



Organization for Security and Co-operation in Europe

Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Foreword

In February 2017, I had the pleasure to pay an official country visit to the Russian Federation and hold consultations with high-level Government officials, including with the Minister and Deputy Minister of Foreign Affairs, Chairman of the Presidential Council on Development of Civil Society and Human Rights, the Deputy Minister of Labour and Social Protection, First Deputy Chairman of the Supreme Court, State Secretary - Deputy Minister of Internal Affairs, Deputy Chairman of the Investigative Committee, the Head of the Main Department for Oversight on Execution of Federal Legislation of the Prosecutor General, the Deputy Chairman of the Duma Committee on the Affairs of Commonwealth of Independent States (CIS), Eurasian Integration and Relations with Compatriots, the High Commissioner for Human Rights in the Russian Federation, the members of the Civic Chamber of the Russian Federation headed by the Vice President of the Council, as well as with representatives of the civil society and international organizations.

I also had an opportunity to visit the Republic of Tatarstan of the Russian Federation where I met with the President of the Republic, Rustam Minnikhanov, the Chairman of the State Council of the Republic, and participated in the roundtable discussions headed by the Deputy Prime Minister with the participation of high-level representatives of various state agencies and the High Commissioner for Human Rights of the Republic.

The objective of the country visit was to promote full implementation of the OSCE commitments in the field of anti-trafficking and to propose action-oriented recommendations to better prevent and respond to human trafficking.

During my country visit, I appreciated the constructive discussions with the Government and civil society representatives and I would like to acknowledge, in particular, the important support and work of the Ministry of Foreign Affairs to host and co-organize the Conference on “The Public- Private Partnership in the Fight against Human Trafficking” held in Moscow on 20-21 July 2017.

The report on the visit was finalized and presented to the Delegation of the Russian Federation to the OSCE for comments on 9 August 2017.

By encouraging relevant authorities to implement the recommendations made in this report and acting in the best interest of the most vulnerable and disadvantaged members of society, I look forward to further continuing our exchange and co-operation on the occasion of a follow-up to this report.

A handwritten signature in blue ink, appearing to read 'Madina Jarbussynova'.

Madina Jarbussynova

**Report by OSCE Special Representative and Co-ordinator for Combating
Trafficking in Human Beings, Madina Jarbussynova, following her official visit
to the Russian Federation
6-11 February 2017¹**

1. This Report presents the main findings of the official country visit to the Russian Federation of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova (hereinafter referred to as the Special Representative), which took place from 6 to 11 February 2017.²
2. The purpose of the visit was to hold consultations with government officials and experts from state institutions and civil society on human trafficking issues. More specifically, the objectives of the visit were to discuss ways to support and advance ongoing efforts to prevent trafficking, assist trafficked persons and protect their rights, as well as bring perpetrators to justice in line with OSCE commitments and relevant international standards.
3. In the course of the visit, the Special Representative engaged in direct consultations with high-level government officials, including the Minister of Foreign Affairs of the Russian Federation (MFA), Sergei Lavrov, the Chairman of the Presidential Council on Development of Civil Society and Human Rights, Mikhail Fedotov, the Deputy Minister of Labour and Social Protection, Aleksey Cherkasov, First Deputy Chairman of the Supreme Court, Pyotr Serkov, State Secretary - Deputy Minister of Internal Affairs, Igor Zubov, Deputy Chairman of the Investigative Committee, Ilya Lazutov, the Head of the Main Department for Oversight on Execution of Federal Legislation of the Prosecutor General, Anatoliy Palamarchuk, the Deputy Chairman of the Committee of the State Duma on the Affairs of Commonwealth of Independent States (CIS), Eurasian Integration and Relations with Compatriots, Umakhan Umakhanov, the High Commissioner for Human Rights in the Russian Federation, Tatiana Moskalkova and the members of the Civic Chamber of the Russian Federation headed by the Vice President of the Council, Sergei Ordzhonikidze.

During her visit to the Republic of Tatarstan of the Russian Federation, the Special Representative met with the President of the Republic, Rustam Minnikhanov, the Chairman of the State Council of the Republic, Farid Mukhametshin, and participated in the roundtable discussions headed by the Deputy Vice Minister Vasil Shaikhraziyev with the participation of representatives of Investigative Committee, the Office of the Prosecutor, the Ministry of Internal Affairs, the Supreme and the Constitutional Courts and High Commissioner for Human Rights of the Republic, Sariya Saburskaya.

Furthermore, the Special Representative held consultations with a group of anti-trafficking NGOs and International Organizations in Moscow such as the Executive Committee of the Commonwealth of Independent States (CIS), the International Organization for Migration (IOM), the International Confederation of Red Cross

¹ The Report was finalized on 9 August 2017

² The Special Representative was accompanied by the OSR/CTHB Senior Advisor Ruth Pojman and the OSR/CTHB Associate Officer, Tarana Baghirova.

(ICRC) and representatives of civil society organizations and Diasporas in the Republic of Tatarstan.

The Special Representative also visited the Centre for temporary detention of foreign citizens located in the Moscow oblast called “SUVSIG” and the “low-threshold centre” for vulnerable persons, which is run by the civil society organization “Noviy Vek” (New Century) in Kazan.

In the course of the visit, the Special Representative also video-addressed the participants of the annual Cyber Security Forum organized on 7 February 2017 in Moscow.

In the margins of the Conference “The Public- Private Partnership in the Fight Against Human Trafficking” held in Moscow on 20-21 July 2017, the Special Representative met with the Deputy Minister of Foreign Affairs, Aleksey Meshkov, the State Secretary – Deputy Minister of Health, Dmitry Kostennikov, the Chair of the Committee of the State Duma on State Building and Legislation, Pavel Kraseninnikov and the Chair of the Committee of the State Duma on Family, Women and Children Affairs, Tamara Pletneva.

4. The Special Representative wishes to thank the Russian authorities, and in particular, the Permanent Delegation of the Russian Federation to the OSCE for their kind assistance in organizing and facilitating the visit. She also wishes to thank all interlocutors, from the national authorities to civil society and international organizations in the Russian Federation, for their willingness to share their knowledge and insights.
5. Likewise, the Special Representatives commends the Russian authorities, and in particular the Permanent Delegation of the Russian Federation to the OSCE, the Ministry of Foreign Affairs and the Moscow State Institute of International Relations (MGIMO) for its excellent support in organizing and hosting the Conference “The Public- Private Partnership in the Fight Against Human Trafficking” in Moscow on 20-21 July 2017. The conference provided a unique platform for numerous international organizations, non-governmental entities, the private sector, trade unions, academia and the media to discuss relevant international frameworks and instruments, the magnitude of trafficking for labour exploitation in the private economy and elaborate on the roles of governments and the private sector in preventing and combating human trafficking in the OSCE area.
6. Consultations during the visit were focused on the situation of trafficking in human beings (THB) in the country and the ongoing policy, legislative and practical responses to it. More specifically, discussions were focused on identification and assistance provided to victims of all forms of trafficking, in particular the victims of labour exploitation, efforts in the area of prevention, co-operation with NGOs as well as prosecution and convictions of traffickers. The Special Representative also discussed the protection of labour migrants since the Russian Federation remains the world’s second largest migrant receiving country.
7. In the course of the visit, the Special Representative noted with appreciation that the Government officials and civil society representatives met during the visit

demonstrated awareness of human trafficking as a serious violation of fundamental freedoms and human rights, knowledge of new trends in human trafficking in the country and in the OSCE region and a readiness to tackle new threats.

8. The Special Representative stressed the importance of placing the prevention and the fight against THB as one of the main priorities on the Government agenda and notes that a lack of political attention to the problem could jeopardize the effective prosecution, protection and prevention of THB in the country.

International and national legal framework

9. The Special Representative commends the Russian Federation for having become a party to major international instruments providing high standards in the fight against trafficking in human beings, such as the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children ratified on 26 May 2004.

The country also ratified a number of Conventions addressing slavery and forced labour such as the ILO Forced Labour Convention No.29, ratified in 1956, the ILO Convention on the Abolition of Forced Labour No.105, ratified in 1998, the ILO Convention on Worst Forms of Child Labour No.182, ratified in 2003, and the UN Convention on the Elimination of All Forms of Discrimination against Women, ratified in 1985.

The Russian Federation became one of the first signatories to the Council of Europe Convention against Trafficking in Human Organs of 2015 on 24 September 2015.

The Special Representative welcomes the adoption by the Russian Federation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in September 2013 and the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in August 2013.

10. The Special Representative recommends that the Russian authorities sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings which provides a higher level of protection to victims of human trafficking, the ILO Convention 189 concerning Decent Work for Domestic Workers, which entered into force on 5 September 2013 and serves as a powerful instrument for the prevention of THB for labour exploitation, especially for domestic servitude and International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which entered into force in 2003. The ratification of this Convention is of particular importance, taking into account the fact that the Russian Federation is a primary country of destination for increasing numbers of migrant workers.

The Special Representative also recommends that Russian authorities sign and ratify the ILO Protocol of 2014 to the Forced Labour Convention No. 29 which aims to advance prevention, protection and compensation measures.

11. As part of the Commonwealth of Independent States (CIS), Russia has joined other CIS member-States in the adoption of the CIS Model Laws on Combating

Trafficking in Human Beings³ and a number of relevant agreements and the CIS Programme of Co-operation in Combating THB for 2014-2018⁴, as well as other programmes and agreements on Co-operation in the Sphere of Labour Migration and Social Protection of Working Migrants⁵, on Combating Illegal Migration⁶ and on Combating Crime.⁷

12. Likewise, as a participating State of the OSCE, Russia has pledged to implement the commitments it has undertaken in the OSCE framework in 2000-2011, in particular the 2003 Action Plan to Combat Trafficking in Human Beings, as well as its 2005⁸ and 2013⁹ Addendums.
13. In the national context, human trafficking is defined in the Russian Federation's Criminal Code Article 127.1¹⁰ and is punishable by compulsory work of up to five years or imprisonment of up to six years. The aggravating circumstances, set out in Article 127.1 paragraph 2 of the Criminal Code, includes the committing of an offence against two or more persons, against a minor, through abuse of an official position, by arranging a person's border crossing or harbouring of a person abroad, by use of fraudulent documents, as well by retaining, destroying or concealing identity documents, by threat or use of violence, with the purpose of organ removal, against a person in a vulnerable situation or materially or other way dependent on the offender, against a pregnant woman. In these cases the punishment is from three to ten years with a deprivation of the right to hold certain positions or engage in certain employment activities for up to fifteen years with a prison term for up to two years. Further aggravating circumstances, set out in Article 127.1 paragraph 3, of the Criminal Code, include if the offence causes a person's death or serious harm to health or leads to other grave consequences, if committed by an organized group. In such cases, the penalty is increased to imprisonment from eight to fifteen years.

Criminal Code Article 127.2¹¹ defines simple and aggravated forms of slave labour prescribing a penalty of up to five years of compulsory labour. If the offence is committed under aggravating circumstances, the offender is punished by a compulsory work of up to five years, a prison term from three to ten years and deprivation of the right to hold certain positions or engage in certain employment activities for a period of fifteen years.

In addition to these specific human trafficking offences, the Criminal Code envisages penalties for offences related to human trafficking, such as involving a minor in the

³ CIS Model Law on Combating Trafficking in Human Beings adopted in the 30th Plenary Session of the Parliamentary Assembly of the CIS member states on 3 April 2008, <<http://docs.cntd.ru/document/902124613>> and

⁴ CIS Programme of Co-operation in Combating THB for 2014-2018< <http://studydoc.ru/doc/2260179/sodruzhestvo--nezavisimyh--gosudarstv-reshenie>>

⁵ Соглашение от 15.04.1994 (с изм. от 25.11.2005) "О сотрудничестве в области трудовой миграции и социальной защиты трудящихся-мигрантов" http://www.consultant.ru/document/cons_doc_LAW_86989/

⁶ Соглашение о сотрудничестве государств-участников Содружества Независимых Государств в борьбе с незаконной миграцией, Москва, 6 марта 1998, http://moscow.iom.int/russian/Legislation/CIS_IllegalMigration_ru.pdf

⁷ Соглашение от 25 ноября 1998 г "Соглашение о сотрудничестве государств-участников Содружества Независимых Государств в борьбе с преступностью" <http://pravo.levonevsky.org/bazaby/mdogov/megd2838.htm>

⁸ OSCE Permanent Council Decision No. 685 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special needs of Child Victim of Trafficking for Protection and Assistance, PC.DEC/685

⁹ No.1107 on Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later, PC. DEC/1107/Corr.11

¹⁰ Commentary to Art 127.1 of the Criminal Code , <http://rulaws.ru/uk/Razdel-VII/Glava-17/Statya-127.1/> accessed on 25 July 2017

¹¹ Commentary to Art 127.2 of the Criminal Code , <<http://rulaws.ru/uk/Razdel-VII/Glava-17/Statya-127.2/>> accessed on 25 July 2017

commissioning of a crime (Art 150), involving a minor in anti-social activity (Art 151), engagement in prostitution (Art 240), receiving sexual services from a minor (Art 241.1), organization of prostitution (Art 241), illegal manufacture and turnover of pornographic material and objects (242), illegal manufacture and turnover of pornographic images or objects of a minor (242.1), using a minor for manufacturing pornographic images or objects (242.2), organization of illegal migration (322.1), fraudulent residence registration in the Russian Federation (322.2) and fraudulent record-keeping on registration in the Russian Federation (322.3). In this regard, the Special Representative commends the Russian Federation for its comprehensive substantial criminal legislation for criminalizing child sexual abuse and sexual exploitation.

The term “exploitation” is defined in Note 2. under Article 127.1 as “use of persons for prostitution and other forms of sexual exploitation, slave labour (services) and bonded/forced status”. This list of forms of exploitation is limited to the most traditional ones precluding human trafficking for forced criminality or forced begging as forms of exploitation. This remains an obstacle to the effective identification of other THB cases.

Russian legislation does not state the *irrelevance of consent* where any of the means set forth in the definition of the THB has been used. The baseline established by the Trafficking in Persons Protocol is that the consent of an adult victim to the intended exploitation is irrelevant if any of the listed ‘means’ are used.¹² Genuine consent is only possible and legally recognized when all relevant facts are known and a person exercises free will.¹³ In the case of children, therefore, no means at all, including coercion, deception or threat, are required to establish the victim status of the child. Children cannot in law consent to being trafficked nor can trafficked persons validly consent to their exploitation.¹⁴ The Special Representative recalls discussions held during the visit where a number of state interlocutors mentioned the issue of consent in the identification of trafficking persons, in particular those involved in prostitution and recommends that Russian authorities include an explicit reference to it in the legal provisions and advises to use the 2009 UNODC Model Law on Trafficking in Persons which provides an expansive interpretation to Article 39(b).

While acknowledging the efforts of Russian authorities to align the Russian Federation’s legislative framework to combat human trafficking, the Special Representative notes that the definition of human trafficking as currently prescribed in the Criminal Code is not fully in line with the internationally accepted definition provided for in the Palermo Protocol¹⁵ thus limiting its scope to the “trade” of human beings while excluding the critical means and acts defined in the protocol.

In this regard, the Special Representative takes note of the comprehensive draft law on Combating Trafficking in Human Beings developed by the Russian State Duma

¹² UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Trafficking in Persons Protocol, Art. 3(b).

¹³ 2009 UNODC Model Law on Trafficking in Persons.

¹⁴ Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, OSCE OSR/CTHB, 2013

¹⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000

Committee on Legislation in 2003 which has not been adequately supported at a later stage. While acknowledging a stringent criminal liability for human trafficking in the country, the Special Representative believes that the adoption of a dedicated anti-trafficking law developed on the basis of the CIS Model Laws on Combating THB and on the Protection of the Victims of Trafficking adopted by the CIS Parliamentary Assembly in 2008 can significantly improve the legislative framework related in particular to the prevention of human trafficking, and assistance and protection of victims of this crime. In this regard, the Special Representative recommends the Russian authorities to start a discussion on introducing the Model Laws which are advanced and capable to meet the current and emerging THB challenges, into the current legal system.

The Federal Legislation on Victim-Witness Protection envisages a protection fund for registered victims and witnesses of crime. Information on the number of victims who have benefited from the fund is not available to the public and was not provided during the visit.

14. The Special Representatives notes with regret that at the policy level, Russia has not developed a national strategy or an action plan/federal programme to combat human trafficking which could assist authorities in adopting a multidimensional approach to combating human trafficking, thereby addressing the problem more comprehensively and covering protection of victims, prevention of THB and prosecution of those who facilitate or commit the crime. Such a policy framework could augment current structures and better assess the needs of the country, with a view to enhancing and co-ordinating the efforts of state and non-state actors involved in anti-trafficking. To this end, the Special Representative recommends that the Russian authorities develop a comprehensive national action plan by defining and ensuring the role and mandate of all relevant stakeholders in anti-trafficking and thus filling the gap that currently exists at the policy level to address the issue. Given the size of the country, the Special Representative considers it expedient to develop such an action plan in one of the regions of the Federation as a pilot programme which can subsequently be multiplied throughout the country and tailored to the human trafficking situations and practices of each part of the Federation.
15. With regard to the institutional anti-trafficking framework, the Russian authorities have stated that currently there is no specific co-ordination around the issue of THB. Nor is there a mechanism for the monitoring and reporting of anti-trafficking measures. Nevertheless, the Special Representative notes the capacity and interest of some state agencies met during the visit and believes that if properly resourced, a co-ordination mechanism could be built to improve the anti-trafficking institutional framework in the country. In this regard, the Special Representative recalls the CIS Model Legislation on Combating THB and the CIS Programme of Co-operation in Combating THB adopted for the period of 2014-2018 which call upon the CIS member states to develop co-ordination mechanisms and recommends the Russian authorities to develop an Inter-agency co-ordination mechanism to fight human trafficking comprising of key agencies and civil society organizations involved in anti-trafficking activities. The Special Representative remains ready to support the Russian authorities in studying the good practices which exist in the OSCE region in this regard, including the experience gained by other CIS countries.

The Special Representative underlines the importance of data collection, monitoring and evaluating anti-trafficking measures in all participating States and that the availability of comprehensive statistical information on both trends in human trafficking and the work of the main stakeholders in combating trafficking in human beings is essential for ensuring a comprehensive assessment of the anti-trafficking situation within a country. She highlights the significant role of a National Rapporteur¹⁶ or equivalent national monitoring and reporting mechanisms as a means of obtaining the most realistic and evidence-based data on THB at the national level which can be used to assess the scope of trafficking, the effectiveness of the anti-trafficking measures taken by the State. Drawing from this data collection and analysis, recommendations for the government and the parliament can be produced.¹⁷ In this regard, she positively notes the data collected by the Ministry of Internal Affairs primarily on the registered and investigated cases and the Prosecutors Office on the prosecutions and convictions, however, no official data is available on the number of identified and assisted victims. She thus recommends that Russian authorities establish a unified database system with due regard to the confidentiality of personal data, where it is possible to disaggregate statistics by sex, age, forms of exploitation and compatible criteria for data collection, elaboration and reporting which are critical for the development and review of anti-trafficking policies and measures. In addition, the Special Representative believes that the development of an annual report which would summarize the anti-trafficking measures undertaken vis-à-vis and reflecting the trends and patterns of human trafficking in the country would greatly contribute to being able to assess the impact of the implementation of anti-trafficking measures. Such a report should be presented to the authorities and made public for a broad discussion.

Identification, referral and assistance to victims of trafficking

16. As per the findings of the visit, the Russian Federation largely remains a country of origin and destination for victims of human trafficking for the purposes of sexual and labour exploitation. New forms of exploitation such as trafficking of new-born babies by their parents and exploitation of disabled persons and children in forced begging are also being increasingly observed in the country. Internal trafficking is reported both for the purpose of labour exploitation and forced marriages particularly in the North Caucasus¹⁸. The Special Representative notes significant information available on open source media on the increasing number of trafficking cases for labour exploitation and forced labour in the Russian Federation primarily involving labour migrants from countries in Central Asia, the South Caucasus and Africa.
17. In Russia, as in many OSCE participating States, victims of human trafficking are generally identified by police during the course of their public order duties, as well as through NGO outreach and public awareness activities. Although there is no formal mechanism for the identification of trafficked persons, the Special Representative positively notes the development, by the Russian Ministry of Internal Affairs, of a written instruction for its operative agents to facilitate identification of trafficked

¹⁶ OSCE, Ministerial Council Decision No. 14/06 “Enhancing Efforts to Combat Trafficking in Human Beings, including for Labour Exploitation, through a Comprehensive and Proactive Approach”, MC.DEC/14/06, 5 December 2006

¹⁷ OSCE Action Plan for Combating Trafficking in Human Beings, Chapter IV, para 1, p17

¹⁸ Committee on the Elimination of Discrimination against Women, Concluding observation on the eighth periodic report of the Russian Federation < http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/RUS/CO/8&Lang=En>

persons. However, as 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 UN Palermo Protocol¹⁹, the police deal with the issue as primarily a street crime and fail to identify acts and means that are constitutive elements of the offence of human trafficking broader than the sale and purchase of a person. Moreover, referring to discussions held with the Ministry of Internal Affairs²⁰, the Special Representative points to the fact that the term “victim” is not used by the Russian authorities in the context of human trafficking, nor is it defined in the legislation of the country. Rather, reference is only made to the “injured party” according to the Criminal Code, which applies to victims of all crimes and refers to a person in criminal proceedings. To this end, the Special Representative would like to highlight that the lack of a definition and misperception of the term can have serious implications for the identification process, as well as the overall assistance and protection measures that the trafficked person should be entitled to.

18. The identification and referral of victims between NGOs and law-enforcement is currently done on an ad-hoc basis and needs to be formalized. The Special Representative underscores that co-operation between law-enforcement and civil society or service providers in the identification and referral of trafficked persons should be set out in formal co-operation agreements between the parties defining the roles and responsibilities of the different actors. This would significantly increase the potential and ability of NGOs to contribute to anti-trafficking action in the country. In this regard, the Special Representative emphasizes that an important tool to enhance victim identification and referral for assistance lies in the establishment of a comprehensive National Referral Mechanism (NRM). This provides a framework for co-operation between all relevant actors from the State and civil society, particularly in terms of identifying and protecting victims, assisting them to claim remedy for damages and abuse of their rights, preventing re-trafficking and bringing perpetrators to justice.²¹
19. Moreover, the Special Representative reiterates that identification and assistance to victims of trafficking remains among the main challenges in the OSCE region and recommends that Russian authorities develop, together with civil society organizations, formal guidelines, including a set of indicators to effectively identify various forms of human trafficking, at a minimum, regarding sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, forced begging, forced criminality and the removal of organs. She also recommends strengthening early and proactive identification of victims of trafficking for labour exploitation, including among irregular migrants.
20. As regards assistance and protection measures, the Special Representative notes that Federal Law No.442, On Basis of Social Servicing of Citizens of the Russian Federation, envisages three types of social assistance to all persons in need of social support, including foreign citizens and persons without citizenship who are

¹⁹ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000

²⁰ The meeting held with the Deputy Minister of Internal Affairs on 9 February 2017

²¹ OSCE Permanent Council, Decision No. 557/Rev.1 OSCE Action Plan to Combat Trafficking in Human Beings (Vienna, 7 July 2005), Chapter V “Protection and Assistance”, paragraph 3. See also OSCE ODIHR, National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook (Warsaw, 2004), <http://www.osce.org/odihr/13967>, accessed on 10 June 2017

constantly living on the territory of the Russian Federation and refugees.²² Additionally, the Directive of the Ministry of Labour and Social Protection envisages free social assistance on a limited array of services which reportedly vary from region to region, although the directive does not explicitly mention victims of human trafficking as beneficiaries of the programme. Given that Russian legislation does not envisage any recovery and reflection period for victims of human trafficking and highlights the importance of this period for trafficked persons who have experienced severe trauma, the Special Representative recommends the Russian authorities to introduce a recovery and reflection period of at least 30 days for both presumed and actual victims of human trafficking in Russian Federation legislation without delay. The protective measure considerably increases the chances for co-operative relationship between the victims and the law enforcement and contributes to successful prosecution of offenders.

21. Shelter services for trafficking victims have been exclusively provided through limited non-governmental organizations. NGOs also operate hotlines, and provide online and offline consultations to victims of trafficking. According to the IOM, formal and informal relationships exist between law enforcement, the Ministry of Foreign Affairs, the Ministry of Labour and Social Protection, Moscow and St. Petersburg officials, NGOs, and the Russian Orthodox Church for better protection of victims of trafficking. To date, this is the only program of victim protection and referral currently in place in Russia, albeit unofficial. In addition, there are reportedly about twenty-five crisis centres for women in major cities and in regions of the country. These centres provide general assistance to women and their children in “difficult life situations”. The only state of the art anti-trafficking rehabilitation centre operated under the IOM’s guidance as a model project for 2.5 years from 2007 to 2009. During its existence in suburban Moscow it assisted 332 victims and the police initiated more than 50 criminal cases as a direct result of this centre’s operation.²³
22. Ensuring victims’ access to justice and remedy, including compensation, has been a priority for the Special Representative both as a preventive and protective measure, as it empowers victims and deters further exploitation and re-trafficking. She also recognizes that a precondition for access to justice is the provision of free and qualified professional legal assistance. The Special Representative emphasizes that ensuring free and specialized legal counselling and representation as well as making compensation a reality for every trafficked and exploited person is a critical aspect of an empowerment strategy that enables trafficked persons to move forward with their lives and to prevent re-trafficking. The Special Representative notes the adoption in 2011 of a Federal Law on Free Legal Assistance, but notes the absence of an effective complaint mechanism for trafficked persons. Similarly, Article 42 of the Criminal Procedure Code foresees compensation for material damages to injured parties. The Supreme Court representatives, whom the SR met during the visit, stated the existence of practices of compensation award, however no data was provided on the number of claims or on the amount of compensation paid. To this end, the Special Representative recommends that Russian authorities enhance concrete measures to foster access to free legal assistance for victims; establish a dedicated Compensation

²² Federal Law of the Russian Federation No. 442 on Basis of Social Servicing of citizens of the Russian Federation, adopted on 23 December 2013 <http://cis-legislation.com/document.fwx?rgn=65963>

²³ Information received from the IOM Moscow

Fund and develop simple and effective procedures to enable trafficked persons' access to compensation.

23. The Special Representative believes that child trafficking for various forms of exploitation, including for forced and organized begging, deserves particularly close attention. She recalls the information given by the interlocutors regarding the potential cases of exploitation of children with physical or mental impairments by foster families or temporary fosterage or patronage within the country. Reportedly, of 500,000 registered children in state child care institutions, only 70,000 remained in 2015, with the remainder having been sent to foster families.

The Special Representative underlines that the children of migrants are reportedly another group of children at risk of human trafficking and abuse. According to state officials and civil society organizations met during the visit, in a number of cases, children of labour migrants are forced to work in an informal industry to support their families and face exploitation by employers.

The Special Representative encourages the Russian authorities to increase their efforts in preventing cases of exploitation of children in foster and temporary patronage families by developing rules for regular monitoring of boarding schools and foster families and provide adequate support to labour migrants and their family members to prevent exploitation.

24. Human trafficking for organ removal deserves additional attention in all OSCE participating States, including the Russian Federation, due to the growing demand for transplantations and the lack of supply through legal channels of organ donation/transplantation. In 2013, the Special Representative provided the OSCE participating States with the results of research undertaken by her Office designed to assist all participating States, including the Russian Federation, in the fight against this form of exploitation²⁴. According to the Russian authorities whom the SR met during the visit, no cases of human trafficking for organ removal were registered with law-enforcement agencies since 2013. The Special Representative notes the continuing interest of the Russian authorities as voiced during high level meetings, to detect and address this form of human trafficking in the OSCE region and encourages the Russian authorities to investigate all suspicious, presumed and actual cases and provide the Office with relevant information on concrete cases to support future evidence based research on the issue.
25. Similarly, the Special Representative notes that trafficking for surrogacy was discussed in numerous meetings during the visit, particularly during the meetings held in the Council on Development of Civil Society and Human Rights and the Ministry of Health. She acknowledges the availability of very limited data on the existence of this form of trafficking and exploitation in the OSCE participating States and shares the view of the Russian stakeholders on the need to conduct a research to better understand the scope of the issue. Article 51(4) of the Family Code provides for surrogacy and protects the rights of a surrogate mother. According to the Ministry of Health, surrogate motherhood is not monitored especially when the act is based on the contract between two parties.

²⁴ Trafficking in Human Beings for the Purpose of Organ Removal in the OSCE region: Analysis and Findings, OSCE, 2013

Investigation and prosecution of human trafficking

26. As stated in paragraph 12, Criminal Code articles 127.1 and 127.2 criminalize human trafficking and slave labour by prescribing punishments of up to fifteen years of imprisonment. The Criminal Procedure Code regulates the investigative jurisdiction of the crime and gives it to two law-enforcement agencies: the Ministry of Internal Affairs (MIA) and the Investigative Committee (IC). The MIA is responsible for operational, detective and investigatory activities of all aspects of the two statutes 127.1 and 127.2, while the IC is authorised with the investigation of aggravated crimes of human trafficking and slave labour (e.g. where the crime is committed by an official, against a minor, against two or more victims, and/or is organized in its nature). According to the MIA statistics provided during the visit, since 2012, there has been a significant decrease in the number of registered cases under articles 127.1 and 127.2. In 2012, the MIA registered 70 cases, in 2013 66 cases, in 2014 25 cases, in 2015, 37 cases and in 2016 19 cases under human trafficking (Article 127.1). There were 17 cases registered under the slave labour article (Article 127.2) in 2012, 13 in 2013, 7 in 2014, 4 in 2015, and 21 in 2016. As opposed to a moderate number of cases registered under the above mentioned statutes, the Special Representative notes high steady numbers of registered cases under articles pertaining to engagement into prostitution (Article 240) and organization of prostitution (Article 241) from 2012 to 2016.²⁵ According to legal scholars, the difficulty of the THB definition prevents the investigators from initiating a criminal case under Article 127.1 and applying legal norms of the provisions to the criminal activity that led the defendants to the trial. According to the Ministry of Internal Affairs, while there are around 150.0000 crimes registered annually in the Russian Federation, only 19 cases constitute elements that amount to a human trafficking offence. The Special Representative assumes that the investigation and prosecution of human trafficking relies heavily on victim's testimony and cooperation with the authorities and notes that a major lack of protection for the victim, as well as a lack of victim support structures built into the system in the Russian Federation, impedes such a co-operation with law enforcement agencies, thus making the cases difficult to investigate and prosecute.

As regards the measures conducted by the Investigative Committee (IC), the Special Representative notes that according to the Criminal Procedure Code of the Russian Federation, the operational search activities can also be initiated based on information sent by citizens and through monitoring of media reports, social media and internet advertisements. The IC received 44 leads in 2013, 39 leads in 2014, 37 leads in 2015 and 16 leads in 2016 related to trafficking in minors. On 37 leads, 26 criminal cases were initiated in 2015 and 12 criminal cases were initiated in the first half of 2016. According to the IC, there are two ways child trafficking manifests itself in the Russian Federation: the sale of new-born babies by their parents and involvement of minors in prostitution. Both are committed by Russian citizens and migrants. In this regard, the Special Representative recommends that the Investigative Committee expand its attention to suspicious and actual cases of trafficking of children for forced begging and forced criminality due to this being an increasingly prevalent form of

²⁵ Article 240: 2012-496; 2013-279; 2014-387; 2015-212; 2016-214. Article 241: 2012-646; 2013-652; 2014-635; 2015-650; 2016-556.

exploitation of children in the Russian Federation, as well as in many other OSCE participating States.

The Special Representative notes that the Concept of Public Order of the Russian Federation envisages combating human trafficking as one of the aspects of maintaining public order in the country, alongside combating other criminal infringements on the rights and freedoms of citizens and material and spiritual values of society.²⁶ The Special Representative wishes to see an active engagement of police in the timely identification of trafficking victims.

27. With regard to the prosecution of human trafficking and related crimes, the Special Representative notes that in 2015, the Russian authorities convicted 39 persons under Article 127.1 and 4 under article 127.2 para 2 (aggravated use of slave labour).²⁷ The Special Representative notes that the convictions also include parole sentences and sentencing under other (mitigating) circumstances. The Special Representative acknowledges information provided during the visit which suggests that only a few cases of human trafficking receive a sufficient sentence. To this end, the Special Representative recommends that the Russian authorities develop specialized training for prosecutors and judges on key indicators for each and every form of human trafficking, as well as on the *irrelevance of consent* and *abuse of the position of vulnerability*, with a view to ensuring that all forms of THB and forced labour are effectively prosecuted.
28. Note 1 under Article 127.1 of the Criminal Code provides for exemption from criminal liability in the case of a perpetrator committing a crime under Article 127.1 voluntarily freeing the injured party, facilitating the detection of the crime, or if the offence does not include any other *corpus delicti*. According to the Supreme Court, this note has not been used in human trafficking cases and mostly applies to drug offenders. In this regard, the Special Representative notes that courts of general jurisdiction in the Russian Federation rarely acquit traffickers, including on appeals.²⁸
29. Regarding mutual legal assistance, the Special Representative positively notes the cooperation of the General Prosecutors of the Russian Federation with competent agencies of other countries on issues of extradition of persons accused in committing human trafficking offences, as well as in the area of mutual legal assistance. In 2016, the General Prosecutors reviewed 32 inquiries sent by foreign countries and extradited two citizens to the Republic of Uzbekistan and two citizens to Moldova. During the same year, the Russian Federation sent three inquiries on the extradition of Russian citizens accused of trafficking persons to Turkey and Spain.
30. The Special Representative is pleased to note that the Russian Criminal Code contains a non-punishment clause which is fundamental for exempting victims of crime from civil, administrative or criminal liability for offences committed under coercion or intimidation. Article 39 on “Extreme Necessity” stipulates that the “harming of legally-protected interests in a state of extreme necessity, that is, for the

²⁶ Concept Of the Public Order of the Russian Federation, approved by the decree No. 2685 of the President of the Russian Federation on 14 November 2013

²⁷ Judicial Department under the Supreme Court <http://www.cdep.ru/index.php?id=79&item=3418> accessed on 5 July 2017

²⁸ See the materials of the recent court appeal decisions <https://rospravosudie.com/court-moskovskij-oblastnoj-sud-moskovskaya-oblast-s/act-533395756/>; <https://rospravosudie.com/court-permskij-kraevoj-sud-permskij-kraj-s/act-524310789/>; <https://rospravosudie.com/court-kurganskij-oblastnoj-sud-kurganskaya-oblast-s/act-489251035/>

purpose of removing a direct danger to a person or his rights, to the rights of other persons, or to the legally-protected interests of the society or the State, shall not be deemed to be a crime if this danger could not be removed by other means and if there was no exceeding the limits of extreme necessity.”²⁹ Article 40 on Physical or Mental Coercion stipulates that “the infliction of harm to legally-protected interests as a result of physical coercion shall not be a crime, if in consequence of such coercion the offender could not control his actions (inaction)”. While this article does not directly apply to prevent administrative violations, the intention is to protect persons from being punished for something that was part of a trafficking process. In this regard, the Special Representative is concerned to learn that children found committing a theft or organized theft, are criminalized together with their exploiter and takes the view that non-punishment provision should be interpreted in light of the definition of trafficking in human beings, especially with regard to a comprehensive understanding of compulsion i.e. inclusive of all means foreseen in the international definition of human trafficking. To this end, the Special Representative recommends the Russian authorities to amend the relevant legislation to include explicit reference to the application of non-punishment in relation to victims of human trafficking. Additionally she considers it expedient to adopt an open-ended list of offences typically related to trafficking in human beings with regard to the commission of which victims of human trafficking shall be immune from punishment.

No data is available on the number of cases when these provisions were used to exonerate a trafficked person from a criminal or administrative liability for committing an offence during the trafficking process.

Prevention of human trafficking

31. The Special Representative positively notes that the official website of the Ministry of Foreign Affairs of the Russian Federation includes information about dangers of human trafficking for those going abroad and encourages the Russian authorities to make this information as visible as possible, as well as to include information on how best to access assistance. The Special Representative also recommends the authorities to include information on the risks of human trafficking for foreigners entering the Russian Federation. This is especially needed for countries with rapid economic growth that have become a destination for labour migrants who may be kept in degrading working and living conditions and face exploitation.
32. On 1 January 2015, the Russian authorities adopted a new migration law which requires foreign workers from countries outside the Eurasian Economic Union to pass Russian language and history tests; acquire work permits (so called “patents”) and pay monthly fees. Furthermore, Tajik citizens who could previously travel in Russia using national identity cards will now have to produce an international passport and many face a re-entry ban. For those Tajik workers already in the country, this change of law gives workers neither the right to remain nor the right to leave.³⁰ The fees for work permits as in previous years are highest in Yakutia, Yamalo-Nenets and Nenets autonomous okrugs, while the lowest fees can be found in Kabardino-Balkaria, the Republic of Altai, Khakassia, North Ossetia, Chechen

²⁹ Criminal Code of the Russian Federation, Part 8 Circumstances excluding the criminal nature of the offence. Section II Excusatory and Mitigating Cause, Article 28 on Force and Violence, Menace and Threat

³⁰ Global Slavery Index 2016 – Russia < <https://www.globallslaveryindex.org/country/russia/>> accessed on 25 May 2017

Republic and Chuvashia.³¹ While commending the efforts of the Russian authorities to regulate labour migration to the country, a factor which is reportedly having a positive effect in preventing possible exploitation of irregular migrants in the country, the Special Representative encourages the authorities to ensure that these measures do not actually further enable human traffickers and migrant smugglers to facilitate the supply of labour migrants to the country through illegal channels to meet the demand for migrant workers.

33. In the area of prevention of human trafficking for labour exploitation affecting labour migrants, in 2014, the Russian authorities amended the Law on the Status of Foreigners which regulates the entry and work of foreigners in the Federation. The law on Legal Stay eased the employment of labour migrants by allowing migrants to come to the Russian Federation freely through the new resident permit scheme, which is important as 90 per cent of migrants entering to the Federation are from the CIS. The law and agreements on organized labour recruitment with sending countries are aimed at preventing rights violations by ensuring that labour migrants know their rights and what to do should a problem occur. As a result, on 5 April 2017, the Russian authorities have signed an Agreement with Uzbekistan on organization and involvement of Uzbek citizens into temporary work in the territory of the Russian Federation. This agreement is not in force yet. The Special Representative notes the existence of agreements between the Russian authorities and other CIS countries on labour activity and protection of rights of labour migrants and positively notes that the aforementioned agreement signed in 2017 provides for better organization and regulation of labour migration. The Russian authorities is currently in the process of signing similar agreements with all CIS countries to better regulate labour migration and protect those wishing to work in the Federation, including by means of legally remaining and the prevention of irregular migration.
34. The Special Representative is aware of a large number of international media reports on the alleged exploitation of North Korean workers in the Russian Federation. While she notes that the recruitment of labour migrants from the Democratic People's Republic of Korea (North Korea) is regulated by a bilateral agreement signed between authorities of the Russian Federation and North Korea on 31 August 2007 on the temporary recruitment of citizens of one country in the territory of another one, which was further extended in 2015, the reports indicate involvement of the workers in unsafe and dangerous conditions susceptible to accidents. In 2016, Russia and North Korea have reached a labour immigration agreement to expand a program that already employs 40,000 North Korean laborers in Russia's timber and construction industries. According to the Ministry of Labour and Social Protection, which the SR visited during the visit, inter-agency commission was established between the two countries, with regular meetings taking place to discuss topics of mutual interest. The Russian authorities stated that no complaints have been made in regard to any alleged exploitation, although there have been some complaints on labour grievances. Taking note of the discussions and available sources that allege exploitation, the Special Representative recommends that the Russian authorities regularly conduct labour inspections in sectors that are particularly prone to potential exploitation and abuse in relation to the prevention of exploitation of labour migrants in the country.

³¹ Сколько стоят патенты для мигрантов в регионах России в 2017 году? <http://tjk.rus4all.ru/infographics/20170227/728057182.html>
accessed on 10 July 2017

35. Articles 354-361 of the Labour Code of the Russian Federation define the main tasks, rights and obligations of the Federal labour inspection. According to Article 360 (Rules for organization and inspection of employers), labour inspectors conduct planned and unexpected inspections throughout the territory of the Federation. Unexpected inspections are triggered in cases when the date given to the employer to improve the labour law violation is expired, upon the receipt of a complaint by citizens or individual entrepreneurs, information provided by state authorities and/or complaint by an employee on the violation of their labour rights.³² The Special Representative notes the adoption in June 2015 of a Concept for Enhancing Enforcement of Labour Law and other Statutory Acts that includes Labour Regulation for the period of 2015 to 2020. In this regard, the Special Representative recommends that the Russian authorities enhance the inspection of workplaces to prevent and detect abusive and exploitative practices. In addition, she encourages the authorities to adopt mechanisms to prevent trafficking for labour exploitation in supply chains and in the public procurement practices.
36. The Special Representative notes that Article 6.19 of the Administrative Code introduced administrative liability of legal entities for the creation of conditions conducive to child exploitation and trafficking in minors.
37. The Special Representative would like to highlight the role of the Council for Human Rights and Civil Society under the President of the Russian Federation in the development of civil society and monitoring of the human rights situation in the country, thereby raising public interest and concern on the political level. The Special Representative also notes the sessions that the Council conducts on separate topics of public interest and welcomes the interest and readiness of the Council to look at the possibility of organizing a meeting of the council on human trafficking in the Far East of the Federation where a significant number of reports of alleged labour exploitation are made. The Special Representative recommends that the Council conducts monitoring visits to the Far East of the Federation to provide oversight on the issue of reported labour exploitation and holds a special meeting on the issue upon returning.
38. The Special Representative commends the Civic Chamber of the Russian Federation for initiating a roundtable discussion on 25 October 2016 dedicated to the “Problem of human trafficking as a modern threat to society in the Russian Federation” and developing a set of concrete recommendations to improve anti-trafficking measures in the country. The Civil Chamber was established in 2005 under the Federal Law ‘On the Civic Chamber of the Russian Federation’. Its purpose is to help citizens interact with government officials and local authorities in order to take into account the needs and interests of citizens, to protect their rights and freedoms in the process of shaping and implementing state policies, and to exercise public control over the activities of executive authorities. The Civic Chamber is comprised of prominent representatives of national, regional and interregional NGOs in the Russian Federation.³³ The Special Representative supports the recommendations provided by

³² Labour Code of the Russian Federation No. 197, adopted on 30 December 2001

<http://www.consultant.ru/document/cons_doc_LAW_34683/12aa18978357b4c6e421184fe59d9a5306557470/> accessed on 13 July 2017

³³ Civic Chamber of the Russian Federation <https://www.oprf.ru/en>

members of the Civil Chamber and recommends that Russian authorities make good use of these recommended actions.

39. On an international level, it has been recognized that the prevention of trafficking may be achieved through measures to address domestic and gender based violence. While the Special Representative took positive note of the planned initiative of the Russian authorities to develop a National strategy for protection of the interests of women, she is concerned about the recent amendments made to the criminal law enabling the partially decriminalizing domestic violence. According to the amended Article 116 (Beatings) of the Criminal Code, "beatings" constitutes actions that "caused physical pain, but did not lead to consequences." If such beatings are committed for the first time, the offense is transferred from the category of criminal to the category of administrative offenses. In this case, the offender is fined for thirty thousand ruble or arrested for fifteen days or involved in correctional labor. In case of repeated violence, the offence is punished with a fine of up to forty thousand rubles or in the amount of the salary or other income of the accused person for a period of up to three months, or by compulsory labor for up to two hundred and forty hours, or by corrective labor for up to six months, or by arrest for up to three months.³⁴ To this end, the Special Representative encourages the Russian authorities, together with civil society organizations, to conduct a research on the extent of domestic violence and gender based violence in the country to both understand the root causes of the problem and eliminate it.
40. In conclusion, while positively noting the commitment and numerous steps taken in the prevention and countering of trafficking by the Russian Government, the Special Representative encourages the authorities to continue their efforts and invites them to consider the following recommendations to enhance the implementation of OSCE anti-trafficking commitments, in particular the OSCE Action Plan to Combat Trafficking in Human Beings and its Addendums³⁵. The Special Representative and her Office stand ready to provide technical assistance, if requested, by national and local authorities as well as civil society, and welcome further dialogue and co-operation to promote the appropriate follow-up to these recommendations.

Recommendations

1. Enhance legal and policy framework by:

- Signing and ratifying the Council of Europe Convention on Action against Trafficking in Human Beings which provides a higher level of protection to victims of human trafficking
- Signing and ratifying the ILO Protocol of 2014 to Forced Labour Convention No. 29 which aims to advance prevention, protection and compensation measures.

³⁴ Articles 116 and 116.1 of the Criminal Code of the Russian Federation, available in http://www.consultant.ru/document/cons_doc_LAW_10699/6dba187564f6295ba160042bed507b2a62939c22/

³⁵ OSCE Permanent Council, Decision No. 557/Rev.1 *OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005); OSCE Permanent Council, Decision No. 1107 *Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later* (Vienna, 6 December 2013).

-Signing and ratifying ILO Convention 189 concerning Decent Work for Domestic Workers which serves as a powerful instrument for the prevention of THB for labour exploitation, especially for domestic servitude.

-Signing and ratifying the International Convention on the Protection of the Rights of all Migrant Workers and members of their Families entered into force in 2003.

-Amending Criminal Code provisions 127.1 and 127.2 to align with the human trafficking definition provided for under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime.

-Amending relevant legislation to include an explicit reference to *irrelevance of victim's consent* to the intended exploitation.

- Developing a dedicated Anti-Trafficking Law based on the CIS Model Laws on Combating THB and on the Protection of the Victims of Trafficking adopted by the CIS Parliamentary Assembly in 2008.

-Developing a National Action Plan (NAP) in close co-operation with civil society and international organizations based on solid empirical evidence of the features of THB in the Russian Federation and of the impact of measures previously taken, as well as on an analysis of the specific challenges that must be met in order to enhance the effectiveness of the country's response. Given the size of the country, as a starting point, the Special Representative considers it expedient to develop a national action plan in one of the regions of the Federation as a pilot which can subsequently be multiplied throughout the country and tailored to the human trafficking situations and practices of each part of the Federation.

- Appointing a National Co-ordination body to enable effective co-ordination and monitoring of anti-trafficking measures and the development of actions tailored to the current situation in the country.

- Establishing an independent National Rapporteur or an equivalent mechanism to ensure the monitoring and evaluation of counter-trafficking activities in the country at the national level.

- Establishing a unified database with due regard to the confidentiality of data, and where possible, to disaggregate statistics by sex, age, and other relevant factors as appropriate. In addition, this database should include compatible criteria for data collection, elaboration and reporting, which are critical for the development and review of anti-trafficking policies.

2. Enhance victim identification, assistance and protection by:

- Defining the term “victim” in the national legislation to ensure the accurate understanding of the person suffered from human trafficking and in line with the definition provided in the Council of Europe Convention.

- Developing a National Referral Mechanism, a multi-disciplinary framework between all relevant actors from the State and civil society, aimed at identifying and referring victims to assistance and protection.

- Developing a set of indicators to effectively identify various forms of human trafficking and to strengthen the early and proactive identification of victims of trafficking for labour exploitation, including among irregular migrants.

- Introducing a recovery and reflection period for both presumed and actual victims of human trafficking in the legislation.

- Placing increased attention on the phenomenon of internal trafficking of young girls and women for forced marriages in the Federation with a view to developing targeted responses and providing relief measures.

- Strengthening the current system of child protection, in particular in boarding schools and child institutions throughout the country tackling any type of exploitation of children; prioritizing care and protective measures for children taken for adoption and temporary patronage.

- Establishing, with adequate financial support, shelters for trafficking victims where necessary so as to ensure and safeguard the quality and presence of necessary assistance services.

- Increasing efforts to identify and assist victims of forced begging, in particular among disabled children and adults, as well as mapping the areas where forced and organized begging is likely to happen.

3. Enhance prevention of labour exploitation by:

- Conducting targeted qualitative and quantitative research to analyse the features and trends of the phenomenon of trafficking for labour exploitation.

- Ensuring systematic labour inspections, especially in sectors prone to labour exploitation, i.e., agriculture, textile, construction and tourism.

- Continuing to raise awareness among professionals and the general public with regard to various and emerging forms of human trafficking, highlighting trafficking for labour exploitation, forced criminality and organ removal.

4. Enhance the criminal justice response to all forms of human trafficking by:

- Amending relevant legislation to include explicit reference to the application of the non-punishment in relation to victims of human trafficking.

- Ensuring that criminal investigations are aimed at detecting and dismantling the whole criminal network behind a trafficking operation, including those who organize and/or direct and those who aid and abet.

- Prioritizing proactive investigations and prosecutions of cases of trafficking for labour exploitation, forced criminality and trafficking for forced marriages.

- Investigating all allegations or suspicions of abuse and exploitation of children, including in child institutions and adopted families, with due diligence. It is essential to ensure that the best interests of the child are the primary consideration in all actions, including for victims or presumed victims of trafficking in human beings.

- Investigating all pending cases of human trafficking for organ removal, and instances where it is suspected, as well as enhancing international co-operation with countries of origin and destination in this matter.

- Developing specialized training for prosecutors and judges and for the staff of the Ministry of Internal Affairs and the Investigative Committee, on key indicators of all forms of human trafficking, as well as on *irrelevance of victim's consent* and *abuse of the position of vulnerability*, with a view to ensuring that crimes related to THB are effectively identified, investigated and prosecuted.

**COMMENTS PROVIDED BY
THE RUSSIAN FEDERATION IN RESPONSE TO THE REPORT PUBLISHED BY
THE OSCE SPECIAL REPRESENTATIVE AND CO-ORDINATOR FOR
COMBATING TRAFFICKING IN HUMAN BEINGS ON THE RESULTS OF HER
VISIT TO RUSSIA**

(received on 9 April 2018)

The Russian Federation's relevant agencies have read attentively the report by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova, on the results of her visit to Russia in February 2017. We should like to present the following reflections and materials related to the issues addressed by the report.

Combating as complex a phenomenon as trafficking in human beings requires co-ordinated efforts at the international and national levels and must take into account the specific circumstances in each State. The general global increase in this type of crime means that State agencies, law enforcement bodies and civil society in the Russian Federation must also unite their efforts to combat trafficking in human beings.

The relatively small overall number of human trafficking-related crimes in Russia is evidence, in our view, of the comparatively low level of trafficking-related crime in our country and of the latent nature of this type of crime.

Global practice supports the latter assertion. The situation is further complicated by the fact that victims of trafficking-related crime often come from socially disadvantaged population groups and remuneration for provision of sexual services might be their main source of income, which explains their reluctance to tell the law enforcement agencies about the crimes of which they are victims.

In this context, we believe that if we want to prevent the spread of trafficking in human beings, we first must address the deeper causes of this phenomenon such as the sex industry, the steady demand for cheap "live goods", low living standards of families with children, and the lack of a stable source of income among some population groups. At the same time, tough penalties are needed against criminal groups, which are the main organizers or intermediaries in carrying out illegal deals that involve the trafficking of human beings.

We thank the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Madina Jarbussynova, for her recommendations, which are currently being examined by the relevant agencies in the Russian Federation.

We present a number of clarifications pertaining to the report's different sections, as well as our thoughts on the issues addressed.

The international and national legal frameworks

The Russian Federation participates actively in international co-operation to combat trafficking in human beings. At the regional level we place great importance on developing co-operation within the Commonwealth of Independent States (CIS). Russia also co-ordinates closely with various agencies, services and non-governmental organizations engaged in this area.

The Russian Federation is party to a number of the basic international legal agreements on combating trafficking in human beings. Russia is currently in the process of inter-agency discussions on the possibility of signing the Council of Europe Convention on Action against Trafficking in Human Beings.

Combating trafficking in human beings is one of the areas for co-operation under the intergovernmental and inter-agency agreements on co-operation in fighting crime that we have concluded with more than 60 countries.

The open borders within the CIS and absence of a visa regime means that in most cases of trafficking in human beings in this area, people crossed the border legally and with valid documents. In this situation, only a fraction of trafficking can be stopped and prevented at the border through the use of border control measures.

In this context, extending measures to combat trafficking in human beings throughout the CIS area was judged to be the most effective approach. An agreement on co-operation between the CIS Member States' interior ministries (police) on combatting trafficking in human beings was signed in September 2010. The CIS Council of Heads of State, at its summit in October 2014 in Minsk, adopted the Concept of Co-operation between the CIS Member States to Prevent Trafficking in Human Beings. This concept document states that trafficking in human beings is one of the most dangerous types of transnational organized crime committed in pursuit of criminal gain. The CIS approved the 2014–2018 Programme for Co-operation on Combating Trafficking in Human Beings, which states that its purpose is to:

- Harmonize national legislation, including on the basis of model laws on trafficking in human beings passed by the CIS Interparliamentary Assembly;
- Draft specific recommendations and mechanisms to harmonize and enhance national legislation as regards defining the list of crimes related to trafficking in human beings. This includes regulating common approaches to establishing such lists and the procedures for their statistical registration, reporting, analysis, and summary of data;
- Analyse the results of work by the CIS Member States' financial monitoring bodies to detect, track and seize criminal revenue of human traffickers and raise the effectiveness of these bodies' work with the relevant law enforcement agencies in this area;
- Organize comprehensive joint inter-agency preventive and special operations and so on.

Implementing the 2014–2018 Inter-State Programme for Joint Crime Prevention Measures and in accordance with the plan and calendar for agreed preventive, investigative and special operations activities for 2014–2018, the Russian Interior Ministry took part in measures in March 2017 to suppress channels of illegal migration and trafficking in human beings, detect and suppress the illegal circulation of forged passports, visas and other documents, and seize (confiscate) criminal revenue from human traffickers.

These measures resulted in the detection of 2,691 crimes, of which 2020 involved illegal migration, 669 involved illegal manufacture and circulation of forged passports, visas and other documents, and 2 involved trafficking in human beings (in the Russian Federation's Mordovia Republic and Udmurtia Republic). Criminal charges were brought against 1,701 people for these crimes. The activities of five organized criminal groups involved in illegal migration, trafficking in human beings, and illegal manufacture and circulation of forged passports, visas and other documents were suppressed. Four illegal migration channels were shut down (two in the Karelia Republic, one in Ivanovo region and one in Smolensk region).

Russia's legal and organizational toolbox enables the law enforcement agencies to fulfil their mission to guarantee personal safety and respect for basic human rights and freedoms, of which combating trafficking in human beings is an integral part.

Russia makes use of close inter-agency co-ordination and the operational capabilities of all law enforcement agencies to combat trafficking in human beings and prevent and suppress the activity of organized criminal groups.

In 2017, the Russian Federation law enforcement agencies registered 21 crimes that come under Article 127.1 of the Russian Federation Criminal Code (trafficking in human beings). Thirteen of these crimes were solved, including one crime that was committed as part of an organized group and criminal community. The identities of 28 people who committed these criminal acts were established. In 2017, the Russian Interior Ministry carried out measures to raise the effectiveness of efforts to detect, suppress, solve and investigate crimes classified as coming under Article 127.1 of the Russian Criminal Code (trafficking in human beings), including through implementing decisions drafted at the inter-agency and intra-agency levels on combating trafficking in human beings.

Russian Federation legislation has more than 15 criminal law provisions related to trafficking in human beings. As well as Article 127.1 of the Russian Criminal Code, law enforcement agencies also investigate criminal cases under the provisions of Article 127.2, parts 2 and 3, of the Criminal Code (use of slave labour); Article 136 of the Criminal Code (violation of the equality of human and civil rights and freedoms); Article 143 of the Criminal Code (violating occupational health and safety requirements); Article 145 of the Criminal Code (unjustified refusal to hire or unjustified dismissal of a pregnant woman or a woman with children under the age of three years); and Article 145.1 of the Criminal Code (non-payment of wages, pensions, stipends, benefits and other payments).

Over the first six months of 2017, the law enforcement agencies registered nine crimes under Article 127.2 of the Russian Criminal Code and prosecuted one person. Five cases were sent to the courts.

Article 37, part 2, of the Russian Federation Constitution prohibits forced labour in the Russian Federation. Article 4 of the Russian Federation Labour Code also refers to the ban on forced labour. In accordance with the amendments to the Labour Code in 2006 (Federal Law No. 90-FZ of 30 June 2006), forced labour does not include:

- Work performed under the laws on military duties and compulsory military service or alternative civilian service carried out in lieu of military service;
- Work performed in situations of emergency or martial law and under the procedures set by the federal constitutional laws;
- Work performed in extraordinary circumstances (natural disaster or threat of disaster such as fires, floods, famines, earthquakes, epidemics or epizootics) or other circumstances that threaten the health or normal life of all or part of the population;
- Work performed following entry into force of a sentence passed by the courts and carried out under the oversight of the State agencies charged with observance of the legislation in execution of court sentences.

In accordance with Russian Federation legislation, labour performed as part of a penalty imposed by a court is not considered forced labour. Under Article 9, part 2, of the Russian Federation Criminal Corrections Code, the “main means for correction of sentenced persons are: the sentence (regime) served and carried out in accordance with set procedures, educational work, community service, general schooling, vocational training and public influence.”

Article 106 of the Criminal Corrections Code states:

1. Persons sentenced to terms of imprisonment may perform only such unpaid work as involves development and maintenance of the correctional facilities and adjacent territory.
2. Sentenced persons with category one or two disabilities, sentenced men above the age of 60, sentenced women above the age of 55, and pregnant women may take part in unpaid work only at their own request.
3. Sentenced persons shall perform unpaid work on a rotation basis in their free time, but the amount of unpaid work shall not exceed two hours a week. The duration of such work can be increased upon a written request from the sentenced person or when urgent work is required, upon a decision by the head of the correctional facility.

At the same time, we must remember that crimes related to trafficking in human beings, slave labour and labour relations are highly latent in nature and very difficult to detect. Recruitment

often takes place through job-hunting businesses, tourism sector companies, marriage agencies and so on, and so there is a need to raise the demands regarding some types of activity (work, services) that could be used for the purposes of trafficking in human beings and (or) their exploitation.

For example, the Programme for Co-operation between the CIS Member States on Combating Trafficking in Human Beings contains a recommendation to put in place and implement licencing controls, State oversight and monitoring of the business activity of organizations engaged in:

- (a) Acting as international marriage intermediaries, modelling, finding people jobs abroad, organizing leisure and tourism;
- (b) Organizing training, health-related travel and employment for minors, international adoptions of children, and travel of young people to take part in mass sports and cultural events abroad.

Russian Federation legislation also protects children from crimes related to the trafficking in or sexual exploitation of minors:

- Federal Law No. 58-FZ of 5 April 2013 on amendments to particular Russian Federation legislative acts in order to prevent trafficking in or exploitation of children, child prostitution, and activity related to the manufacture and circulation of materials or objects containing pornographic images of minors. This law's purpose is to ensure the Russian Federation's ability to fulfil its commitments under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and the 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- Federal Law No. 380-FZ of 28 December 2013 adds to the Russian Federation Criminal Code Article 240.1 – receiving sexual services from a minor – establishing penalties for this crime of up to 240 hours of compulsory labour, imprisonment for up to two years, or a maximum of four years' forced labour, or up to four years' imprisonment.

The federal law on basic guarantees of the rights of the child in the Russian Federation now includes the concepts of “trafficking in children”, “exploitation of children” and “victim of trafficking in and (or) exploitation of children” and defines measures for preventing trafficking in and exploitation of children. Trafficking in children is defined as the purchase and sale of minors, other deals involving minors, and recruitment, transport, transfer, concealment and receiving done for the purpose of exploiting minors. Exploitation of children is defined as the use of minors in prostitution or other forms of sexual exploitation, slave labour (services) of minors, deprivation of freedom of minors, illegal removal of minors' organs and (or) bodily tissue, and illegal adoption of minors for motives of profit.

We believe that it is particularly important in today's situation to raise professionalism and develop specialization among law enforcement personnel engaged in prevention of trafficking in human beings and combating corruption in oversight agencies and the police.

Example: In 2016, the Moscow Prosecutor's Office sent to court a criminal case against a former police officer charged with sheltering the owners of a brothel. The Prosecutor's Office of the Moscow City Eastern Administrative District submitted a conclusion pointing to the guilt of 41-year-old A., a former officer with the search and operations unit for combating trafficking in human beings and organized prostitution at the Moscow City Northern Administrative District criminal police.

A. was charged under Article 290, part 6, of the Russian Criminal Code (particularly serious bribe-taking, in monetary form and for illegal inaction, and extortion by an official).

The investigation established that in February 2014 Police Major A. discovered through operations conducted on the territory under his responsibility a brothel but took no action to suppress its unlawful activity. Using his position of authority, he demanded from the brothel owner a monthly payment of 50,000 roubles in exchange for his not taking the required response measures. To conceal his actions and make it more convenient to receive the monthly payment, A. also demanded that he be given a bank card made in a third party's name, with the pin code, and this was done.

In 2014–2015, A. received close to 1.3 million roubles for his criminal inaction and even went so far as to withdraw money from the ATM installed at his workplace.

The crime came to light during an investigation into a criminal case against the organizer under Article 241 of the Russian Criminal Code and A. was detained by the officers of the Moscow city police force's internal security unit. The case has been sent to court for examination.

To raise the effectiveness of its oversight in this area, the Russian Federation Prosecutor's Office is drawing on both Russian and foreign best practice in preventing this type of crime and is making use of the possibilities for legal co-operation on criminal affairs offered by international agreements and the Russian Federation Criminal Procedural Code. The Prosecutor's Office carries out information work in this area and co-operates with civil society organizations.

In recent years, the Prosecutor General's Office has organized a number of seminars and working meetings on exchange of experience in combating trafficking in human beings and assisting victims of these crimes. Such events have taken place with representatives of State agencies and non-governmental organizations from Italy, Greece, Cuba, Uzbekistan and other countries. Russia uses these events to inform participants on the real statistics and trends regarding crimes related to trafficking in human beings and openly discuss global human rights issues in this area, which helps with further development and improvement of methods for co-operation between law enforcement agencies.

The Prosecutor's Office puts the emphasis on checking that the agencies responsible for ensuring that individuals and legal entities respect migration laws do so in timely, full and lawful fashion. This is a priority for the Prosecutor's Office and it has made a solid contribution to combating migration-related crimes. In particular, on the basis of materials sent by the Prosecutor's Office to the investigative agencies, more than 11,000 criminal cases on migration-related crimes were opened in 2016 alone.

Combating and preventing trafficking in human beings and protecting victims

An analysis of official statistics on the results of efforts to combat trafficking in human beings in the Russian Federation shows that there are a number of different trends in the structure of these crimes.

As regards combating crimes such as the use of slave labour, a study of oversight practice results reveals a close link between labour exploitation and illegal migration. It should be noted that although illegal migration persists as an acute problem in the Russian Federation, the situation has clearly improved as a result of the progressive development of national legislation (strengthening criminal and administrative liability and combating the phenomenon of so-called "elastic apartments"), improvement of State control in this area and concentration of the efforts of all law enforcement agencies on countering violations of migration law. This position is of fundamental importance given that, in accordance with the Concept of the State Migration Policy of the Russian Federation until 2025, Russia's current migration policy is aimed at ensuring the Russian Federation's national security, maximum protection, comfort and prosperity for the country's population, stabilization and increase of its population as well as the Russian economy's labour force needs, modernization, innovative development and enhancing the competitiveness of its industries.

It is also significant that the Russian Federation Security Council, whose decisions are binding on all domestic executive bodies, has given repeated consideration to migration issues and trafficking in human beings.

An analysis of indictments under Articles 127.1 and 127.2 of the Russian Criminal Code sent by prosecutors to court allows us to draw conclusions regarding the criminological characteristics and the reasons for these crimes and to establish the main personality traits of criminals and victims of these crimes. For example, studies conducted show that 98 per cent of crimes related to trafficking in human beings involve various forms of sexual exploitation. Victims of traffickers are often young women facing hardship or persons with little social protection.

Example: The Gagarinsky District Court in Moscow issued a guilty verdict in the criminal case against a 28-year-old unemployed Moscow resident, G. She was convicted under Article 127.1, part 2, paragraphs (a) and (b), of the Russian Criminal Code (trafficking in human beings involving two minors).

It was established that G. was engaged in the criminal procurement of girls for the purpose of obtaining an illegal income. Placing advertisements on the Internet, she promised girls

high-paid salaries for one-off meetings with wealthy men. The deceived girls were in fact available for sale and purchase and became the clients' "property".

In 2014, G. posted an advertisement on social media seeking girls to provide intimate services. Corresponding online with two Moscow schoolgirls aged between 16 and 17 years, who had responded to the advertisement, she suggested that they provide intimate services to clients for monetary remuneration. In October 2014, G. was detained during an investigative operation in the process of receiving money.

The court agreed with the public prosecutor of the Gagarinsky Inter-district Prosecutor's Office and sentenced G. to four years' imprisonment, with her sentence to be served in a regular-regime correctional colony.

Approximately 20 per cent of criminal proceedings involving crimes that come under Article 127.1 of the Russian Criminal Code are initiated in connection with offences involving trafficking in newborn children – such acts are usually committed by migrant parents. For example, in 2016, of the 12 children who were victims of crimes that come under Article 127.1, part 2, paragraph (b), of the Russian Criminal Code 8 were less than a year old.

Example: In 2016, a 25-year-old Kazakhstan national was convicted by the Oktyabrsky District Court in Lipetsk of crimes under Article 127.1, part 2, paragraph (b), of the Russian Criminal Code (trafficking in human beings involving a minor) and Article 327, part 2, of the Russian Criminal Code (forgery of documents).

The court established that in July 2012 the man, along with his wife and child, travelled to Lipetsk and took up permanent residence there. The family lived in rented apartments and did not attempt to find employment. A son was born in Lipetsk. However, after a while, the marriage broke down and the wife returned to Kazakhstan with the older child, leaving the two-year-old son in the care of the father.

Not having the means or desire to support the child, the father decided to sell the child for 1.5 million roubles and posted an advertisement to this effect on the Internet. In order to facilitate the sale, he forged a death certificate stating that the child's mother had been killed in a road traffic accident. In the meantime, police officers got wind of the impending crime and stepped in to act as the "buyer". The father was detained when the child was taken to the "buyer" at one of the city's shopping and entertainment centres.

With due regard for the position taken by the public prosecutor (deputy prosecutor of Lipetsk region), the court sentenced the man to four and a half years' imprisonment in a regular-regime correctional colony.

Particular attention is paid to preventing children from getting into situations of hardship that are likely to result in their trafficking. Russia's signing in 2012 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse significantly strengthened mechanisms for protecting

children against sexual crimes and trafficking and also provided an opportunity to expand our country's international co-operation in this area.

The adoption and implementation of the 2012–2017 Russian National Children's Strategy, approved by Presidential Decree No. 761 of 1 June 2012, should also be considered an important stage in the development of State policy on the protection of children's rights. The National Strategy defines as the most important principle the protection of the rights of every child, which involves forming a system for responding to violations of rights in all cases without any discrimination, analysing the causes and conditions and subsequent planning, including the implementation of rehabilitation measures aimed at restoring the violated rights of victims of abuse or crimes.

As a follow-up to the provisions of the aforementioned National Strategy, Russian Federation Government Order No. 520-R of 22 March 2017 approved the Concept of the Development of a System for the Prevention of Child Neglect and Juvenile Delinquency until 2020, along with the 2017–2020 Action Plan for the implementation of the aforementioned Concept.

Preventive activities aimed at preventing crimes against children have also intensified at the regional level. For example, Moscow Regional Government Decision No. 109/8 of 26 February 2013 (version of 24 December 2015) approved the 2013–2017 Regional Children's Strategy and a priority action plan for the implementation of the Regional Children's Strategy in the Moscow region for 2013–2014.

As stated in Russian Federation Constitutional Court Decision No. 19-P of 18 July 2013, legal regulation in the area of State protection of the rights of minors – on the basis of the requirements of the Constitution of the Russian Federation, its Articles 7 (part 2), 20 (part 1), 21 (part 1), 22 (part 1) and 38 (part 1) and also the obligations of the Russian Federation under international law – should guarantee, as a matter of priority, protection of personal dignity, the right to life, the right to freedom and personal inviolability, which implies, in particular, legislative measures for the purpose of ensuring the safety of every child from crimes and from adverse effects on the child's moral or mental well-being, which may significantly affect the development of the child's personality, even without being expressed in specific unlawful acts.

Under paragraph 1.1 of Order No. 7 of the Russian Federation Prosecutor General of 16 January 2012 on the organization of the work of the bodies of the Russian Federation Prosecutor's Office on combating crime, oversight in the implementation of laws countering crime, including the prevention of crime related to trafficking in human beings, is a priority area in the activities of the Russian Federation prosecution authorities. Furthermore, paragraph 11.3 of Order No. 188 of the Russian Federation Prosecutor General of 26 November 2007 on the organization of prosecutorial oversight of the implementation of laws on minors and youth provides for the strengthening of prosecutorial oversight in the fulfilment of requirements under Chapter 50 of the Russian Criminal Procedural Code in investigating crimes whose victims are children; for the legality and validity of decision-making regarding the refusal to institute criminal proceedings of this category or

their termination; ensuring, within the framework of the powers granted, the observance of the rights of children who are victims of this type of crime and ensuring confidentiality of the information received and the right to rehabilitation with the application of statutory security measures.

It should be emphasized that over the past few years a number of amendments and additions have been introduced to federal legislation that are aimed at preventing the sale of children, their exploitation and child prostitution as well as increasing liability for such acts and crimes against the sexual inviolability of minors. In particular, Federal Law No. 14-FZ of 29 February 2012 on amendments to the Criminal Code of the Russian Federation and certain legislative acts of the Russian Federation with a view to increasing liability for crimes of a sexual nature involving minors has had a positive effect on stepping up efforts to combat trafficking in children.

In the first six months of 2017, 20 persons were recognized as victims of crimes under Article 240, part 3, of the Russian Criminal Code (recruitment of a minor to prostitution), 2 of them males under the age of 15, and 18 of them females, including 1 under the age of 13, 7 under the age of 15, and 10 aged between 16 and 17 years.

During this period, law enforcement officers recorded ten crimes, with liability provided for under Article 240.1 of the Russian Criminal Code (receipt of sexual services from a minor), four persons who had committed these crimes were identified and criminal cases on seven crimes were sent to the courts.

Between January and June 2017, four teenagers (one boy in the 14 to 15 age range and three girls in the 16 to 17 age range) were victims of crimes that come under Article 241, part 2, paragraph (c), of the Russian Criminal Code (organization of prostitution involving a minor). In total, during this period criminal cases involving 180 crimes against 314 persons were sent to the courts under Article 241 of the Russian Criminal Code.

Between January and June 2017, 325 criminal acts criminalized under Article 242 of the Russian Criminal Code (illegal manufacture and circulation of pornographic materials or objects) were registered in the Russian Federation. It was established that 120 persons had committed such crimes and criminal cases on 144 such crimes were sent to the courts.

In the first six months of 2017, three female minors under the age of 13 were recognized as victims of crimes under Article 242, part 2, of the Russian Criminal Code (dissemination, public demonstration or advertising of pornographic materials or objects among minors or recruitment of a minor for the circulation of pornography by a person who has reached the age of 18). One criminal case was sent to court under Article 242, part 2, of the Russian Criminal Code.

This year, the law enforcement agencies recorded 292 crimes under Article 242.1 of the Russian Criminal Code (manufacture and circulation of materials or objects containing pornographic images of minors), established that 121 persons had committed such crimes and sent criminal cases on 177 crimes to the courts. Thirty-seven minors were victims of such

criminal acts, 2 boys under the age of 13, and 35 girls, of whom 33 were under the age of 13, 1 was under the age of 15, and 1 was under the age of 17.

Seventy-two instances of offences prohibited by Article 242.2 of the Russian Criminal Code (use of a minor for the production of pornographic materials or objects) were recorded in the first six months of 2017, 24 persons were prosecuted and criminal cases on 68 crimes were sent to the courts by the prosecutors.

Forty-one children (9 boys aged between 1 and 17 years, and 32 girls, of whom 1 was less than a year old, 22 were aged between 1 and 13 years, 7 aged between 14 and 15 years, and 2 aged between 16 and 17 years) were recognized as victims.

Specific examples of the investigation of crimes related to trafficking in human beings

1. In the first six months of 2016, the Tatarstan Republic Investigative Department concluded its investigations and sent a criminal case to court charging a group of persons with the commission of a number of crimes, including those under Article 127.1, part 3, paragraph (c), of the Russian Criminal Code. It was established that on 15 April 2013 in Kazan citizens S., G., E. and G., acting as part of an organized group and using physical violence to suppress the victim's will to resist, sold citizen E. for 30,000 roubles to citizen Kh. for the purpose of forced prostitution. The Tatarstan Republic Supreme Court found all of the members of the organized group guilty and sentenced them to prison terms.

2. The Krasnodar Territory Investigative Department dealt with a criminal case in which M. was charged with crimes under Article 127, part 2, paragraph (b), Article 127.1, part 2, paragraph (a), Article 127.1, part 2, paragraphs (a) and (b), and Article 127.1, part 1, of the Russian Criminal Code. In 2009–2010, the person in question, while living in Krasnodar territory, sought and recruited girls from disadvantaged families or children deprived of parental care as well as other girls in need of employment for the purpose of sexual exploitation as prostitutes. Seven underage girls were recruited in total and sold to organizers of prostitution activities in Stavropol territory. In July 2015, the case was sent to court and the person in question was found guilty of committing a crime and convicted. The Stavropol Territory Investigative Department investigated the criminal cases against persons who had purchased juveniles from M. and organized prostitution activities, and the cases were sent to court. The court handed down a conviction in two cases. The Stavropol Regional Court convicted the head of the organized criminal group P., who had personally and with the help of the group's members acquired girls and organized their work as prostitutes. He was sentenced to 24 years' imprisonment for the commission of crimes that come under Article 241, part 2, paragraph (c), Article 240, part 3, Article 127.1, part 3, paragraph (c) (three counts), Article 105, part 2, paragraphs (a), (g) and (j), Article 30, part 3, and Article 105, part 2, paragraphs (a), (g) and (j), of the Russian Criminal Code. The sentence has come into force.

3. Moscow resident M. posted an advertisement on the Internet about the provision of sexual services by virgins. After K. asked her to find him girls to provide intimate services, she expressed her desire to sell him five girls for 30,000 US dollars each and K. informed her that the girls would stay with him forever. After their conversation, K. reported M.'s intentions to the law enforcement agencies and then participated in operations to expose her. M. found a minor, A., on the Internet and misleading the teenager as to her real intentions, invited the girl to a hotel informing K. of the girl's whereabouts and receiving 800,000 roubles payment from him in the process. The court sentenced M. to five years' imprisonment for the commission of a crime under Article 127.1, part 2, paragraph (a), of the Russian Criminal Code.

4. The Investigative Committee of the Central Investigation Department for Moscow region instituted criminal proceedings on 10 March 2015 against R., K. and Kh. for attempting to sell their newborn daughter for 590,000 roubles (law enforcement officers posed as potential buyers during the investigative operations). On 28 March 2016, the Mytishchi City Court in Moscow region sentenced all three defendants to five years' imprisonment, to be served in a strict-regime correctional colony.

5. In Tyumen region, citizen A., the uncle of a seven-year-old girl, helped her family with money and food. In return for his assistance, he proposed to the girl's mother, P., that she should allow him to have an intimate relationship with the child as a way of repaying him for the costs incurred. After receiving P.'s consent, he took the child to the forest, where he raped and sexually assaulted her. He was sentenced to 15 years' imprisonment for crimes under Article 127.1, part 2, paragraphs (b) and (h), Article 132, part 4, paragraph (b), and Article 131, part 4, paragraph (b), of the Russian Criminal Code. The child's mother was sentenced to ten years' imprisonment for crimes under Article 127.1, part 2, paragraphs (b) and (h), Article 33, part 5, and Article 131, part 4, paragraph (b), of the Russian Criminal Code.

6. In 2015, the Russian Investigative Committee concluded its investigation of the criminal case initiated on 27 November 2010 against three citizens of the Russian Federation who, as part of an organized criminal group, had since 2007 been engaged in trafficking in human beings for the purpose of sexual exploitation. The defendants were charged under Article 127.1, part 3, paragraph (c), of the Russian Criminal Code.

The evidence gathered for the case established that since 2007 an organized group had operated on the territory of the Far Eastern Federal District which, under the guise of entrepreneurial activities on the part of a number of companies arranging jobs for citizens abroad, recruited and sold young women to nightclub owners in Greece for the purpose of their subsequent sexual exploitation.

Members of the organized group looked for vulnerable girls between the age of 18 and 36 who were facing hardship. By means of deception and abuse of trust as well as persuasion and promises of civilized comfortable conditions and a high salary and also the chance to live

in Greece with one's personal safety ensured, they recruited girls for the purpose of sexual exploitation.

The recruited girls were transported from the Far Eastern region to Moscow, where they were met by members of the criminal group and temporarily put up in hotels and rented apartments. Forged documents were prepared in the victims' names and tourist visas were issued by embassies and consulates of Greece, the Czech Republic, Germany and Poland on the basis of these documents, allowing the girls to enter European Union countries. The girls themselves were not involved in the process of issuing documents and visas in their names.

Once the tourist visas that had enabled the girls to enter Greece had expired, members of the criminal organization arranged fake marriages with Greek citizens and manufactured other forged documents, including political asylum documents, to create a semblance of legality for a lengthy stay in Greece for the recruited Russian girls who were now illegally in Greece.

Upon receipt of the "live goods" at the disposal of Greek buyers, the victims of trafficking in human beings were subjected to physical violence and mental abuse and subsequently found themselves illegally in the host country in a position of servitude, were forced to perform sexual activities in Greek nightclubs for little or no remuneration, and were then often sold on. The victims had to reimburse the managers of the Greek nightclubs by means of forced prostitution or the provision of other sexual services for the money spent on their passage from Russia to Greece and on the registration of fake marriages or forged documents.

During the preliminary investigation of the criminal case, 74 forensic reports were ordered by the investigators. More than 1,000 investigative procedures and 400 other legal proceedings were carried out, including six requests sent to the competent authorities of the Czech Republic, Germany, Greece and Poland for international legal assistance. The defendants in the case were charged under Article 127.1, part 3, paragraph (c), of the Russian Criminal Code.

As a result of painstaking investigative work on the criminal case, a sufficient body of evidence was collected and on 28 December 2015 the Deputy Prosecutor General of the Russian Federation approved the indictment of the case, which exceeds 120 volumes, and the criminal case was sent to the Central District Court in Khabarovsk on 14 January 2016.

7. On 15 May 2017, Russian Interior Ministry officers for the Republic of North Ossetia in co-operation with the Russian Federal Security Service for North Ossetia detained in Vladikavkaz a citizen (d.o.b. 1992) who had sold her newborn child for 100,000 roubles. The child was placed in a hospital in Vladikavkaz. The investigative department of the Russian Investigation Committee for the Republic of North Ossetia instituted criminal proceedings under Article 127.1, part 2, paragraph (b), of the Russian Criminal Code.

8. On 23 May 2017, Criminal Investigations Department officers of the Frunze District Regional Office of the Interior Ministry detained in St. Petersburg a citizen of Uzbekistan (d.o.b. 1989) who on 20 October 2016 sold her newborn child to citizens of Tajikistan for 11,500 roubles. The Investigative Committee of the Central Investigation Department for

St. Petersburg instituted criminal proceedings under Article 127.1, part 2, paragraph (b), of the Russian Criminal Code.

9. On 30 June 2017, during investigative operations, Russian Interior Ministry officers in Moscow detained a citizen of Tajikistan (d.o.b. 1992) who, under the deceptive pretext of arranging employment, had tried to sell two Russian women (d.o.b. 1992 and 1997) for 100,000 roubles for the purpose of prostitution. The Russian Investigative Committee instituted criminal proceedings under Article 127.1, part 2, of the Russian Criminal Code.

10. In August 2017, as a result of investigative operations, Russian Interior Ministry officers suppressed the criminal activities of A. L. who on social media, under the guise of arranging employment with a model agency, had recruited women for the purpose of selling them on for sexual exploitation. On 15 August 2017, A. L. was detained in Moscow when receiving payment of 250,000 roubles for the sale of a citizen of Ukraine (d.o.b. 1995) and citizens of the Russian Federation (d.o.b. 1990 and 1976) as well as attempting to sell two citizens of Uzbekistan for 550,000 roubles.

As a result of measures taken by the Russian Investigative Committee, criminal proceedings were instituted under Article 127.1, part 2, paragraph (a), Article 30, part 3, and Article 127.1, part 2, paragraphs (a) and (b), of the Russian Criminal Code. The defendants were remanded in custody.

Table 1 - Information on the results of the investigation by investigative bodies of the Russian Federation Investigative Committee of criminal cases on crimes under Articles 127.1 and 127.2 of the Russian Criminal Code for 2016 and January to June 2017

		Criminal proceedings instituted	Institution of criminal proceedings refused	Reports of crimes submitted for investigation	Criminal cases sent to court	Number of persons in cases sent to court	Criminal proceedings discontinued	Including For the absence of an event or elements of the crime (Article 24, part 1, paragraphs 1 and 2, of the Russian Criminal Procedural Code)	Number of persons with respect to whom proceedings and/or criminal prosecution have/has been discontinued
Trafficking in human beings (Article 127.1, parts 2 and 3, of the Russian Criminal Code)	2016	15	23		13	25	1	1	1
	January to June 2017	8	14	3	5	12	1		
Use of slave labour (Article 127.2, parts 2 and 3, of the Russian Criminal Code)	2016	5	19						
	January to June 2017	5	8	6	1	1	2	1	2

Table- 2 Analysis of the dynamics of individual indicators of criminal justice practice in countering trafficking in human beings

Article of the Russian Criminal Code	Crimes recorded						Number of crimes where the prosecutor sent the criminal case to court						Persons identified as having committed a crime					
	2013	2014	2015	2016	First six months of 2016	First six months of 2017	2013	2014	2015	2016	First six months of 2016	First six months of 2017	2013	2014	2015	2016	First six months of 2016	First six months of 2017
120	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
127.1	66 -5.7%	25 -62.1%	37 +48.0%	19 -48.6%	12 -14.3%	8 -33.3%	78 +10.3%	25 -67.9%	26 +4.0%	16 -38.5%	13 +225%	6 -53.8%	44 -24.1%	42 11.4%	54 +28.6%	30 -44%	26 +23.8%	15 -42.3%
127.2	13 -23.5%	7 -46.2%	4 -42.9%	21 +425%	3 +200%	9 +200%	11 -39.9%	9 -18.2%	7 -22.2%	2 71.4%	1 -66.7%	5 +400%	14 +21.4%	21 +50%	9 -57.1%	2 -78%	1 -83.3%	1 0%
240	279 -43.7%	387 +38.7%	212 -45.2%	211 -0.5%	137 +16.1%	168 +122.6%	323 -23.1%	326 +0.9%	232 -28.8%	127 45.3%	80 -34.4%	175 +118.8%	163 +1.8%	185 +12.3%	168 -9.2%	104 -38%	64 -31.9%	54 -15.6%
240.1	-	3	0	27	5	10 +100%	-	2	0	16	2	7 +250%	-	2	2	10 +400%	3	4 +33.3%
241	652 +1%	635 -3.1%	650 +2.4%	556 -14.5%	320 -10.4%	269 -15.9%	465 -4.3%	432 -7.3%	383 -11.3%	357 -6.8%	201 -4.3%	180 -10.4%	707 +2.8%	709 +0.2%	721 +1.7%	556 -23%	315 -13.7%	314 -0.3%
242	882 -3.4%	781 -11.6%	594 -23.9%	502 -15.5%	305 -36.5%	325 +6.6%	674 +14.7%	613	388 -36.7%	294 24.2%	133 -62%	144 +8.3%	262 +2%	264	264 0.0%	270 +2.3%	115 -20.1%	120 +4.3%
242.1	1,603 +189.4%	996 -37.9%	1,131 +13.6%	455 -59.8%	313 -77%	292 -6.7%	1,368 +348%	609 -55.5%	890 +46.1%	269 69.8%	125 -90.3%	177 +41.6%	169 +14.2%	205 +21.3%	226 +12%	223 -1.3%	109 -10.7%	121 +11.0%

242.2	60 +900 %	45 -25.0%	88 +95.6%	193 +119 %	136 +172%	72 -46.3%	30 +1500 %	51 +70%	71 +39.2 %	129 +81.7 %	66 +88.6%	68 +3%	10 +233 %	22 +120 %	27 +22.7%	39 +44.4 5%	20 +42.9%	24 +20%
Total:	3,555	2,879	2,716	1,984	1,231	1,153	2,949	2,067	1,997	1,210	621	762	1,369	1,450	1,471	1,234	653	653

**PROGRAMME
OF THE VISIT OF THE OSCE SPECIAL REPRESENTATIVE AND
COORDINATOR FOR COMBATTING TRAFFICKING IN HUMAN BEINGS
AMBASSADOR MADINA JARBUSSYNOVA TO THE RUSSIAN FEDERATION**

(6 -11 February 2017)

Monday, 6 February	
09:00-12:30	Meeting with representatives of Non-Governmental Organizations
13:00-14:00	<i>Lunch</i>
14:00	Meeting with Ombudsman of the Russian Federation, T.N. Moskalkova
19:00-21:00	Working dinner with International Organizations
Tuesday, 7 February	
10:00	Meeting with the Chairman of the Supreme Court, V.M. Lebedev
12:00	Meeting with the Deputy Minister of Labour and Social Protection, A.A. Cherkasov
14:00- 14:30	Address to the Forum on Cyber security Forum 2017
17:30	Meeting with the Head of the Council for Human Rights under the Presidential Administration, M.A. Fedotov and the members of the Council
Wednesday, 8 February	
11:00	Meeting at the Public Chamber of the Russian Federation
13:00	Working breakfast with the Minister for Foreign Affairs, S.V. Lavrov
15:00	Meeting with the Executive Director of the CIS Executive Director, Sergey Lebedev
19:00 – 21:00	Working dinner with the U.S. Embassy in Moscow
Thursday, 9 February	
10:00	Meeting with the Deputy Minister of Internal Affairs, I.N. Zubov
12:00	Meeting with the Deputy Prosecutor, V.R. Grin

16:00	Meeting with the State Duma
Friday, 10 February	
	Departure to Kazan
	Meeting with the Chairman of the State Council of the Tatar Republic, F.K. Muhamedshin
	Meeting with the Prosecutor of the Tatar Republic, I.S. Nafikov
	Meeting with the Ministry of Internal Affairs of the Tatar Republic, A.A. Khokhorin
	Meeting with the investigative committee of the Tatar Republic, P.M. Nikolaev
	Meeting with Chairman of the Supreme Court of the Tatar Republic
	Visit to the Nizkoporogoviy Centre for vulnerable and unprotected group led by “Noviy Vek” non-commercial organization
	Roundtable discussions with the Ombudsmen for Tatar Republic, Ombudsman for Child Rights, Chairman of the Constitutional Court, Minister of Labour, Employment and social Protection, civil society organizations
Saturday, 11 February	
10:30	Meeting with the President of the Tatar Republic
13:00	Meeting with the NGO “Fatima”
18:45	Departure from Kazan
19:55	Arrival at Moscow Sheremetyevo airport