

National Legal Framework - Russia

General Overview

Russia is a source, transit, and destination country for men, women, and children trafficked for various forms of exploitation. Men and women from the Russian Far East are trafficked to China, Japan, the Middle East, and South Korea for purposes of sexual exploitation, debt bondage, and forced labor, including in the agricultural and fishing industries. Russian women are trafficked to Turkey, Greece, Germany, Italy, Spain, Malta, the United States, Canada, Vietnam, Thailand, Australia, New Zealand, Costa Rica, and the Middle East for the purpose of sexual exploitation. Moscow and St. Petersburg are destination centers for children trafficked within Russia and from Ukraine and Moldova for purposes of sexual exploitation and forced begging. Moscow continues to be a significant destination for men and women trafficked within Russia and from Kyrgyzstan, Tajikistan, Uzbekistan, Ukraine, Moldova, and Belarus for purposes of sexual exploitation and forced labor, including work in the construction industry. Finally Moscow remains a transit point for women trafficked from Uzbekistan and Armenia to the United Arab Emirates for purposes of sexual exploitation. Men from Western Europe and the United States travel to Western Russia, specifically St. Petersburg, for the purpose of child sex tourism

Legal Framework

Russia ratified the UN Convention against transnational organized crime and its Protocols in 2004. The Government of the Russian Federation does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Russia is placed on Tier 2 Watch List of the US State Department for a fifth consecutive year for its failure to show evidence of increasing efforts to combat trafficking over the previous years, particularly in providing assistance to victims of trafficking.

Comprehensive trafficking victim assistance legislation, which would address key deficiencies, has been pending before the Duma since 2003 and was neither passed nor enacted in 2007.

Criminal Code Legislation

Article 127.1 of the criminal code prohibits both trafficking for commercial sexual exploitation and forced labor. Article 127.1 identifies human trafficking as buying-selling of a person or other actions committed for the purpose of such person's exploitation in the form of recruitment, transportation, transfer, harboring, or receipt of such person. Other criminal statutes may be used to prosecute and convict traffickers. Article 127.1 provides punishments of up to five years' imprisonment for trafficking crimes, and aggravating circumstances may extend penalties up to 10 years' imprisonment. In 2007, the Russian Police conducted 139 trafficking investigations; 104 of these investigations were sexual exploitation cases and 35 were forced labor cases.

Article 127.1 "Trafficking in Persons"

1. Trafficking in persons, i.e. the buying-selling of a person or other actions committed for the purpose of such person's exploitation in the form of recruitment, transportation, transfer, harboring, or receipt of such person, - shall be punishable by a term of imprisonment of up to 5 years.

2. The same act:

- (a) committed with regard to two or more persons;
- (b) committed with regard to a person known to be a minor;
- (c) committed by a person through his official position;
- (d) committed by transferring a victim across the state borders of the Russian Federation or by unlawfully keeping such person abroad;
- (e) committed through the use of false documents, or likewise by the seizure, concealment, or destruction of the victim's identity documents;
- (f) committed through the use or threat of force;
- (g) committed for the purpose of removing organs or tissues of the victim, - shall be punishable by a term of imprisonment of 3 to 10 years.

3. Acts identified in Parts One or Two of this Article:

- (a) resulting in death through negligence, or severe damage to the health of the victim, or any other grave consequences;
- (b) committed by means posing a threat to the lives or health of many persons;
- (c) committed by an organized group, - shall be punishable by a term of imprisonment of 8 to 15 years.

Notes

1. A person who, for the first time, commits an act specified in either Part One or Part Two, Point "a" of this Article and who voluntarily frees the victim and who also assists in the exposure of the crime which has been committed shall be excused from criminal liability, provided that his actions do not contain the elements of another crime.

2. For purposes of this Article, "exploitation" is defined as the exploitation of the prostitution of others and other forms of sexual exploitation, use of slave labor (services), involuntary servitude, as well as the removal of organs or tissues of another.

Article 127.2 "Use of Slave Labor"

1. The use of the labor of any person over whom power similar to the right of ownership is exercised, if such person, for reasons beyond his control, is unable to refuse to perform such labor or services- shall be punishable by a term of imprisonment of up to 5 years.

2. The same act:

- (a) committed with regard to two or more persons;
- (b) committed with regard to a person known to be a minor;
- (c) committed by a person through his official position;
- (d) committed through blackmail, force, or threat of force;
- (f) committed through the use of false documents, or by the seizure, concealment, or destruction of the victim's identity documents - shall be punishable by a term of imprisonment of 3 to 10 years.

3. Acts specified in Parts One or Two of this Article which result in death through negligence, or severe damage to the health of the victim, or any other grave consequences; or committed by an organized group, - shall be punishable by a term of imprisonment of 8 to 15 years."

Articles 240-241 of the Criminal Code shall be amended as follows:

Article 240 "Recruitment into Prostitution"

1. Recruiting someone to engage in prostitution or coercing someone to continue to engage in prostitution - shall be punishable by a fine of up to two hundred thousand rubles or by a fine equaling the wages or other income of the offender for a period of up to 18 months or by restriction of liberty for a period of up to 3 years or by imprisonment for the same period of time.

2. The same acts:

(a) committed through the use of force or threat of force;

(b) committed by transferring a victim across the state borders of the Russian Federation or by unlawfully keeping such person abroad;

(c) committed by a group of persons through prior agreement, - shall be punishable by a term of imprisonment of up to 6 years.

3. Acts specified in Part One or Two of this Article committed by an organized group or with regard to a person known to be a minor, - shall be punishable by a term of imprisonment of 3 to 8 years.

Article 241 “Organization of the Activity of Prostitution”

1. Acts directed towards the organization of the activity of prostitution by others, or likewise the maintenance of places of prostitution or periodic provision of premises for the purpose of engaging in prostitution - shall be punishable by a fine of one hundred thousand to five hundred thousand rubles or by a fine equaling the wages or other income of the offender over a period of one to three years or by restriction of liberty for a period of up to 5 years or by a term of imprisonment for the same period of time.

2. The same acts:

(a) committed by a person through his official position;

(b) committed through the use or threat of force;

(c) involving the use of persons known to be minors in prostitution activity, - shall be punishable by a term of imprisonment of up to 6 years.

3. Acts specified in Parts One or Two of this Article involving the use of persons known to be under the age of 14 in prostitution activity, - shall be punishable by a term of imprisonment of 3 to 10 years."