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Modern Aspects of Human Trafficking in the Context of Labor Exploitation and Irregular Labor Migration in the Russian Federation

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Abstract

For the Russian Federation, human trafficking for labour exploitation has become particularly acute due to the country's special socio-economic situation and geographical location. In Russia, the collapse of the USSR was followed by a sharp increase in socio-economic inequality and a rise in unemployment and poverty, which created a socio-economic rationale for the involvement of sizeable socio-demographic groups among the Russian population in trafficking. Russia is not only a source and destination country for internal and external trafficking in human beings for labour exploitation, but by virtue of its geographical location and size, Russia has become a country through which a significant number of migrants from Asia, Africa, and the Near East attempt to enter Europe. The aim of this research is to identify trends and patterns in human trafficking for labour exploitation as well as related irregular labour migration in the Russian Federation under the current socio-economic conditions and to formulate recommendations to combat these adverse phenomena. In this research trafficking for labour exploitation is considered from a broad perspective, not only focusing on the legal definition of trafficking for forced labour but also on less legally severe cases of labour exploitation that constitute and facilitate the context in which a trafficking situation can occur. Slave labour and trafficking for labour exploitation are utilized as synonyms to trafficking for forced labour throughout the article of authors.

Keywords: *trafficking in human beings, illegal migration, labor exploitation, the post-Soviet space, Russia.*

1.! Introduction

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

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Tajikistan - 24%, and Kyrgyzstan - 10%. Construction workers engaged in mining, mine development and installation and repair work came primarily from Uzbekistan (36%), Tajikistan (14%), the Ukraine (11%) and China (7%) (Data from the Federal Migration Service, <http://www.fms.gov.ru>, 2013; and Russia and China have criticized the report of the United States of the Slave Trade http://www.bbc.co.uk/russian/international/2013/06/130620_russia_human_trafficking). At the same time the Russian Federation has become a major supplier of "living goods" for foreign markets. Rough estimates from Interpol suggest that around 170 thousand Russian citizens across the world are currently living in conditions of slavery. This number is composed mostly of women who have been taken out of the country for labour exploitation and sexual exploitation in the USA, Western Europe, Japan and China (Kolisnichenko, 2013; and US acted against human trafficking in Russia, <http://lenta.ru/news/2014/06/21/slavery/>).

The tasks of the research are: 1) to identify the scale of and trends in human trafficking for forced labour in the Russian Federation; 2) to investigate the relationship between human trafficking for labour exploitation and irregular labour migration in the Russian Federation; 3) to make an assessment of the socio-demographic groups of Russian and foreign citizens at the greatest risk of being involved in irregular labour migration and potentially human trafficking for labour exploitation; 4) to determine the methods and forms of recruitment for human trafficking and irregular labour migration of Russian and foreign citizens in modern socio-economic conditions; 5) to evaluate the effectiveness of the efforts made by the government and society to combat human trafficking for labour exploitation in the Russian Federation; 6) to make recommendations to improve the labour migration regulation system and prevent irregular migration, and also to prevent human trafficking for labour exploitation in the Russian Federation.

2.1 Materials and Methods

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

Secondly, the sociological method, which included 18 interviews with experts, including government employees, employees of law enforcement agencies, embassy representatives, employees of international organizations, employees of non-governmental organizations, managers of companies which provide employment services, trade union leaders, academics, etc. The interviewees are referred to by the name of the institution they work for.

A content analysis of the Russian and foreign press on the subject of human trafficking for labour exploitation was also carried out. Field data and interviews were collected in various regions of the Russian Federation, including in Moscow, St. Petersburg, Kaliningrad, the North Caucasus, the Volga region and the Russian Far East.

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

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

3.1 Results

Human trafficking has emerged recently as a phenomena Russia, almost immediately after the break-up of the Soviet Union. The opening of its borders and the integration of the Russian Federation into the global economy facilitated an increase in the number of journeys made by Russian nationals overseas and by foreigners to Russia, and also increased the problem of international trafficking and irregular migration. According to figures from the UN International Centre for the Prevention of Crime, Russia is top of the list of countries of origin of human trafficking victims (Gorai, 2003).

In 2009-2012, the law enforcement agencies of the Russian Federation brought criminal prosecutions against 226 criminals. Experts point out that many human trafficking offences are carefully planned and organized by criminal gangs. In 2011, the Russian law enforcement agencies identified 17,691 offences committed by organized criminal groups and criminal gangs, including 10,547 general criminal offences. Under article 210 of the Criminal Code of the Russian Federation, "Organization of criminal gangs", officers of the Russian internal affairs authorities identified 101 crimes and solved 64 (Ovodkov, 2012). An "Organized criminal group" means a structured group made up of three or more people

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which exists for a certain period of time and operates with the aim of committing one or more serious crimes in order to secure, directly or indirectly, financial or other material gain (Jordan, 2005).

A coefficient of involvement in various forms of crime related to human trafficking, labour exploitation and organized irregular migration in 2012 was calculated. It was found that the highest value of the coefficient, 1.063, this was observed for the organization of prostitution. This means that for every one offence, there is more than one criminal. The coefficient of involvement in human trafficking crimes was 0.814, use of slave labour – 0.647, organizing irregular migration – 0.406, incitement to prostitution – 0.323, illegal distribution of pornographic materials or items – 0.282, production and circulation of materials or items with pornographic images of minors – 0.262. This means that the level of organized crime is greater for such types of crime as organizing prostitution, human trafficking and the use of slave labour. According to data in the official statistics of the Ministry of Interior, article 271-1 of the Criminal Code of the Russian Federation, “Human trafficking”, is applied to only 2% of crimes and 3% of criminals prosecuted in this sector (figure. 1. and figure 1.2). However, the problem is much more significant for society. This is demonstrated by two factors.

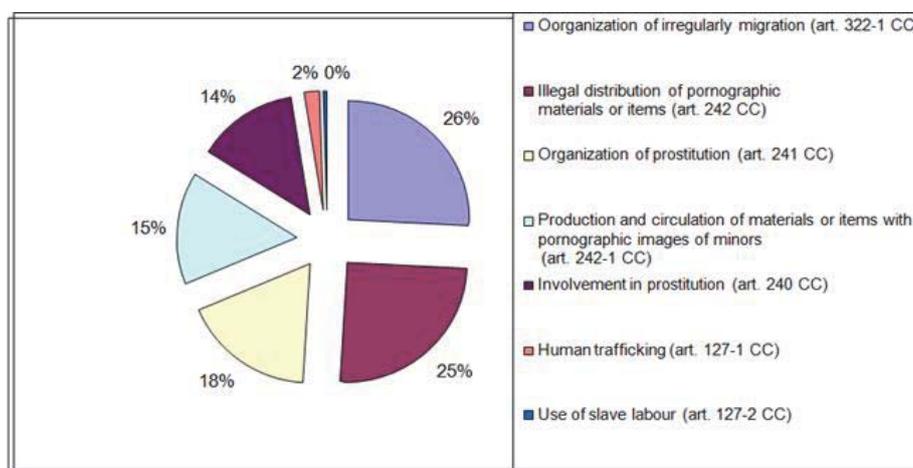


Figure 1 – Breakdown of recorded offences in the field of human trafficking and organization of irregular migration in 2012, %

Source: Ministry of Interior of the Russian Federation.

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

Typical features of such labour include the lack of freedom of the worker and arbitrariness in the employer's behaviour (Zagorsky et al, 2009). The defining features of forced labour manifest themselves in the different forms of its use without the voluntary offering by the worker of her/his services (or without voluntary continuation of the work) with the use of different forms of coercion. The forced nature of the labour may take the form of changes to the terms of the contract of employment entailing unjustified expansion of the worker's duties, types of work, working hours, reduction in pay and time off, introducing unjustified penalties, etc.(Gromov, 2006).

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

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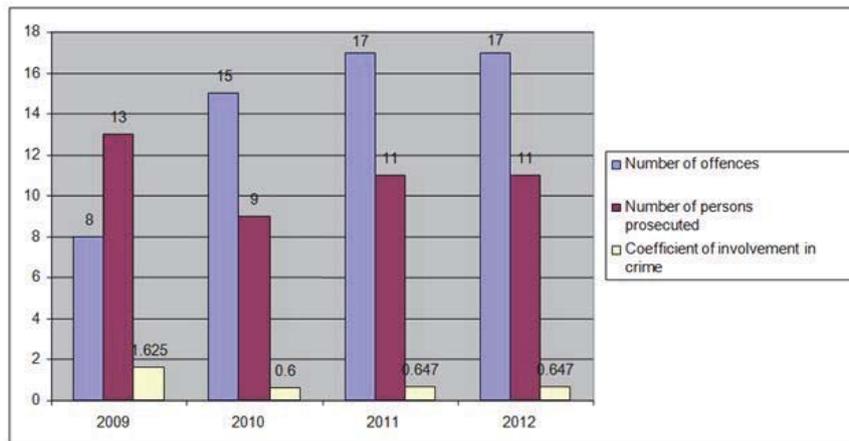


Figure 2 – Number of offences contrary to article 127-2 of the Criminal Code of the Russian Federation “Use of slave labour” committed in Russia in 2009-2012

Source: Ministry of Interior of the Russian Federation.

Consequently, amid the economic transformation and social changes that occurred in the Russian Federation in the 1990s and 2000s, human trafficking and slave labour became quite widespread phenomena.

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

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

4.1 Discussion

As the country has become integrated into the global economy, new kinds of offences have emerged coupled with new forms of organizing criminal activities in this sector which pose a serious threat to national security. Many offences related to human trafficking are covert or latent and are classified under other articles of the Criminal Code, but this does not make their adverse consequences any less significant for society. Experts have reason to believe that “initiatives from NGOs and international organizations have had a serious and, perhaps, decisive impact both on intensifying the activity of governmental structures in Russia in this area and on increasing the awareness of broad sections of the population and at-risk groups regarding human trafficking and slave labour.” (Tyuryukanova, 2006).

Cooperation, of approximately 4 million euros. The IOM Office is doing important work for the prevention of human trafficking and the provision of assistance to victims of labour exploitation and sexual exploitation in the Russian Federation. Over the period 2006-2010 it has assisted over 450 people victimized by human trafficking. In 2012 assistance was given to 24 victims, including five Vietnamese citizens (Ryazantsev et al, <http://www.ccsenet.org/journal/index.php/ass/article/view/40806/22527>, 2013 and Ryazantsev, S.V., R.V. Manshin, T.N. and Khanh, 2013).

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

According to experts, despite all the measures taken, the level of violence against women and children in Russia is

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not reduced (Ovchinsky, 2008; Mizulina, 2006; Boltaevsky, Golofaeva, 2012; Yastrebova, 2011). Currently, law enforcement agencies have increased activity in the fight against this type of crime. So, if in 2008 found 17 crimes in 2009, 60 offenses under article 127-1 of the Criminal Code of the Russian Federation (Trafficking), then in 2010 - already 106 crimes. Greatest number in 2010 was committed in the North West (39), the Far East (26) and the Central Federal District (22). In particular, in the Arkhangelsk region recorded - 33, in the Khabarovsk Territory - 20, in Moscow - 19 crime of human trafficking. The number of crimes of this category in two years increased by more than 6 times. This offense criminally liable for three years brought 73 persons. Composition of trafficking (art. 127-1 of the Criminal Code) in the latest unfortunately worded so that leaves many unanswered questions about the possible assessment of the actions of persons involved in the actual trafficking, or makes possible mutually exclusive answers. Many of the shortcomings of a legislative regulation more than once been described in the literature specialists offering their way out of the situation.

5.1 Conclusion

We checked in the opinion polls that will affect whether the shortcomings and complexity of legislative regulation of trafficking in persons to law enforcement. Unfortunately, the answer turned out disappointing.

Thus, the divided opinions of experts (experts) in response to a question about whether there is a composition of trade in the actions of parents selling their minor child to foreign nationals for the purpose of adoption. 19% of experts believe that these actions - not crime, against 76.2% who recognize such acts trade. Unfortunately, I think the minority right here, due to the fact that mandatory feature of trade is the purpose of exploitation under which does not fall adoption. By the way, in another survey - survey participants trainings - 28.9% of respondents expressed the view that the modern version of Art. 127-1 of the Criminal Code does not allow to prosecute persons involved in trafficking in human beings without their subsequent operation.

In 2008, 6 Lawsuits (Chuvash Republic, Far Eastern Federal District Rostov region, Moscow, Orenburg region, Primorsky Krai).

In 2009, 3 criminal cases (Udmurt Republic, Primorsky Krai, Moscow).

In 2010, investigators in the system of internal affairs 4 criminal cases (Republic of Mordovia, Amur, Ryazan and Kurgan region).

Of these, 11 criminal cases to court, one criminal case has been referred for further investigation to the prosecuting authorities, on the 1 part criminal case is currently under investigation.

Since the introduction of the responsibility for human trafficking in Russia, in the direction of criminal-enforcement bodies, courts handed down 8 sentences against 29 traffickers, while in 4 cases, persons convicted of other articles (Articles 240 - involvement in the occupation prostitution, 241 - organization of prostitution of the Criminal Code of the Russian Federation), and according to the article. 127-1 of the Criminal Code of the Russian Federation are justified, 3 cases are currently pending.

Found guilty of committing a crime under Art. 127-1 of the Criminal Code of the Russian Federation and were sentenced to imprisonment for 16 offenders. Among them for hours. 2, Art. 127-1 of the Criminal Code of the Russian Federation on one criminal case convicted one defendant. On p. 3 art. 127-1 of the Criminal Code of the Russian Federation in three criminal cases were sentenced to 15 persons, all of them are found guilty of trafficking in an organized criminal group.

Analysis of judgments shows that if sentencing for hours. 2, Art. 127-1 of the Criminal Code of the Russian Federation courts guilty sentenced to 4 years in prison, then p. 3 art. 127-1 of the Criminal Code of the Russian Federation, the defendants were sentenced to 4 years to 10 years in prison.

Combating human trafficking is very relevant problem for Russia. As for it, especially for the safety of society, this is a direct function of the state. Recently there has been a global change in the policy of states in relation to this issue.

References

- Boltaevsky, A.A. and Golofaeva S.N., 2012. The patriotism and national security of the Russian Federation. In the: Actual problems of modern science. # 2, 110 – 112 pp.
- Data from the Federal Migration Service (<http://www.fms.gov.ru>) [Date accessed: 4 June 2013].
- Gorai, B., 2003. 21st-century slaves. In the: Interpol Express. # 9. 2-15 pp.
- Gromov, S.V., 2006. Criminal Law Assessment of Human Trafficking and Use of Slave Labour. Dissertation for a competition for the academic title of candidate of legal sciences. Moscow. 82-23 pp.
- Jordan, A., 2005 The Annotated Guide to the Complete UN Trafficking Protocol. Moscow: Syostri Sexual Assault Recovery Centre. Moscow. 139 pp.

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- Levchenko, O.P., 2009. Human Trafficking and Legalization of Criminal Profits. Issues of Prevention: A Scientific and Practical Guide. Edited by O.P. Levchenko. Moscow: Publisher: Unity-Dana. 221 pp.
- Mizulina, E.B., 2006. Human Trafficking and Slavery in Russia: the international legal aspect. Moscow. 88 - 95 pp.
- Nesteruk, P., 2005 One day I read an ad in the newspaper.... In the: Emigrant. Issue 7. 17-32 pp.
- Ovodkov, A.A., 2012. (Head of the 26th Division of the Main Criminal Investigation Department of the Russian Ministry of Internal Affairs). In the: Materials from the International Round Table Discussion "Improving Cooperation between Competent Bodies of International Universal Organizations To Combat Human Trafficking" (23-24 May 2012, Moscow). Moscow: "Verdy" Open Joint-Stock Company. 65-76 pp.
- Ovchinsky, V.S., 2008. Criminal violence against women and children: combating international standards. Coll. Documents. Comp. V.S. Ovchinsky. Moscow. 398 pp.
- Ryazantsev, S.V., Pismennaya E.E., Karabulatova I.S. and Charif Y.Akramov., 2014. Transformation of sexual and matrimonial behavior of Tajik labor migrants in Russia. In the: Asian Social Science. Vol 10, No.20, doi:10.5539/ass.v10n20p1. <http://www.ccsenet.org/journal/index.php/ass/article/view/40806/22527>
- Ryazantsev, S.V., R.V. Manshin, T.N. and Khanh, 2013. Comparative Analysis of Vietnamese and Chinese Migration to Russia. In the: Migration Law, Issue 1, 21-42 pp.
- Russia and China have criticized the report of the United States of the Slave Trade. Electronic resource. Online published: http://www.bbc.co.uk/russian/international/2013/06/130620_russia_human_trafficking.
- Tyuryukanova, E.V., 2006. Human Trafficking in the Russian Federation: Overview and Analysis of the Current Situation. Moscow: Institute for Urban Economics 186 pp.
- US acted against human trafficking in Russia. Electronic resource. date of publication: 22.06.2014. <http://lenta.ru/news/2014/06/21/slavery/>.
- Zagorsky, G.I., Kaufman M.A., Moiseeva T.F. and N.V. Radutnaya, 2009. Court Proceedings in Human Trafficking Criminal Cases. Moscow: Publisher "Yuridicheskaya literatura". 59 pp.
- Yastrebova, A.Y., 2011. International legal instruments to prevent forced labor and trafficking priorities and features. In the: International law and international organizations. #3, 24-39 pp.