public awareness of both sex and labor trafficking.

PROSECUTION

The government maintained minimal law enforcement efforts. It did not consistently collect and share information on trafficking cases or maintain comprehensive statistics about criminal cases, making it difficult to assess the adequacy or effectiveness of law enforcement efforts. Media reports and publicly available data reveal some details on trafficking cases investigated and prosecuted during the reporting period, although the limited number of cases reported did not appear to constitute an adequate law enforcement response compared to the estimated prevalence of trafficking in Russia. From the limited available information, authorities prosecuted trafficking suspects through articles 127.1 and 127.2 of the criminal code, which criminalizes "trade in people" and "use of slave labor." These articles prescribe punishments of up to 10 years imprisonment, which are sufficiently stringent and commensurate with punishments prescribed for other serious crimes, such as rape.

In April 2016, the government disbanded the federal migration service and transferred most of its responsibilities, including maintaining statistics, to the Ministry of Internal Affairs. In 2016 Russia's federal-level investigative committee publicly reported seven investigations, six under article 127.1 and one under 127.2 in 2016. The government did not report initiating any prosecutions. The Supreme Court released statistics showing authorities convicted 28 traffickers, 24 under article 127.1 and four convictions under article 127.2. Twenty of these convictions resulted in a prison sentence, although eight served no prison time due to suspended sentences or parole. Russian prosecutors may have charged some sex trafficking cases under articles 240 and 241, which criminalizes the inducement to and organization of prostitution, and charged some cases under article 322.1, which criminalizes organized illegal migration, but the government provided no public information on whether any of these cases involved force, fraud, or coercion.

As in the previous reporting period, the government met with NGOs to discuss an amendment to article 151 (Involvement of a Minor in the Commission of Antisocial Actions) to close a loophole that allowed adults to avoid criminal liability for exploiting children for begging—a common practice in many parts of Russia—but the law was not amended. Law enforcement training centers provided lectures and courses on trafficking for investigators and prosecutors. Due to insufficient funding, NGOs based in St. Petersburg did not conduct trafficking training for officials; there was no information suggesting NGOs elsewhere conducted such training. Russian authorities cooperated in some international investigations involving foreign nationals trafficked in Russia. The DPRK government continued to send workers to Russia under bilateral contracts with Russia and other foreign governments. Despite credible reports of slave-like conditions of North Koreans working in

Russia, the Russian government did not report any investigations into those conditions. Additionally, as of January 1, 2017, compulsory labor within Russian correctional centers was reintroduced—as written into the Russian criminal codex in December 2011. The Russian labor code does not include an article which states that labor performed as part of a judicial sentence is considered to be forced labor—which is banned under Russia’s constitution—and therefore could provide a possible loophole for authorities to use forced labor as an alternative punishment. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government generally did not undertake efforts to protect human trafficking victims and did not publicly report having identified or assisted victims. The government did not provide funding or programs for protective services dedicated to trafficking victims. Without specific legislation differentiating trafficking victims from victims of other crimes, government agencies claimed they had neither the means nor authority to provide assistance programs specifically for trafficking victims. Two dedicated trafficking shelters that provided protective services to trafficking victims and operated between 2011 and 2014 remained closed. In Moscow, a shelter run by the Russian Orthodox Church and an international organization remained closed due to lack of funding; the shelter cared for dozens of foreign trafficking victims between 2012 and 2015. During the reporting period, a homeless shelter run by the Russian Orthodox Church began accepting trafficking victims and offered them food and housing, though not medical or psychological care; the government did not provide financial support for the shelter. Additionally, an eight-bed shelter for trafficking victims, run by the Russian Red Cross with foreign funding in a space granted by the St. Petersburg municipal government, did not serve any identified victims of trafficking after it suspended many of its operations in the previous reporting period. The Red Cross continued to run a hotline, which primarily served labor migrants and did not identify any victims of trafficking amongst its callers. A similar shelter established by an international organization in cooperation with Vladivostok authorities remained closed following its loss of funding in the reporting period. Similar to the previous reporting period, the government took steps to limit or ban the activities of other civil society groups, including some dedicated to anti-trafficking activities. 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 and at least two locally registered NGOs working on trafficking issues were designated as “foreign agents.”

The government did not report identifying or assisting any victims. Experts estimated more than 5,000 cases of trafficking in 2015. The government did not develop or employ a formal system to guide officials in proactive identification of victims or their referral to available services. An international organization received 157 referrals, from both government and NGOs, for trafficking victims in 2016, of which 32 were sex trafficking victims and 77 were victims of forced labor or begging. A second NGO assisted 25 victims, who were primarily subjected to sex trafficking. According to media reports, authorities provided assistance to at least one Russian national victim who had been repatriated with the assistance of the Russian embassy. Repatriation costs were reportedly covered by authorities on a case by case basis. An NGO reported Russian authorities occasionally prosecuted sex trafficking victims for prostitution

offenses. Authorities routinely detained and deported possible foreign victims with no effort to screen them as victims or refer them to care providers. However, during the reporting period, observers found Moscow city police had informally begun providing “permit letters” with a validity of one year to individuals the police determined were trafficking victims; there were three known beneficiaries as of January 2017. 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. A February 2016 agreement between Russia and DPRK enabled Russian authorities to deport North Koreans residing “illegally” in Russia, possibly even for those with refugee status. By potentially removing the protections associated with refugee status, the new agreement may increase the risk of labor trafficking for North Koreans working under the state-to-state agreement. Civil society observers reported some working-level officials within Russia’s investigative agencies referred victims to protective services on an ad hoc basis. Police regularly avoided registering victims in criminal cases that were unlikely to be solved in order not to risk lower conviction rates. Authorities did not screen vulnerable populations, such as migrant workers, DPRK workers, or foreign women entering Russia on student visas despite evidence of their intention to work or other vulnerabilities to trafficking.

PREVENTION

The government maintained limited efforts to prevent trafficking. In 2016, the government continued to issue work permits for citizens of select countries who can travel to Russia without a visa. By legalizing migrant labor, the system may reduce the vulnerability of some migrant workers; however, the permits contained large upfront fees and obtaining them sometimes required multiple time-consuming trips to the migrant processing center. Legislation implemented in January 2016 limited the amount of time an employer can send employees to work for other firms and required these outsourced employees to earn the same amount as permanent employees. These regulations may reduce the vulnerability of temporary workers loaned to other companies, a practice known as “outstaffing” in Russia. 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 having foreign worker permits revoked. Despite these efforts, the government made no efforts to develop public awareness of forced labor or sex trafficking. Russia did not have a national action plan, nor is there a designated lead agency to coordinate anti-trafficking measures; legislation that would implement such a framework has been stalled at the highest levels within the presidential administration. The government did not have a body to monitor its anti-trafficking activities or make periodic assessments measuring its performance. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. The government reported providing anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Russia is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Labor trafficking remains the predominant human trafficking problem within Russia. Workers from Russia and other countries in Europe, Central Asia, and Southeast Asia—including Vietnam and DPRK—are subjected to forced labor in Russia. Instances of labor trafficking have been reported in the construction,

manufacturing, logging, agricultural, brick factories, textile, grocery store, maritime, and domestic service industries, as well as in forced begging, waste sorting, and street sweeping. Official and unofficial statistics estimate there are between five and 12 million foreign workers in Russia, of which the government estimates 1.5 million are irregular migrants. Foreign laborers work primarily in construction, housing, and utilities, and as public transport drivers, seasonal agricultural workers, tailors and garment workers in underground garment factories, and vendors at marketplaces and shops. 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. 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 crime syndicates from Russia sometimes play a role in exploiting labor migrants, and corruption among some government officials and within some state agencies creates an environment enabling some trafficking crimes. There are reports of Russian citizens facing forced labor abroad. There are also reports of increased vulnerability of children from state and municipal orphanages being lured via the internet and social networks, to forced criminality, child pornography, sexual exploitation, and use by armed groups in the Middle East.

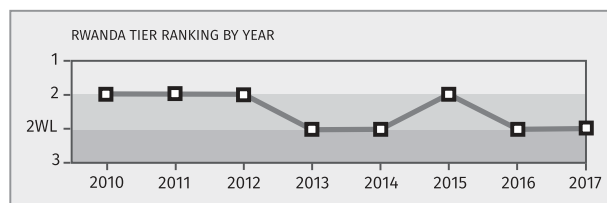
Women and children from Europe (predominantly Ukraine and Moldova), Southeast Asia (primarily Vietnam), Africa (particularly Nigeria), and Central Asia are reportedly victims of sex trafficking in Russia. Forced prostitution occurs in brothels, hotels, and saunas, among other locations; certain traffickers advertised the sexual services of children over the internet. Some children on the streets are exploited in child 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.

In recent years, criminal cases have involved Russian officials suspected of allegedly facilitating trafficking in Russia by facilitating victims' entry into Russia, providing protection to traffickers, and returning victims to their exploiters. Employers sometimes bribe Russian officials to avoid enforcement of penalties for engaging illegal workers. As previously mentioned, the DPRK sends approximately 20,000 North Korean citizens to Russia annually for work in a variety of sectors, including logging in Russia's Far East—with approximately 30,000 North Korean citizens officially registered in Russia; reportedly many of these North Korean citizens are subjected to conditions of forced labor. A February 2016 agreement between Russia and DPRK may exacerbate these conditions by enabling Russian authorities to repatriate North Koreans residing "illegally" in Russia, potentially even for those with refugee status, despite reports that DPRK authorities arrest, imprison, subject to forced labor, torture, and sometimes execute repatriated trafficking victims.

RWANDA: TIER 2 WATCH LIST

The Government of Rwanda does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by prosecuting

and convicting perpetrators of cross-border trafficking crimes, identifying and referring trafficking victims to some protection services, providing assistance to some former child combatants, and continuing to implement anti-trafficking awareness campaigns and other prevention measures. The government also issued new ministerial guidelines on the civilian nature of all refugee camps in close collaboration with an international organization, which clarify criminal penalties for trafficking and recruitment in the camps. In contrast to the previous year, there were no credible reports of Rwandan government involvement in either the recruitment into armed groups or sexual exploitation of refugees. However, the government did not demonstrate increasing efforts compared to the previous reporting period. The government did not investigate, prosecute, or convict any trafficking offenders for internal trafficking crimes, despite the presence of sex trafficking and forced labor within the country. The government did not investigate credible allegations in 2015 that some Rwandan security and military officials were complicit in facilitating the recruitment of Burundian refugees, including children, into armed groups, and it did not hold criminally accountable Rwandan defense forces (RDF) soldiers and refugee camp staff for allegedly facilitating the sexual exploitation of Congolese child refugees in 2015. Refugee whistleblowers from 2015 reported ongoing harassment by officials from the Ministry of Disaster Management and Refugee Affairs (MIDIMAR) in retaliation for reporting protection concerns in camps. The government did not adequately screen for trafficking victims among individuals at government centers that serve vulnerable populations, and observers stated these centers, which the government claimed were for rehabilitation, functioned as de facto detention facilities. Therefore, Rwanda remained on Tier 2 Watch List for the second consecutive year.



RECOMMENDATIONS FOR RWANDA

Proactively investigate, prosecute, and convict perpetrators of forced labor and sex trafficking, including officials and individuals involved in sex trafficking and recruitment and use of refugees into armed groups; implement protection measures for Rwanda's refugee population, and effectively train all MIDIMAR and security officials to identify, screen for, and protect trafficking victims among refugees; systematically identify trafficking victims among vulnerable populations, and ensure potential and identified victims are not arrested, detained, or punished for unlawful acts committed as a direct result of being subjected to human trafficking; provide appropriate long-term protection services, including shelter and psychosocial care, for all trafficking victims, both foreign and domestic; cooperate with NGOs and international organizations to proactively identify and refer victims to adequate protection services; continue training of law enforcement, judicial officials, labor inspectors, and social workers on the implementation of trafficking laws and victim identification procedures; and continue to implement anti-trafficking awareness campaigns.