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Labour Office

**FORCED LABOUR IN THE RUSSIAN FEDERATION TODAY:
IRREGULAR MIGRATION AND TRAFFICKING IN HUMAN BEINGS**

Elena Tyuryukanova

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ILO

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PREFACE

Throughout the world, more and more attention is now being given to the problem of trafficking in human beings. The trade in human beings and the use of slave labour are – as President Vladimir Putin himself observed on 27 October 2003 – serious and burning issues which are also relevant for Russia at present.

Indeed, almost no country in the world is exempt from the new and unacceptable forms of forced labour associated with the trafficking of humans for different forms of exploitation. Three years ago in 2001, in his Global Report on *Stopping Forced Labour*, the ILO Director-General observed that the newly burgeoning phenomenon of trafficking in persons was a truly global problem, in which most countries of the world were either sending, transit or receiving countries, or a combination of all of these. The Global Report also called for more research into the labour market conditions that create opportunities for such abuses as human trafficking, and into ways to eliminate them.

In November 2001, the ILO Governing Body adopted the Special Action Programme to Combat Forced Labour (SAP-FL), as part of activities to promote the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up. The Declaration restates the obligation of all ILO member States to respect, promote and implement the principles concerning fundamental rights dealt with in core labour Conventions, including the two Conventions on the elimination of all forms of forced and compulsory labour. The Declaration and SAP-FL have made possible a positive and promotional approach to the realization of these standards, combining research, technical assistance and advisory services to ILO member States and key partners.

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In the research under SAP-FL over the past year, particular attention has been given to what we call the *forced labour consequences of trafficking and irregular migration* in destination countries. We have launched some research into the so-called “origin” or “sender” countries of trafficked victims, examining the causes of such trafficking, the main geographical areas of origin, the recruitment mechanisms, and the trafficking routes. But we have been equally concerned to analyse the demand factors in some key destination countries. In which economic sectors are coercive conditions of recruitment and employment to be found? What are the main *forms* of forced or compulsory labour? Who tend to be the main victims of trafficking, for either labour or sexual exploitation? What is being done about this, in either law or practice? What lessons of good practice can be learned from individual country situations? And what more can be done by labour authorities and institutions, including employers’ and workers’ organizations as the ILO’s principal social partners, to eradicate the scourge of modern forced labour and human trafficking?

These studies have been carried out, or are in the process of being carried out, in a number of developed countries and transitional economies including France, Germany, Hungary, Japan, Turkey, the United Kingdom, and also the Russian Federation. By increasing knowledge and awareness of the forced labour consequences of trafficking and migration, they are designed to prepare the ground for integrated programmes against trafficking in origin and destination countries alike, with activities addressing all phases of the trafficking cycle. These integrated anti-trafficking programmes seek to involve labour institutions (including labour ministries, labour inspection services, employment and job placement agencies, industrial tribunals and others) in the prevention, victim identification, awareness-raising and law enforcement measures required for successful action against traffickers and improved protection of the victims.

Better understanding of these issues is of particular importance in Russia. On the one hand, Russia faces complex challenges as both a sender and destination country of trafficked persons. Migration management has presented obvious difficulties, as new regulations are put in place for access of individuals from the former Soviet Union countries to the Russian labour market. As in other industrialized countries with major demand for seasonal and temporary labour (for example in the construction industry of the major cities), there is a risk that unprotect-

ed migrant workers can be subject to coercive labour conditions unless adequate safeguards are in place. On the other hand, Russia has already taken important steps to curb labour exploitation and trafficking. An example is the draft law against trafficking, carefully prepared by the Duma in collaboration with many Government agencies including the Ministry of Labour. The draft law takes a broad view of trafficking, and paves the way for integrated action against the new forms of forced labour that can emerge in modern societies.

The ILO and in particular SAP-FL establishment have been readily cooperating with Russia on these concerns. First, a seminar was held in Moscow in May 2003, to exchange information on forced labour, trafficking and irregular migration in the Russian Federation. It was widely attended by officials from the Ministry of Labour and Social Development, Ministry of Foreign Affairs, Federal Migration Service of the Ministry of Internal Affairs, State Duma, employers' and workers' organizations, among others. An initial outline of the present study was presented by Elena Tiurkonova, and welcomed by the seminar participants. During the same month, a Global Compact Breakfast on forced labour concerns was also held in Moscow, attended by leading representatives of the Russian business community together with the representatives of several Government Ministries and UN agencies.

The first version of this study was presented at a seminar in Moscow in December 2003, attended by different Government Ministries, the State Duma, the Moscow Government, ILO social partners, research institutes, NGOs and international organizations. The study was welcomed as shedding new light on an issue which has received insufficient attention in Russia to date, and participants called for its widest possible dissemination.

We should like to thank Elena Tyuryukanova and her colleagues for producing a study of such high quality. We are also grateful to the many agencies and individuals who collaborated with this research. The ILO is pleased to publish the results, in the hope that they will lead to greater awareness of the problems, and contribute to yet further intensification of the efforts that the Russian Federation is already undertaking against forced labour and human trafficking.

Finally, we hope that the study can be disseminated as widely as possible in other Russian-speaking countries, as a model for stimulating similar research, data gathering and analysis. We are pleased that an integrated ILO project – addressing the migration and trafficking flow

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between Tajikistan, Uzbekistan and the Russian Federation – has now been endorsed by the Russian Government. After the research phase, the time has now come for concrete and systematic action against the new forced labour.

Roger Plant

Head, Special Action Programme
to Combat Forced Labour
IFP/DECLARATION
ILO Geneva

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The researchers wish to express their gratitude to Roger Plant, Head of the ILO Special Action Programme to Combat Forced Labour (SAP-FL), for initiating this innovative study, to Mr. Werner Konrad Blenk, Director of the ILO Subregional Office in Moscow for his support during the research process, as well as to the ILO officials Ms. Beate Andrees (Geneva), Ms. Natalya Shcharbakova (Moscow) and Ms. Olga Bogdanova (Moscow) for their assistance and for disseminating the results of the study.

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Great thanks are due to Ms. Vera Anishina, legal expert, to all the interviewers who often worked in challenging conditions to identify and document cases of forced labour in Russia, and to the regional coordinators Mr. Stanislav Shamkov and Mr. Dmitry Poletaev. We are especially indebted to the migrants interviewed for their cooperation with the researchers and who frequently gave evidence of severe exploitation.

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EXECUTIVE SUMMARY

Labour migration has become an integral part of the world economy, supplying migrants to developed countries where there is an extensive demand for cheap labour. Migration and abuses related to it have become important public and political topics over recent decades. These issues remain under-researched in Russia, however, despite the country being a primary destination for migrants from surrounding countries. Trade union and media have reported abuses of fundamental labour rights among migrant workers in the Russian Federation. In order to gain more representative knowledge about the situation of migrants in Russia, the ILO Special Action Programme to Combat Forced Labour (SAP-FL) launched this pilot research project on migration, trafficking and forced labour in Russia in 2003. This study aims to gain a better understanding of the forms of exploitation and coercion imposed on migrant workers, the economic sectors and legal regulations. . The study adopted a methodological approach based on a mix of qualitative and quantitative methods: a survey of migrant workers, semi-structured interviews with victims of forced labour as well as interviews with experts on the topic of migration and forced labour. The main results and recommendations are summarised below:

- The data obtained in the study shed light on the situation of migrants in Russia. Estimates of the numbers of irregular migrants in Russia range from 3.5 to 5 million persons, mainly from the CIS countries and South-East Asia. At least two-thirds of migrant employment in Russia takes place in the informal economy. Thus migrant workers constitute a highly profitable market for traffickers, intermediaries, employers and others who seek to take advantage of their vulnerability.

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- Most migrants appear to have advanced levels of education, a job prior to departure, and a certain degree of social status. However, low levels of wages (74 per cent) and the lack of adequate employment (48 per cent) constitute major push factors for migration, the main pull factor being the opportunity to earn money (83 per cent).
- Yet there are many that have taken the seemingly rational decision to migrate on the basis of misinformation from social connections and intermediaries. Legal migration channels are largely absent and migrants leave their home countries via informal channels. In Russia, migrants are over-represented in the less regulated labour markets, working mainly in construction (38 per cent), or in small-scale trade such as market sales and street vending (25 per cent).
- The study also provided information on forced labour consequences of migration to Russia, as well as on factors conducive to forced labour and other forms of severe exploitation of migrants. The proliferation of forced labour practices is made easier by significant lacunae in legislation and a lack of coordination between different laws. In addition, the authorities responsible for inspection experience a lack of staff and training and show high rates of corruption. The majority of experts note a growth of severe forms of coercion and exploitation in migrant employment.
- Even those migrants able to remit some money home are made to suffer various forms of exploitation. These include underpayment or delays in payment (39 per cent), lack of payment altogether (24 per cent), bad working conditions (24 per cent), lack of social benefits or paid holidays (90 per cent, 8 per cent had paid sick leave), and considerable overtime (62 per cent) which is sometimes compensated, sometimes not. Around 50 per cent of migrants felt that their employer/exploiter could dismiss them at any time for any reason, and only 20 per cent of migrants had a written contract with their employer/exploiter. Thirty-eight per cent of migrants performed involuntarily work or services, 21 per cent experienced psychological coercion and 20 per cent experienced restricted freedom of movement. Other serious forms of coercion included physical violence, debt bondage, threats to workers and their families and threats of being reported to the authorities.

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- Female migrants are more often subject to the worst forms of exploitation, including economic, physical, psychological and other types of violation and exploitation such as debt bondage, compulsion to work without consent and restricted mobility. For instance, 25 per cent of women reported restricted mobility, as compared to 17 per cent of men.
- Employers/exploiters often confiscate identification documents – with the excuse of needing them for registration – making migrants even more dependent on the employer/exploiter and restricting their freedom of movement.
- The police also confiscate identification documents and return the papers to migrants in return for bribes. This is not the only instance of corruption among the authorities encountered in the study. Cases were observed where the victim appealed to the authorities for assistance but were instead returned to their abusers. In some cases the police made deals with pimps by not reporting them to the authorities in return for free sex with a prostitute.
- As a result of this corruption, migrants distrust the authorities and do not appeal to them for assistance. Yet migrants would like to benefit from assistance in respect of finding a new job (58 per cent), labour rights (46 per cent), searching accommodation and using health services (45 per cent).

Russia has already taken concerted action against forced labour and trafficking of migrant labour, for example in the form of amendments to the Criminal Code as well as a pending anti-trafficking bill. The Russian Government has also publicly denounced “slave labour” as a modern evil, which needs to be eradicated. Some gaps and inconsistencies, however, still remain in the Russian legislative framework. Basing itself on the results obtained in the study and a thorough investigation of the Russian legislative framework on migration and forced labour, the study gives recommendations for further action:

- Ratification of relevant international instruments - the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), which has recently come into force.

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- Russian migration legislation states that labour must be free, yet the migrant worker is tied to the employer through the work permit, which can only be issued at the employer's request. As such the migrant finds him/herself in a very dependent position vis-a-vis the employer. Migration legislation that limits the freedom of movement of migrant workers and binds a migrant to an employer is discriminatory and should be amended to prevent exploitation by employers of migrants.
- Migration and labour law must be made complementary. Integration policy, which does not exist as yet, should become an important part of other, related policies, such as those concerning migration control and labour migration. Workers' and employers' organisations should be consulted in the formulation of a comprehensive labour migration and integration policy.
- Legislation on forced labour and trafficking should be amended to include a holistic and detailed definition of forced labour, the provision of protection for victims of forced labour and accountability for the use of forced labour.
- In the area of law enforcement, laws should assign distinct responsibilities regarding forced labour elimination to competent state bodies, which should undergo capacity building. Federal labour inspectors should be empowered to identify and investigate incidences of forced labour and submit cases to the public prosecutor. Workers' organizations should be sensitized on their important role in the detection of forced labour cases.
- Migrants that have been identified as victims of severe exploitation, including forced labour, should receive special protection, such as temporary or permanent residence permits, protection during court proceedings, compensation for any damage suffered, and access to rehabilitation programmes.
- While improved legal protection of migrant workers and prosecution of offenders also has a deterrent effect, more needs to be done in the area of prevention. Cooperation between the Russian government and government of origin countries should be improved. The dialogue that has been initiated between the Tajik and Russian governments on issues of migration should be continued and extended to other origin countries. Cooperation could encompass the conclusion of bilateral migration agree-

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ments, joint law enforcement action and regular exchange of information.

- In the countries of origin, employment-based prevention strategies are needed that include awareness raising about legal channels of employment abroad, improved public and private employment services to find alternative jobs at home and socio-economic reintegration of identified victims of human trafficking. Social partners can play an important role in the implementation of these preventive measures.
- Special action should be taken to improve the monitoring of private intermediaries that play an important role in the migration process. These include individual labour contractors, registered private employment agencies, travel, model, escort or bridal agencies and any other intermediary that could potentially be part of the modus operandi of the trafficking crime. Private recruitment agencies should be encouraged to develop their codes of good practice, and law enforcement authorities, especially labour inspectors, need training on the monitoring of these agencies. These activities should be carried out in close coordination with the national federation of employers.

This research paper commences with a short investigation of the migration-forced labour nexus, and the ways in which previous patterns of forced migration and employment differ from today's practices. This is followed by an introduction to the current migration situation in Russia and a presentation of the methodology of the study.

Having taken into consideration legal practice in Russia on migration and forced labour, the study continues with analysis and interpretation of the results. The results section constitutes the main body of the paper. It is divided into four parts. The first examines vulnerability factors on both micro and macro levels. Then the organization of the trip abroad and job placement are investigated. Recruitment is considered in detail in this part of the paper. Next, a closer look is taken at migrant employment in the country of destination. The next section pertains to forced labour and considers not only working conditions and forms of coercion that keep migrants in forced labour situations, but also assistance that victims of forced labour would like to obtain.

The final section provides recommendations on how to improve the situation of migrant workers and victims of exploitation and forced labour in Russia. These recommendations are based on the results as well as on the survey of current legal practice in Russia.

1.1. MIGRATION-FORCED LABOUR NEXUS IN THE RUSSIAN CONTEXT

The 2001 ILO Global Report "Stopping Forced Labour" notes that forms of forced labour and slave labour have been constantly changing depending on socio-economic and political realities. While the first half of the 20th century witnessed the large-scale imposition of forced labour

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through colonial powers or totalitarian regimes, modern forced labour is mainly exacted by private agents. It is embedded in historic patterns of discrimination and poverty and is also linked to the increasing mobility of people. Countries of the former Soviet Union have a tragic history of forced displacement and forced labour that differs from the mainly unregulated migration flows of today. Forced labour during the communist era reached its peak under the reign of Joseph Stalin (1924-1953) when an estimated five to ten million people died in the labour camp system. The inmates of the *Gulag*, documented in the powerful account of Alexander I. Solzhenitsyn, participated in large-scale construction projects of the Soviet era such as the White Sea-Baltic Canal, the main building of the Lomonosov University in Moscow and other public construction projects. Many inmates were political prisoners or members of ethnic-social groups that became victims of Stalin's "cleansing campaigns" (Dallin/Nicolaevsky, 1947).

Within the Soviet Union, migration was highly restricted. People were required to register at their place of residence to obtain a permit ("propiska"). Changing the place of residence was rather difficult. The "propiska system" is still in place in some cities such as Moscow or countries such as Uzbekistan. It is an instrument that can be easily abused and it often prevents migrants from access to housing and other benefits. After the break-up of the Soviet Union, many formerly internal migrants became international migrants. This presented a unique challenge to the newly independent republics as well as to the Russian Government. The early 1990s were characterized by large-scale refugee flows as well as return movements of mainly Russian nationals (Helton/Voronina, 2000). This has changed into more stable labour migration flows of people seeking employment in neighbouring republics or the Russian Federation.

Throughout history – be it during the era of colonial slavery or in the contemporary world – relations of oppression and coercion have always been rooted in inequality of economic and political rights. Yet, this inequality has never reached such a global scale as today. Migration and its exploitative consequences should therefore be seen in the context of globalisation. The incomes of the richest 5 per cent of the world population are 114 times higher than the incomes of the poorest 5 per cent of the population (UNDP, 2002:19). The factors linked to globalization such as the internationalization and liberalization of the economy and the development of transport and communication technologies, have

led to an increase in mobility of all resources of human development – capital, goods, technology, information and people. Labour migration has become an integral part of the world economy. According to ILO estimates, there were 175 million migrants, including refugees, at the beginning of the 21st century, of which 80 million can be counted as economically active migrants (ILO, 2004).

Increased polarization in the standard of living and economic opportunities in different countries is the main force driving contemporary migration. In 1995, hourly wage costs in industrial sectors equalled US\$0.25 in India and China, 0.6 US\$ in Russia and US\$2.09 in Poland, compared to US\$17.20 in the United States, US\$23.66 in Japan and US\$31.88 in Germany (ibid. p.23). Wages are nearly 130 times higher in the richest countries than in the poorest ones and between 30 to 50 times higher in industrialized countries than in Russia. Wage differentials between countries of the former USSR are also significant. For example, the average monthly wage in Russia is US\$202, US\$92 in the Ukraine, US\$60 in Georgia and Armenia, US\$42 in Kyrgyzstan, and US\$17 in Tajikistan¹.

Stable labour migration over the last several decades has caused marked structural changes in the economy of industrial countries, notably in the area of employment. A *universal economic order* appears to have developed, with a segmented labour market that isolates certain types of work as “migrant employment”. Indeed, the economies of developed countries cannot exist today without the influx of migrant labour. Demand in developed countries for a constant supply of unskilled and low-paid migrant labour² makes migration an attractive prospect for people in poor countries. In the majority of receiving countries the proportion of foreign workers in the total labour force has been rising since the beginning of the 1980s; by 1996 it represented 17.9 per cent of the labour force in Switzerland, 10 per cent in Austria, 9.1 per cent in Germany and 53.8 per cent in Luxembourg (IOM 2003). In Russia, according to official statistics, this proportion

¹ Figures are based on the average monthly wage (US\$) as of January 2004 (Source: Statistical database of Association of pension and social funds of the CIS countries and Baltic States). Figures for 2000, when large waves of migrant workers started coming to Russia were as follows: Russia - \$79, Azerbaijan - \$50, Ukraine - \$42, Armenia - \$42, Georgia - \$37, Moldova - \$33, Kyrgyzstan - \$26, Tajikistan \$8.5 (Source: Labour Market in the CIS countries. Interstate Statistical Committee of the CIS, Moscow, CIS Stat, 2004, page 95).

² This study does not take into consideration the migration of highly skilled.

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is so far extremely low – less than 0.5 per cent. However, as will be shown later, the role of migrants in the economy of many regions of the country is far more significant than these figures imply. Mostly concentrated in the informal economy, a great number of migrants escape official statistics.

Massive irregular labour migration is the result of a lack of legal channels of migration. At present, migration is developing in a highly irregular manner. Migrants may cross the border either without required documents, or with documents that do not allow them to work in the destination country, such as tourist visas. The lack of legal channels has created a prospering market for shady organizers of travel and employment abroad, such as traffickers and smugglers. A wide network of official, semi-official, seemingly official and criminal organizations gain large profits from providing recruitment related services to labour migrants. In response, some countries have adopted the UN Convention against Transnational Organized Crime (2000), as well as the two amending Protocols: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (henceforth Palermo Protocol) and the Protocol Against the Smuggling of Migrants by Land, Air and Sea. The Palermo Protocol on Trafficking came into force in December 2003. Russia ratified the Convention and its supplementing Protocols in 2004.

Stricter migration barriers mean that a greater number of migrants find themselves in irregular positions. Once arrived in the country of destination, migrant employment is frequently in the informal or so-called ‘shadow’ economy. The result is that employment is covert, putting workers at a high risk of exploitation, abuse and social exclusion. Moreover, they are less likely to receive social benefits. Irregular migrants have no legitimate workplaces in receiving countries, and no guarantee of adequate labour conditions and observance of basic human rights.

To date, migration is increasingly seen from a human rights perspective even though States are unable, or unwilling, to assume responsibility for observing migrants’ rights on their territory. It is worth noting that the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families was only ratified by the 20 countries required for entry into force on July 1, 2003³. The majority

³ Russia, as well as many other migrant receiving countries, did not ratify the Convention.

of developed countries are yet to ratify this Convention, evidence of a lack of readiness on the part of receiving countries to widen the legitimate space of labour migration.

1.2. CURRENT MIGRATION SITUATION IN RUSSIA

Russia appeared on the international migration scene in the late 1980s, and in the course of the last decade has become an active partner in world migration processes as a receiving, departure and transit country. Russia's demographic and geopolitical situation, as well as its more stable economic position compared to other CIS and Southeast Asian countries, the weakness of Russian migration legislation, porous borders with the CIS countries and the presence of a great number of ethnic diasporas in Russia, are indicators that Russia will remain a receiving country for a long period.

Russia is actively integrating into the world economic order and the migratory regime which accompanies it. The Russian economy and employment sphere are in the process of restructuring according to established world patterns; several sectors of the labour market are gradually being considered as predominantly migrant work. The process is only beginning, but is gaining an ever more systematic character which gives grounds to assume that, within a certain period, the Russian economy will depend on the influx of migrant labour in the same way that developed economies are dependent on it today.

Already today, estimates of the number of irregular migrants in Russia ranges from 3.5 to 5 million persons, of whom the majority are from the Commonwealth of Independent States (CIS) and South-East Asian countries⁴. The shadow economy is estimated to contribute 22.4 per cent of GNP, and according to assessments by the State Committee on Statistics, in 2001 at least 10 million persons (or 15 per cent of those economically active in the country) were engaged in the informal sector (Sourinov, 2003).

As such, cheap labour is actively used by unscrupulous businessmen and by informal and criminal businesses. Economic chaos, the huge scale of the shadow economy and inadequate migration laws stimulate irregular migration, and enable irregular immigrants to enter, settle and

⁴ See also: Krasinets, E., Koubishin, E., Tiuriuokanova, E. (2000:82).

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find illegal employment in Russia, and allow severe exploitation and human rights abuses which remain largely unpunished.

Whereas in developed countries, pockets of migrant labour are either incorporated into the official or partially informal economies, in Russia, migrant labour is more closely intertwined with the informal economy.

2.1. INTRODUCTION

This study is based on empirical research as well as on a literature review. The latter, conducted prior to the research phase, was based on a *secondary analysis* of the available information and documents on the problem of forced labour and closely related issues. Material from previously conducted studies, laws and law-enforcement practice, the discussion of the problem in public and political debate as well as in the mass media were analysed. From this preliminary analysis, knowledge on forced labour as well as action against it appears weakly developed in Russia. There is thus a significant need to acquire new knowledge and information on the topic.

The lack of research on forced labour in Russia, and the absence of a suitable definition of the concept for quantitative evaluation, compelled us to adopt a qualitative methodology to develop an understanding of the phenomenon in question. As such, the research phase encompassed both structured and in-depth interviews.

2.2. AIMS OF THE STUDY

The topics of forced labour and trafficking are under-researched in Russia. Therefore this explorative study aims to shed light on these issues. The main objectives of the study are to:

- Document and analyse different forms of trafficking, forced labour and severe exploitation experienced by irregular migrants on a mass scale.

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- Determine the nature and extent of exploitation of and control over irregular workers, and the mechanisms, which promote their pervasive use and propagation.
- Conceptualize the notions of forced labour, human trafficking, irregular migration, illegal employment, illicit labour exploitation of migrants and the concept of “voluntary consent to exploitation”. Consequently, the study aims to propose ways to differentiate between forced labour and slave labour and other forms of exploitation where migrants are employed by their own free will.
- Analyse the demand for cheap unskilled migrant labour in selected sectors of the economy (construction, services, entertainment, etc.), to reveal the nature and economic causes of this demand, as well as its connection with the informal economy, mechanisms promoting the use of illegal work, the employment of foreign workers and forced labour practices.
- Study the legal and institutional aspects of migration and labour relations, including legislation, law-enforcement practices and the activities of different institutions and organizations (employment services, migration services, tourist agencies, mass media, etc.), with the purpose of identifying problems and gaps that lead to the pervasive use of discriminatory labour practices.
- Determine the extent of the knowledge that employees of agencies and organizations (State, non-governmental, commercial, etc.) have on forced labour and human trafficking, and present a spectrum of the main evaluations of experts on forced labour and trafficking.
- Prepare recommendations on strengthening methods and institutions to counteract the wide-spread use of trafficking in people, illegal labour exploitation of migrants and forced labour.

It should be noted that we did not specifically aim to analyse child labour in this study in view of the ILO research on this topic in 2001⁵.

⁵ See: ILO (S. Stephenson) (2002): *Child Labour in the Russian Federation*, Geneva; ILO (2001) *In-depth analysis of the situation of working street children in the Leningrad region*, ILO (2001) *In-depth analysis of the situation of working street children in Moscow*, http://www.ilo.ru/publications/childlabour/Moscow_Report_Eng_1.pdf.

2.3. DEFINITIONS AND KEY THEORETICAL APPROACHES

As this is the first study to tackle forced labour in Russia, we have taken an exploratory and inductive stance and adopted the approach of “grounded theory”. Since empirical results are always richer than theory, it can be difficult to insert some forms of forced labour into a theoretical classification. Instead of limiting the scope of the study by theoretical presuppositions, a flexible methodology has been used to investigate the whole range of forms and degrees of exploitation and forced labour migrants are subjected to. The classification of forced labour and exploitation according to sector is based on the empirical results obtained in this study.

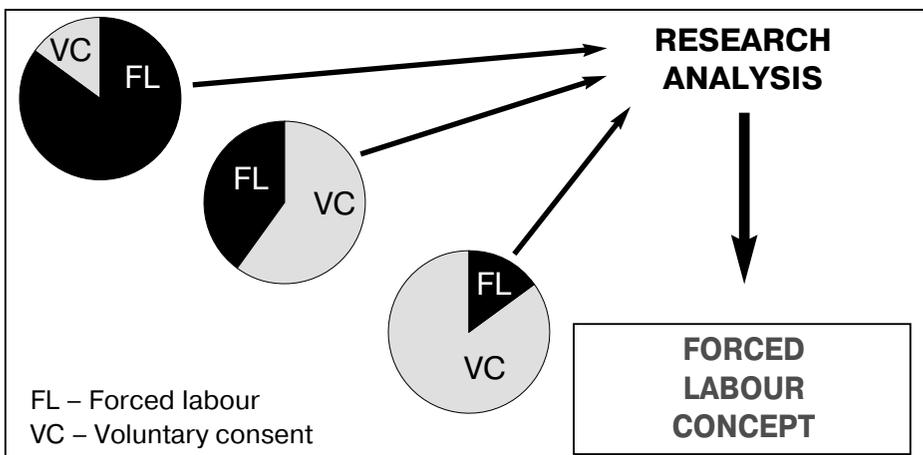
Concept of forced labour

Forced labour has been defined by the ILO Forced Labour Convention, 1930 (No. 29) as follows:

“All work or service which is exacted from any person under the menace of penalty and for which the said person has not offered himself voluntarily” (Art. 2, par. 1)

There are two main elements in this definition: a) the menace of penalty, and b) the notion of consent. For practical purposes, both elements need further clarification. The notion of consent or voluntariness is especially difficult to apply in practice. Building on the empirical findings of this study, our understanding of modern forced labour should be improved. (See diagram below.)

Diagram 1. From research to theory



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Convention No. 29 especially forbids forced or compulsory labour for the gains of private companies and persons. The subsequent ILO Convention on forced labour, the Abolition of Forced Labour Convention, 1957 (No. 105), details instances of the use of forced labour, for example, the use of forced labour for the purposes of economic development, and calls upon States to abolish these forms of forced or compulsory labour.

In order to make the concept of forced labour more comprehensible, it is worthwhile to consider the context in which it occurs, as well as the methods used by employers/exploiters to place and keep migrants in a forced labour situation. The identified different forms of forced labour are shown in the table below.

FORMS OF FORCED LABOUR

1. Forced labour in the more regulated labour market, for example:
 - industry and construction (construction sites, mills, auxiliary works, etc);
 - agriculture;
 - services (with possible further subdivision, as will be demonstrated later);
 - entertainment (entertainment and other services).
2. Forced labour in the less regulated labour market (e.g. forced labour in the sex industry or domestic service).
3. Forced labour of skilled professionals.
4. Forced labour related to crime
 - production and trafficking of drugs
 - illegal removal of human organs
 - forbidden genetic engineering
 - organizing prostitution
5. Other forms
 - forced labour imposed by the military (This form can be further subdivided into forced labour exacted by the military at military or civil installations.)
 - forced labour performed by prisoners in prisons and at civil installations.

The first two forms of forced labour in the table above make a distinction between forced labour in the more regulated or more formal labour market and in the less regulated or informal labour market⁶. The severity of forced labour in a specific labour market is thereby analysed within the context of a complex formalization continuum. For instance, the construction sector is generally considered as rife with informal employment and little regulated. Despite being officially covered by labour law, it is in fact less formalized than, for example, the IT sector and is therefore prone to forced labour and other forms of exploitation. Other sectors such as domestic service and sex work are even less regulated than construction, which helps to explain why the most serious cases of forced labour occur here. Any forced labour occurring as the result of criminal activity would also be considered in the context of a non-regulated working environment.

As a rule, in the case of forced labour in a more formal market, elements of forced labour enter labour relations despite these relations continuing to resemble more regular employment relationships. However, in the case of forced labour in a less regulated labour market, forced labour is likely to be part of a more personalized relationship. This is particularly the case in domestic service or sex work. The personalized nature of the relationship leaves more room for abuse.

Since forced labour in a formal market resembles formal employment in many ways, or at least maintains a formal facade, recruitment and job placement into forced labour will be similar to recruitment and job placement into regular, decent employment. For example, on entry into the forced labour relation the migrant will negotiate with the employer and establish a written or oral contract. Thus forced labour will appear legal though it is not, or evolve with a more legal situation as a starting point. In more informal markets, forced labour does not have this disguise of legality or formality.

In highly informal markets it can therefore be considered incorrect to term this kind of relationship ‘employment’. The ‘employer’ in this case is either an agent of a criminal economic activity or simply functions outside the labour market as such. Such cases are usually hidden when making general observations on the labour market. A good exam-

⁶ Regulation is considered from a practical point of view. Though some sectors may be covered by labour law, in practice they are little regulated and informal employment relationships may be the norm.

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ple is the domestic worker being kept locked up in his/her workplace. In this case, the relationship between the migrant and the exploiter no longer even resembles an employment relationship but is closer to a slavery-like one.

The classification above is useful for research purposes as it makes a clear distinction between the different economic spheres in which forced labour might be used. In this study we will consider this classification as a point of departure, which is reflected in the structure of the study. Though the survey allowed access to the more regulated market, the interviews with migrants allowed for a deeper look at forced labour in a completely unregulated market.

Forms of coercion

Forced labour can be contrived via various routes. These include trafficking⁷, internal trafficking, or other forms of irregular migration through which the migrant may independently seek to work for a seemingly decent employer who then subjects the migrant to forced labour. As such, there are many routes leading to forced labour. However, this study will focus less on these routes and more on the forced labour consequence of migration in general. Indeed, though migrants may be subjected to forced labour via different mechanisms, all suffer the same abuse and exploitation.

Methods by which persons are retained and coerced to labour can also be specified. These can also be considered as *forms of coercion*:

- use of physical coercion or threat of using physical coercion;
- limitation of personal freedom, including restricted freedom of movement, communication with relatives, etc.;
- confiscation of identity documents;
- bonded labour in different forms, including debt bondage;

⁷ The 2000 Palermo Protocol provides a comprehensive definition of trafficking:

'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs' (art. 3(a)).

- withholding of wages, including non-payment, retaining wages until “the termination of the job” and unlawful deductions (for example, for producing defective goods);
- blackmail, threats, psychological constraints and manipulation of a worker in order to obtain his/her consent to perform temporary and/or non-stipulated work;

Persons might be subjected to forced labour to differing degrees. The *degree of forced labour* can be identified according to the following categories:

1. *total forced labour*: “pure” cases of forced labour (where all aspects of labour are forced);
2. *partial forced labour*: elements of forced labour are used, including:
 - coercion to work additional time;
 - coercion to fulfil additional functions;
 - coercion to work without remuneration (for example, on account of a debt);
 - coercion to work under conditions which are not compatible with the notion of decent work;
 - coercion to live and work under control (restriction of movement, limitation of freedom, deprivation of medical treatment, etc);
 - sexual exploitation of workers, etc.

Elements of forced labour can also occur with differing *frequencies*:

- only during working hours, or also during the non-working time (for example, coercion to perform super-intensive work or coercion of dancers and other workers in the entertainment sector (including sexual services);
- on a regular or systematic basis (for example, imposition of debt for “defects” in construction, working on “Saturdays” free of charge, or sex workers or entertainers working for a militia or protection racket);
- from time to time (not on a regular basis).

These forms of compulsion may be used at different *stages* of employment: at the recruitment stage, during the course of work, or at the point of discharge. Exploitation and coercion may or may not be applied to a worker’s family members.

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All the classifications discussed may overlap or be used in conjunction. Other classifications could also be determined, for instance according to the socio-demographic characteristics of forced labourers. As illustrated in this chapter, forced labour can be classified in many different ways, and it is difficult to combine these classifications in a common definition. Experience has shown that an overly formal, bureaucratic, or insufficiently flexible approach to the identification of cases of forced labour can hinder activities to investigate, liberate and rehabilitate victims (Mishra, 2001).

Classifying forms of forced labour by context was the first step in the research. The study focuses on two primary forms of forced labour: work in mainstream professions in the formal and informal labour markets, with further classification according to sectors of employment; and unskilled forced labour outside the labour market (e.g. domestic and sex work), which is less frequently identified due to its severity and covert nature. Within this framework different forms of forced labour were studied as defined by the methods used to place and keep a person in forced labour, the degree of coercion, as well as the forms of coercion employed to this end.

Bearing in mind that this study is the first in Russia especially devoted to issues of forced labour, it aimed to keep an open mind as to what constitutes forced labour, and used a flexible methodology to discover the complexity of the various forms of exploitation. The above classifications of forced labour were chosen on the basis of empirical research, with the belief that such empiricism provides a better platform for research than a theory. Forms of classification derived from empirical evidence do not necessarily lend themselves easily to the use with a single theory or concept.

In addition, it should be noted that forced labour is not a state but a dynamic process, in a large part shaped by the necessity to avoid detection by the authorities. This study therefore aims to document forms of this constantly changing phenomenon and the manner in which different forms of coercion manage to stay covert, are incorporated into existing economic structures, and the ways to counteract them.

Sampling

The project selected specific regions for investigation: Central Russia, South European Russia and the Trans-Ural region⁸. There were several reasons for this. Central Russia includes Moscow and the Moscow region, which is the largest receiving centre in the country for migrants from the CIS countries and further abroad. Migrant labour is increasingly incorporated in the economy of the region. Today, according to many experts, the Moscow and the Moscow region labour market cannot exist without an influx of migrant labour to the less attractive spheres of employment. Moreover, in the anonymity of a great city, criminal activities of all kinds, including prostitution, are flourishing. The wide scale of the informal economy in Moscow is also conducive to severe labour exploitation of migrants, including forced labour practices.

Stavropol kray⁹ and parts of Krasnodar kray form South European Russia. The region has an anti-immigration policy, and one of the aims of the study was to find out how such a policy affects the working conditions of migrants. Irregular migration, trafficking and forced labour in general have been little studied in Omsk city and the Omsk oblast regions in the Trans-Urals. As such, these regions were chosen for study over the Coastal, Khabarovsk kray and Irkoutsk regions, where several projects have been conducted on the subject of trafficking and there is a higher awareness of the problem.

The project identified the following sectors of employment for study:

1. construction;
2. illicit activities;
3. small industries (bakeries, sewing workshops, etc.);
4. trade/work at markets;
5. personal services (domestic service, nursing children, patients or the elderly);
6. services and entertainment sector work;
7. sex work.

These employment sectors were chosen firstly because a high proportion of migrants are employed in them. Migrant labour in the chosen

⁸ Appendix II contains statistical data for these regions on the economy, the labour market, migration and existing institutions which strive to protect the rights of workers, prevent exploitation and provide assistance to its victims.

⁹ Kray signifies the region around the city and is a term very much like 'oblast'.

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sectors of employment has a number of common features, namely hard work, often at the risk of the migrant's health, and low-paid, undesirable or publicly stigmatized labour (for example, sex work). This tendency is more distinct in areas where the indigenous population enjoys a higher standard of living and native workers are more reluctant to perform certain types of work, which after a certain period of time appear to be "reserved" for a revolving migrant labour force.

Moreover, the selected sectors tend to encompass large informal markets and are often linked to criminal activities, such as sweatshops producing garments, alcoholic drinks and CD production. As such, these sectors are prone to serious labour exploitation. Even though the exploitation occurs in a largely informal market, it appears to be embedded in official structures and labour relations¹⁰.

A total of 442 migrants were interviewed (158 in Moscow, 140 in Omsk and 144 in the Stavropol region). Aiming to identify the migrants most vulnerable to forced labour, the respondents were selected according to certain conditions. These conditions were: foreign citizenship (mainly CIS countries) and employment in the potentially most exploitative workplaces. In addition, the interviews aimed to cover a wide spectrum of respondents according to sex, age, nationality and country of origin.

Moreover, a total of 41 experts were also interviewed: eight from Moscow, 10 from Omsk, 16 from Stavropol and seven from other regions. Among them were representatives of the leading bodies on labour, employment, migration, the informal economy, criminal labour exploitation, trafficking and other related problems, trade union representatives, NGO representatives and researchers (for a list of experts, see Appendix I). In the Results section, some experts are mentioned by name and some are not, in order to respect their wish to remain anonymous.

Methodology and data collection

The second phase of the study consisted of the actual research. Quantitative as well as qualitative methods were used in order to triangulate. Since forced labour is a covert as well as little investigated practice, qualitative methods were applied in conformity with the exploitative nature of the study. Several methods of primary data collection were used.

¹⁰ See, for example, Klemiakin, I., Timofeev, L. (2001: 11).

1) *Structured interviews with migrants*

The structured interviews were conducted with migrants in the sectors most prone to forced labour according to previous research. The interviews aimed to shed light on the following:

1. the socio-demographic profile of respondents;
2. the background behind their migration (motives for migration, life at home and other factors);
3. work in Russia (including type of work, working conditions, income, social security, relations with the employer, forms of labour exploitation, etc.);
4. living conditions in Russia (housing, availability of stay and work permits, relations with authorities, etc.);
5. migration plans and intentions for the future.

The questions had a general focus on forms of pressure, bondage and other elements of exploitation and violation of rights experienced during the migration process and employment in Russia.

2) *In-depth interviews with victims of forced labour*

The structured interviewing allowed for the identification of migrants subjected to forced labour or exploitation. Some of these were interviewed in depth in order to obtain narratives on forced labour as well as to ascertain the various causes and consequences of this practice. Moreover, the in-depth interviews aimed to gather knowledge on the characteristics of forced labour situations in different sectors of employment and the perception of these situations by migrants themselves. These interviews tackled cases of forced labour in more and less regulated labour markets.

A total of 30 in-depth interviews (ten in each region), lasting from half an hour to one hour were conducted, the majority of which were recorded. The recorded interviews were transcribed and treated as text documents. The interviewers used guidelines during the discussions; however, they sometimes deviated from the guidelines in order to create a rapport and elicit more pertinent information.

Researchers aimed not only to obtain an objective description of labour exploitation, but also to determine the attitude of workers towards their situation and to ascertain whether they considered themselves to be under the control of the employer/exploiter, in bondage or subject to slave labour. To that end, each respondent was considered an

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expert on their own situation and researchers assumed the role of observer rather than expert.

Each interview was treated as a separate case in order to illustrate different forms of forced labour and forced labour situations stemming from irregular migration or human trafficking. As such, the evidence presented in Section 4 consists of narrative extracts, as well as an analysis of these, structured around the different forms of exploitation encountered in the research.

The study aimed to document and analyse as many different kinds of bondage and coercion in labour relations as possible. Therefore it did not attempt to achieve a representative sample by choosing respondents on their socio-demographic profile, but on their ability to illustrate in each case a new element or form of labour exploitation or forced labour.

Forced labour situations vary depending upon socio-economic or other contexts, and traffickers and other exploiters may change their methods of exploitation. Therefore the interviews and questionnaires sought out information not only directly related to work in Russia, but also to the context in which it takes place.

3) Semi-structured interviews with experts

Specialists and decision-makers in the fields of migration, labour and social policy were questioned on their understanding of the phenomenon of forced labour, the degree to which they were concerned about the pervasive use of such practices, and measures they would propose to counteract it.

The experts were interviewed using:

- a short questionnaire of closed and open questions (for quantitative and qualitative analysis respectively);
- an open, recorded interview for qualitative analysis.

The open interview was conducted with a view to take advantage of the specific expertise of the interviewee. The results of these interviews are shown in Section 4 of the report, and full texts are provided in Appendix I.

Under the 1998 ILO Declaration on Fundamental Principles and Rights at Work, member States are to implement measures to abolish all forms of forced or compulsory labour. For Russia to realize this commitment, an effective normative and legal system is required. This study therefore offers an analysis of the comprehensiveness and effectiveness of existing legislation against forced or compulsory labour linked to the protection of migrant workers. It also provides an overview of the effectiveness of law enforcement practice against human trafficking and forced labour.

3.1. INTERNATIONAL LABOUR STANDARDS FOR MIGRANT WORKERS

Russian legislation on the status of labour migrants should be founded upon international normative standards. The primary UN instrument concerning migrants is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990. Important ILO instruments are the Migration for Employment Convention (revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention 1975 (No.143), as well as the corresponding Recommendations No. 86 concerning Migration for Employment (Revised 1949), and No. 151 on Migrant Workers, 1975. The UN Convention also refers to the fundamental principles and rights at work that have been adopted by the International Labour Conference in 1998¹¹. Migrant workers irrespective of their legal status should be

¹¹ Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th session, Geneva, 18 June 1998.

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protected from violations of these principles, which are 1) freedom of association and collective bargaining, 2) freedom from discrimination, 3) child labour and 4) forced labour.

The UN Convention focuses on ensuring basic human rights for migrants (Part III of the Convention, Articles 9 - 23), including the right to life, freedom of expression, freedom of conscience and freedom of religious belief, the inadmissibility of unlawful detention and coercion for the purpose of forced or compulsory labour, and the right to receive protection and assistance from the consular or diplomatic bodies of a migrant's country of origin.

Article 1 of ILO Convention No. 97 states that regulation of the status of migrant workers at the international level should be achieved either by means of general legislation, specific legislative acts, or by bilateral or multilateral international agreements. All should commonly seek "to facilitate the departure, journey and reception of migrants for employment" (Art. 4).

Article 6 of ILO Convention No. 97 stipulates that a State, having ratified the Convention, "undertakes to accord, without discrimination in respect of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it accords to its own nationals". The Convention deals with questions of working hours, overtime, weekly rest, paid holiday, labour remuneration, occupational safety and health, cessation of labour relations, and membership in trade unions (Art. 25). These rights are also connected with migrants' rights to social security (Art. 27) and to medical aid (Art. 28). The Convention also contains special provisions dealing with medical services for migrants as well as the delivery of a certificate of good health on arrival and departure from a country (Art. 5).

Adopted a quarter of a century later, the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) called for the development and implementation of national policy to help migrant workers secure "equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within its territory" (Art. 10). Implementation methods include the adoption of relevant laws, education programmes and awareness-raising programmes for migrants, and the involvement of national employers' and workers' organizations to ensure the adoption of concrete measures

(Art. 12). The Convention also stipulates measures on job placement for migrants (using the employment services of the destination country), geographical mobility (Art. 14), and on choice of work and family reunion (Art. 13).

Taking into account the economic and demographic situation in the country, legal regulation of the above-mentioned issues is of primary importance for Russia. Russia today is primarily a receiving country of migrant workers, and therefore should have a developed policy as well as legal framework for the integration of immigrants. Yet to date, this policy remains underdeveloped and has not been institutionalized satisfactorily.

Neither did Russia ratify Convention No. 28 on the civil aspects of international kidnapping of children (1980), the Optional Protocol to the Convention on children's rights that deals with trafficking in children, child prostitution and child pornography (2000) which is extremely important as children are one of the most likely risk groups for severe forms of exploitation and slavery.

Ratification of these documents is necessary to eliminate the gaps in the national legislation against forced labour and trafficking. Russia also needs to join the European Convention on anti-trafficking measures adopted in Warsaw in 2005, because this document contains, in particular, many vital additions to the UN Protocol. These additions deal with fighting the demand for trafficked persons, identifying and assisting victims, mechanism of cooperation and monitoring.

3.2. RUSSIAN LEGISLATION ON HUMAN TRAFFICKING AND FORCED LABOUR

3.2.1 Anti-trafficking legislation

In a globalized world, issues concerning labour exploitation, and in particular forced labour, are strongly linked to those of human trafficking. Following Russia's signing the UN Convention against Transnational Organized Crime (2000) and the supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children¹², a working group for the development of a draft federal law on "Combating Human Trafficking" was established. The

¹² Russia ratified the Convention and its supplementing Protocols on 26 April 2004.

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working group was set up on the initiative of State Duma (Parliament) deputy E. Misoulina of the liberal and reform-orientated Union of Right Forces Party, under the Committee on Legislation of the State Duma, and was composed of representatives of legislative and executive authorities, non-governmental and international organizations as well as scientists. A draft law was developed and submitted to the State Duma for consideration on 10 December 2002.

The law details legal and institutional instruments for counteracting trafficking in the Russian Federation, and the way in which these instruments will be coordinated by authoritative bodies, civil society, organizations and officials in this field. It would also determine a legal status for persons who fall victim to human trafficking, and define State assistance for such persons. Under the law, persons coerced into labour, debt bondage, bonded labour or other forms of severe exploitation would be considered victims of human trafficking and be protected by the State. Such persons would receive legal, psychological and medical support, as well as social protection. Moreover, victims would be accommodated in special shelters and support centres. Assistance would be provided to help with reintegration into the family, as well as into society as a whole. The draft also includes measures to hold accountable the exploiters of victims of forced labour.

Unfortunately, review of the draft law was deferred by the Duma; and because of this, the working group proposed amendments to the Criminal Code (see section below on Criminal Code) in a way conducive to prosecution of trafficking and slave labour related offences. However, victims of these crimes remain without effective protection.

The Criminal Code is intended to cover criminal acts in the field of labour relations. Yet it did not contain provisions to prosecute those benefiting from forced labour for a long time. The Criminal Code only covered administrative responsibility for the non-payment of wages, pensions, scholarships, allowances and other payments (Article 145.1); it did not include coercion in the form of, for example, violence, lack of freedom of movement, confiscation of identity documents and debt bondage.

Thanks to the efforts of an anti-trafficking working group, several articles of the Criminal Code of Russian Federation were amended in January 2004 to cover issues of trafficking in human beings (see Appendix V). Thus, the Criminal Code now includes a definition of trafficking as well as slave labour and the enactment of appropriate sanc-

tions for perpetrators: imprisonment up to five years for the act of trafficking or imposition of slave labour perpetrated by a person, and eight to 15 years for the act of trafficking or imposition of slave labour perpetrated by an organized group. Amendments to the Criminal Code also cover recruitment into prostitution and the organization of the activity of prostitution, which is now punishable by imprisonment of three to eight and three to ten years respectively¹³.

Relevant legislation concerning labour relations and forced labour

The Constitution of the Russian Federation establishes the main principles that regulate labour relations, one of which prohibits the use of forced labour. The Constitution states that “Labour is free. Each has the right to freely employ his capacity to work, to choose an occupation and profession. Forced labour is prohibited” (Art. 37). Article 4 of the Labour Code of the Russian Federation also declares the prohibition of forced labour and defines the phenomenon as ‘labour under the menace of penalty’. This menace may be imposed in order to maintain labour discipline; for participation in a strike; as a means of mobilizing and using a labour force for economic development; for having or expressing political views or ideological convictions which run contrary to the established political, social or economic system; or as a discriminatory measure on the grounds of racial, social, national or religious backgrounds.

Sections of the Labour Code of the Russian Federation cite almost verbatim the provisions of Article 1 of the Abolition of Forced Labour Convention, 1957 (No. 105). However, the definition of “forced labour” in the Code does not take into account the provisions of Article 2 of the Forced Labour Convention, 1930 (No. 29), which states that forced labour does not only entail work performed under the menace of penalty, but also work for which a person did not offer himself voluntarily. The question of consent to work is not reflected in the Labour Code. Because of this oversight, forced labour situations can occur that are not treated as such, resulting in impunity for the perpetrators. In addition,

¹³ In 2005 and 2006, the interdepartmental working group of the State Duma Committee of the Federal Gathering of the Russian Federation for civil, criminal, arbitrary and procedural law for drafting the federal law on combating trafficking in humans, headed by Elena Mizulina (coordinated by T. Kholshchevnikova), continued its work on promoting the prepared draft law and other necessary anti-trafficking measures.

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Russian legislation neglects certain economic aspects of forced labour, i.e. workers who become vulnerable due to a lack of viable economic alternatives.

The Labour Code of the Russian Federation defines forced labour as:

The violation of established terms of remuneration or its payment at a reduced rate; the obligation for workers to fulfil working responsibilities in the absence of collective or individual protection, or where a worker's life or health is at threat (Art. 4).

Neither criterion is recognized in international standards as forced labour. Firstly, issues of wage protection, safety at work and labour hygiene are the subjects of labour instruments other than forced labour. Secondly, using such criteria as central characteristics of forced labour separates the code from international standards regulating the phenomenon.

The Labour Code does provide for the settlement of collective and individual disputes in accordance with the existing order. However, cases of forced labour must be recognized as such by a court decision, and can only be established given the concrete evidence of a recognized person. Therefore disputes in this sphere may only deal with individual cases. The Labour Code states that:

An individual labour dispute is the sum of unsolved differences between an employer and an employee, on issues regarding the application of laws and other legal acts containing labour regulations, as well as the application of collective contracts, agreements or labour contracts (including those pertaining to the setting or modification of individual labour conditions), where a claim is submitted to the body responsible for processing individual labour disputes. An individual labour dispute is considered to be a dispute between an employer and a person who were previously engaged in labour relations, as well as for persons wishing to enter into a labour contract with an employer where the employer may refuse to enter into such a contract (Art. 381).

The legislation concerning individual labour disputes stipulates no specific measures to protect labour rights in forced labour cases. Often a person subject to forced labour will have no official, registered labour rela-

tion with his/her employer, and as a result will not be covered by the Labour Code. Only after a worker has proven the existence of labour relations can his case be qualified as an individual labour dispute. Moreover, to present the case, workers require an opportunity to appear freely in court and at least minimal acquaintance with the law. For most victims of forced labour a court appearance is often impossible due the direct restraint exercised by the employer, their irregular status as migrants, and so on. Furthermore, those subject to forced labour may have low levels of education and/or may not be acquainted with the relevant legislation.

Russian legislation states that labour disputes are to be regulated by commissions or in court. But individual workers' disputes can only be considered directly in court when a) no commission has been set up on the labour dispute within an organization, and b) there are disputes over re-instatement at work, refusal to enrol or discrimination. (Art. 391 of the Labour Code). This legislation therefore fails to provide a channel by which cases of forced labour can be brought before a legal body.

The law on "The employment of the population in the Russian Federation" was adopted on the 19 April 1991 and has been amended on numerous occasions since it was implemented. Although the law does not facilitate the use of forced labour, it does not provide any safeguards against it either.

Low and unskilled service-sector workers, as well as those in construction, agriculture, domestic service and the entertainment sector are especially vulnerable to forced labour exploitation as these industries are prone to informal work. The Russian Labour Code only contains regulations on workers employed by recognized employers. Those working in the informal economy are rarely covered by measures prohibiting forced labour.

Workers in the formal economy have their contract registered with local government. This measure does not ensure that the content of a contract is regularised, but the act of registration at least provides some barrier to the use of forced labour or other labour rights violations by allowing the opportunity for litigation. Given this scenario, legislators are only able to set up general guarantees on labour regulation and attempt to direct their application towards the sectors where workers are most vulnerable to forced labour.

There is no specific national legislation in Russia concerning the status and rights of labour migrants. However, the labour law of 21 of June 2002 on "The legal status of foreign citizens in the Russian Federation"

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regulates the status of non-Russian citizens in terms of residency, the right to work, as well as in relation to entrepreneurial and other activities within Russian borders (Art. 1).

Articles 13 and 18 of the law concern the participation of foreign citizens in labour relations. In principle, foreigners are free to act as employers and workers, to freely use their capacity to work and to choose their profession within the limits of national law. However, Article 13 stipulates that: (1) employers must obtain permission to recruit and use foreign labour force within the framework of concluded labour or civil law agreements; (2) foreign citizens without permission for permanent or temporary residence in Russia have the right to engage in work only if a work permit has been obtained.

Article 18 regulates: (1) the procedure concerning the quota of foreign workers admitted into Russia; (2) the recruitment, by invitation, of foreign workers to work in Russia; (3) the procedure by which an employer deposits a bond for recruiting a foreign worker (to be returned to the employer upon departure of the worker); (4) the responsibilities of an employer; and (5) required practices concerning the employment of a foreign worker.

Russian legislation is composed in such a way that a foreign citizen's freedom to work can only be realized on the initiative of an employer and with State permission. Only employers can apply to the competent State bodies for permissions to use migrant labour.

The only way for a migrant worker to enter Russia legally for the purpose of employment is on invitation by an employer. The latter must apply to the competent authority for permission to extend such an invitation to a migrant worker. This means that the migrant worker is tied to the employer by means of the work permit. Russia is not the only country to have adopted such an approach. However, this situation leads to migrant workers being dependent on their employers.

As such, under the provisions of Russian legislation, migrants are unable, in practice, to choose employment freely, or to choose different employment, with a different employer or with different working conditions if they so wish. (Art. 18, point 2.) Such dependency encourages worker exploitation by employers, including forced labour exploitation¹⁴.

¹⁴ Art. 11 p. 2 - "a foreign citizen, temporarily living in the Russian Federation cannot, by his will, change a place of his residence..."; Art. 13, p. 5 - "a foreign citizen, temporarily living in the Russian Federation, cannot exercise labour activity outside the territory [...] in which he is allowed to live temporarily.

Some contradictions are therefore evident in legislation governing the position of foreign workers in Russia. Provisions in Article 11 of the Labour Code cover labour relations for foreign citizens and persons without Russian citizenship. However, the legislation discussed above concerning the legal status of foreign citizens is not set up in a way that favours effective regulation of migrant labour. Such legislation does not create a suitable environment for the civilized and lawful use of migrants' labour or the protection of their labour rights.

The procedure governing the issue of work permits to migrants does not include any provision for the rights of migrants themselves. As previously noted, migrants cannot independently apply to the authorities for permission to work. Moreover, legislation has no provisions allowing for an appeal against employers who neglect their legal obligation to officially register the employment of migrant workers, nor can migrants appeal against the actions of the authorities about matters concerning permit issuing procedures.

Current regulations governing labour rights in Russia therefore, to an extent, compromise the principle of guaranteed judicial protection in the case of rights violations. Because of this, complaints against the Russian Federation relating to the violation of the right to access justice could be taken to the European Court on Human Rights.

Furthermore, this legislation can encourage employers to employ migrant workers informally, and even subject them to forced labour. Employers have to pay to obtain work permits for migrant workers and face further costs on their departure – such as the cost of return passage to a worker's country of origin. As a result, employers may force a migrant to pay off these expenses (a form of debt bondage), or prevent the migrant from finding other employment if he/she so wishes.

Russian legislation on the legal status of migrants in the field of labour therefore contains no provisions allowing a worker to negotiate an appropriate labour contract with an employer in accordance with federal law. Migrant workers are therefore passive actors in the labour force, and without a legal "personality". These conditions facilitate the use of forced migrant labour by unscrupulous employers.

The problem of irregular migration is an important consideration for this study as it is a contributing factor towards the pervasive use of forced labour. Current legislation in Russia tackles irregular migration by strengthening methods of control and imposing punitive sanctions upon employers and migrants themselves (in the form of deportation).

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Measures to facilitate increased regular migration to Russia are unpopular with migration officials. This appears at odds with the declared national strategy of recruiting more migrants.

At present the Civil and Procedural Code of the Russian Federation does not include special procedures for the consideration of labour disputes. However, the State Duma has adopted a plan to draw up a Labour Procedural Code, regarding which work has begun.

In accordance with Article 23 of the Russia Civil and Procedural Code and Article 3 of the Law on Justices of the Peace in the Russian Federation, cases related to labour relations, with the exception of cases relating to reinstatement at work and to collective labour disputes, are put under the competence of a Justice of the Peace. This mechanism does provide access to justice for those subject to forced labour, while needing to be made more accessible to the general population. However, no specific body in Russia has the power to investigate and prove cases of forced labour. Article 353 of the Labour Code assigns such responsibilities to the Federal Inspection of Labour, federal inspectors (on questions of safety of work in certain industries), federal bodies of executive power, other bodies of executive power, local governance bodies (regarding intra-institutional State control over the observance of labour legislation) and the Office of the Public Prosecutor (regarding State supervision of the implementation of labour legislation).

The Statute on the Federal Inspection of Labour, adopted by the Government on 28 January 2000 (No. 78), for instance, does not include the identification and investigation of cases of forced labour in its functions. Given that labour inspections in Russia have the power to consider cases of administrative infractions in the field of labour, it would seem logical for these inspections to be also given powers and responsibilities to identify and investigate cases of forced labour. This could expose the cases of forced labour and bring them to justice.

Should a labour inspector discover a case of forced labour, he/she has the right to pass evidence to other law-enforcement agencies, or to submit a claim to court. However, in order to apply to a court to protect the labour rights of a person subjected to coercion, an inspector requires authority by law and not by the Statute, which is a by-law. According to Article 46 of the Civil and Procedural Code, State power bodies can only act in the defence of the rights, freedoms and legal interests of persons as stipulated by law. Therefore labour inspectors, or any other bodies of State authority, have no effective powers of investigation.

Moreover, current legislation provides only for the restoration of labour rights in a general sense, i.e. in the same way for all labour rights violations. Additionally, legislation does not define exactly how and to what extent violated rights will be restored. This is evidently not sufficient in the case of forced labour, where victims suffer worse abuse than in other situations of labour rights violations.

The Code on Administrative Infractions only regulates administrative responsibility for violations of labour legislation in general (Article 5.27), in the form of fines for government officials profiting from forced labour practices (Article 5.25. of the Code on Administrative Infractions). It does not include interpretations of forced labour. Therefore those engaging in forced labour cannot be held responsible for the use of forced labour under this law.

3.3. IMPLEMENTATION OF LEGISLATION

This section covers the application of standards on forced labour, and reveals that the shortcomings previously identified in Russian legislation are matched by failings in concrete action against forced labour. First we consider implementation of new articles of the Criminal Code on trafficking and slave labour.

In 2004, 18 criminal cases were initiated under Article 127.1 (trafficking in humans). Out of these, 4 cases were brought to court, 6 people were judged guilty. 8 criminal cases were initiated under the Article 127.2, 3 people convicted. Criminal cases were initiated in many regions of Russia – Moscow city and the Moscow region, Chechen republic, Rostov, the Saratov region, Udmurtia, the Khabarovsk territory, Makhachkala (127.1); Omsk, Murmansk, the Tula region, Cheliabinsk, Kemerovo, Tomsk, the Primorie territory (127.2).

In 2005 about 60 criminal cases were initiated under Article 127.1 (trafficking in humans), three times as many compared to 2004.

Article 127.1 mostly applied to cases of sexual exploitation where victims were relocated from one region of the country to the other. It hardly ever applied to relocating people *to Russia* from other countries (for example, from CIS countries). There were no cases *other than sexual forms of exploitation* among those initiated under this article, even though such cases are stipulated in the article.

All victims were young women under 25 years old. The culprits had no criminal record.

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This is not the case with article 127.2 where one of three convicts had a criminal record (rape, thefts, beatings etc). All the victims were over 30 years old, mostly homeless and jobless people. *There are no criminal cases on slave labour exploitation of migrants* despite the fact that this form of exploitation is widely prevalent in Russia. The Investigation committee of Murmansk initiated a criminal case on slave labour of 6 homeless people at one of the factories. In a similar case in Omsk, the victims were 4 jobless people, 3 of which were recognized as mentally ill¹⁵.

First two years of law enforcement experience on these articles showed how complicated this crime is, brought to light the lack of information on methods of identifying and prosecuting such crimes, lack of methodology, institutional problems (there is no coordinating authority). Cases of labour exploitation and forced labour (as opposed to forced prostitution) are hard to identify and investigate, they do not need advertising, and are less obvious. To reveal such crimes, it takes special raids, and scrutiny that is not just limited to the economical essence of the crime (as is often the case with counterfeit production, whereas the case that such production was made using slave labour is out of the picture).

Since the Russian Labour Code was introduced on 1 February 2002, cases concerning violations of labour rights in forced labour situations have not been brought to the Russian courts.

However, numerous cases concerning other forms of labour dispute have been examined in the courts. For a more thorough understanding of these labour disputes and their possible links with the use of forced labour practices, this study analysed court practice as published in the Bulletin of the Supreme Court. It also used information contained in an electronic database on Court and Arbitration Rulings, as well as general conclusions and rulings on labour disputes presented in courts in Moscow and surroundings, and abstracts from the examination of labour disputes in the republican, regional and kray courts. Decisions from district courts in the Smolensk region, Moscow region and Komi Republic were also analysed separately.

References to complaints of forced labour do appear in some labour cases. However, as a rule, this does not constitute the main subject of controversy. Where these references appear, they are not subject to legal consequences as the adequate legal provisions to do so do not exist. In

¹⁵ Materials from the report of the UN agencies working group in Moscow on combating trafficking in humans "Inventory and Analysis of the Current Situation and Responses to Trafficking in the Russian Federation", 2005, (draft).

one case, a claimant in the Voronezh region, reported that while working as an electrician, his employer had instructed him to perform technician duties that were not detailed in the labour agreement. He had asked that this case be considered forced labour. However the court examined only the principal complaint, relating to dismissal from work, without ascertaining whether work beyond the terms of the contract did indeed take place, whether coercion played a role or whether this might be considered forced labour.

In conformity with the report of the *Federal Labour Inspection*, in 2002, federal labour inspectors conducted more than 255,000 verifications, revealing more than 2.11 million cases of labour violations. Yet no cases that exposed or investigated forced labour are cited in the report. Federal labour inspection bodies lack the power to perform such investigations and inspectors are only required to control official, registered enterprises, not to expose cases of forced labour in the informal sector. As the use of forced labour is most widespread in these sectors, it is clear that the existing powers of the Federal Labour Inspection, in practice, provide little assistance to the identification and investigation of cases of forced labour.

This is not to say that some cases revealed by inspectors do not contain elements of forced labour. Whilst investigating the “Pout” (Track) enterprise in the Soursky district, State labour inspectors in the Ulianovsk region discovered that employees were working on holidays and rest-days without any such provision in the contract, the written consent of the employees or proper compensation. In this case, the employer was called to account according to Articles 113 and 115 of the Russian Labour Code: the workers did not offer their services for work on holidays and rest-days and compensation was not paid. However, the inspectors did not investigate this case from a forced labour perspective, though some criteria, such as withholding of wages and serious exploitation in terms of working days, were present.

Other cases where employees worked overtime without official consent and appropriate compensation were encountered. State inspection in the Tchitinskaya region revealed cases where public utility employees were working overtime without written consent or any remuneration. In this case 23,766 Roubles were collected from the employer as compensation for the workers. However this and numerous other infringements, particularly in the construction industry, were not considered in the context of coercion or forced labour.

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Elements of coerced or compulsory labour are revealed in a wide range of labour situations in Russia. These include situations where the conditions of labour agreement relating to the type of work, remuneration, extra working hours and reduced rest time, and disciplinary responsibility are changed. Therefore, labour enforcement practice falls seriously short by not investigating such cases in the context of forced labour. Such cases can be considered as exploitation and even forced labour, since although a worker may officially have a registered agreement, this legality is used as a facade for illegal activity on the part of an employer.

Under such circumstances, a worker often finds him/herself not free to find another job, undergo vocational retraining or benefit from social security. Since most migrants work without a registered contract, terms of reference, agreed working hours or other agreements, they are especially vulnerable to these types of abuse. It appears that such labour relations exist on a large scale. The prevalence of exploitative labour relations under the cover of legality could turn forced labour from a marginal into a mass phenomenon, thus presenting a significant danger for decent work in Russia.

3.4. CONCLUSION

Whilst Russian law has provisions related directly and indirectly to the abolition of all forms of forced labour, this legislation contains serious gaps. Regulations on migrant labour appear to be especially defective; its provisions breaching fundamental principles of international labour law. In addition, our analysis of the existing labour standards shows that the machinery for the identification, investigation and action against such exploitation appears to be lacking. Russian legislation concerning employment and migration requires serious revision, alterations, amending and bringing into conformity with international standards.

Not only migrant workers, but also the economy – in need of migrant labour – would be better served by a regulatory system issuing work permits on the request of workers themselves, rather than employers. The labour market too would benefit in the long run: opening for migrants the way to free competition in the labour market would counter current trends which reveal a concentration of migrants working for lower rates and thereby lowering the efficiency of production.

This section will investigate the data obtained through a survey carried out with 442 migrant workers in different regions of the Russian Federation, in-depth interviews with victims of forced labour as well as semi-structured interviews with experts. The data presents a rather disturbing picture of widespread abuse and exploitation of migrant workers. The degree of coercion varies, and situations of forced labour should be analyzed along a continuum. The data will be presented around several themes that shed light on the vulnerability of migrant workers, their pre-migration situation, the role of intermediaries and forms of coercion. Furthermore, information on exit strategies from forced labour as well as needs for assistance is given at the end of this section.

4.1. VULNERABILITY FACTORS¹⁶

Experts suggested that the following groups were most likely to become involved in forced labour (in order of greatest vulnerability): migrants, (especially irregular migrants), homeless people, neglected children, the poor/beggars, refugees and forced migrants, the unemployed/the sick, prostitutes, alcoholics, prisoners, and soldiers.

The experts unanimously considered migrants, and especially irregular migrants, to be the primary group at risk of forced labour (56 per cent). However, 37 per cent believed that migrants and locals were victims of forced labour in equal

¹⁶ Please see Appendix II for the breakdown of percentages according to region for the bulk of data presented.

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measure. Seven per cent found the question difficult to answer. Fifteen per cent of experts were aware of many cases of migrants kept in slavery-like conditions. Sixty-one per cent were aware of some cases and 22 per cent were not aware of any cases. Majority of the experts (93 per cent) considered that no less than 30 per cent of irregular migrants are exposed to forced labour in some form or degree. On average, experts believe that more than half (56 per cent) of migrants are victims of forced labour. Thirteen experts (32 per cent of those questioned) believed that all or nearly all irregular migrants are involved in forced labour to some degree.

Demographic factors

In order to determine risk factors that increase the vulnerability of migrants to labour exploitation, this section presents the demographic characteristics of migrants interviewed, as well as their motivation for migration and the economic conditions experienced before and after migration. The 442 migrants interviewed were working in sectors of the Russian economy where elements of exploitation and forced labour are considered most prevalent.

In all three regions, men form the majority of respondents (72 per cent). This may reflect the sex ratio of migrants in Russia's labour markets. Men represent 81 per cent of respondents in the Omsk region and 75 per cent in the Stavropol region, suggesting that demand for labour in the so-called "female" sectors, such as domestic service, is less developed than in other regions. Our observations also suggest that migrant labour markets develop from a base of predominantly male employment, in construction for instance. Yet it must be noted that women more often work in the informal economy, thereby restricting access to researchers. In this light, the sex ratio of respondents interviewed may not fully represent the sex ratio in employment.

The most balanced sex ratio is in the Moscow region with 60 per cent male migrant workers and 40 per cent female. Here, a more developed migrant labour market follows trends found in the developed countries. Moscow has a demand for all traditional forms of migrant work, both those associated with men and women. But even here men predominate.

The average age of migrants is very similar across the three regions – from 30.5 years old in Moscow to 34.8 in the Stavropol region. Omsk occupies an intermediary position with an average age of 33.8 years. Age ranged in general from 14 to 68 years old, with slight variations accord-

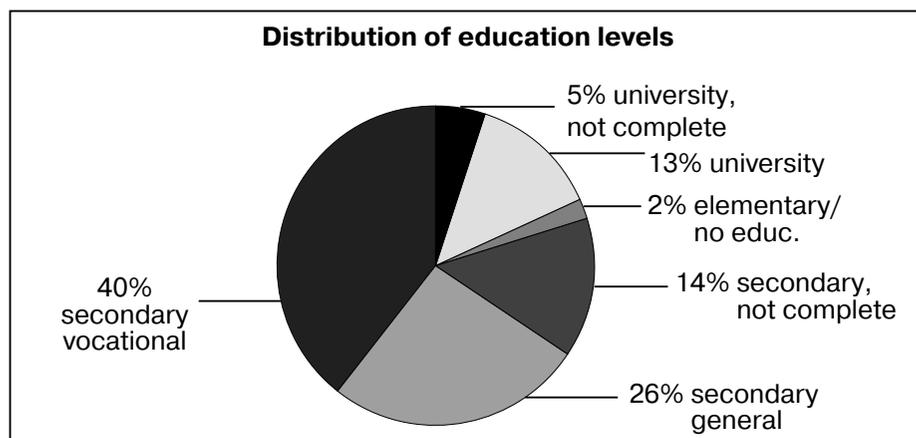
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ing to region. The average female migrant (33.9) is slightly older than the average male migrant (32.6).

Slightly over half of the migrants were either married (46 per cent) or cohabiting (8 per cent). The remainder were unmarried, divorced or widow(er)s (46 per cent). Approximately half (48 per cent) of the migrants interviewed were both married and had children less than 16 years old. Nearly half (49 per cent) had one or two dependents, 15 per cent had three or more, and about one third (34 per cent) had no dependent family members.

Migrants appeared to possess a fairly high level of education. Eighteen per cent (13 per cent in Omsk and 22 per cent in Moscow) had attended higher education, and almost 40 per cent had attended vocational training. However, 16 per cent of migrants had not completed secondary education and some had not attended school at all¹⁷.

Graph 1

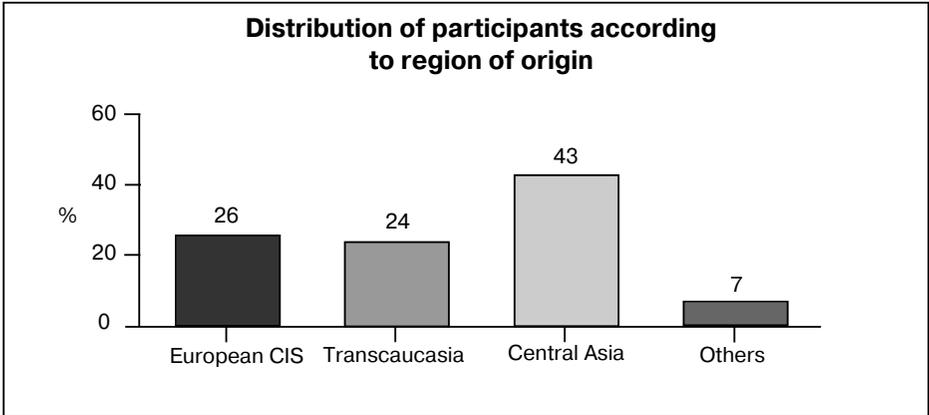


In general, most migrant workers came from Uzbekistan (17 per cent), Ukraine (15 per cent), Armenia (11 per cent) and Tajikistan (10 per cent). However, the nationality of migrant populations varied between the regions studied. The figures in the graph show that migrants from the European CIS republics dominated in Moscow, whilst in Omsk, migrants from Central Asia were most numerous. The Stavropol region has a more balanced composition, with migrants from Central Asia and the Trans Caucasus region forming the majority of respondents.

¹⁷ This section aims to reveal a general picture of migrant employment and does not consider more marginalized groups of migrants, in which the education level would probably have been lower.

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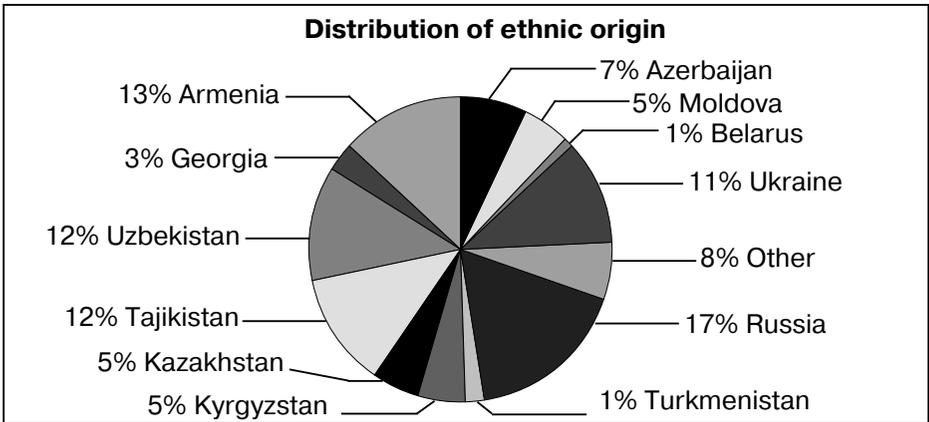
Graph 2



In fact, Ukrainian migrants (30 per cent), followed by Moldovans (16 per cent), were the most numerous in the Moscow region. In the Omsk region, migrants from Uzbekistan (24 per cent) and Kazakhstan (13 per cent) were highly represented and in the Stavropol region, migrants from Uzbekistan (21 per cent) and Armenia (18 per cent) were highly represented. The reasons for this distribution can be explained geographically (for instance the proximity of Kazakhstan to Omsk) and by the presence of existing migrant networks, which in some cases date back to the Soviet era.

The ethnic composition of the migrants interviewed largely mirrors citizenship. However, a higher proportion of migrants had Russian ethnic origin (17 per cent) than had Russian citizenship.

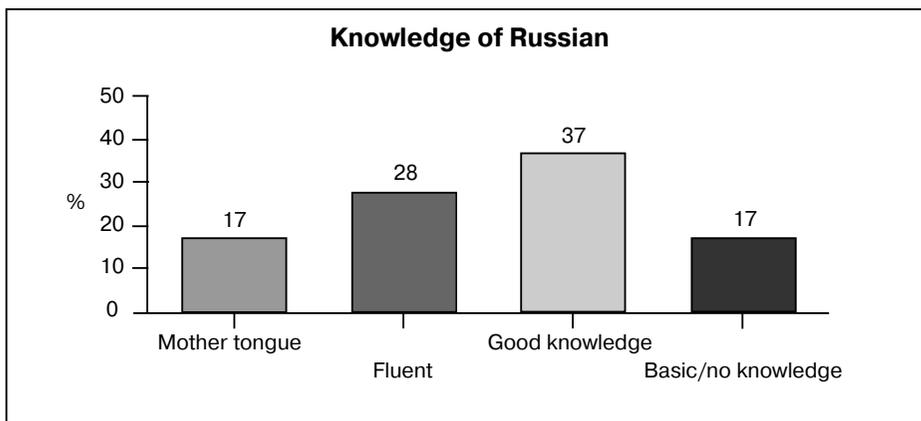
Graph 3



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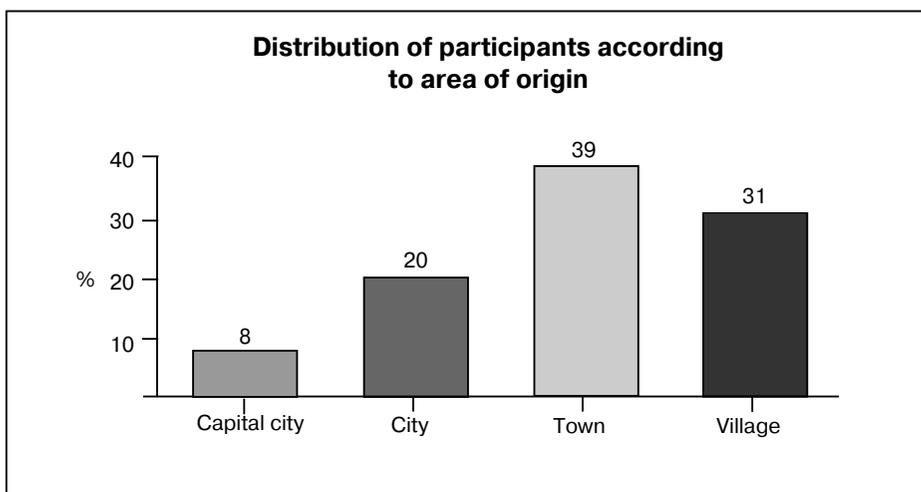
Most migrants interviewed have good levels of Russian. Only 17 per cent claimed that they had either basic or no knowledge of Russian. This illustrates that language barriers for migrants are few in the case of migrants in Russia.

Graph 4



The majority of migrants came from towns (39 per cent) and villages (31 per cent). Moscow had the highest proportion (18 per cent) of respondents from capital cities and the lowest proportion (23 per cent) of former rural inhabitants. In Stavropol and Omsk, far more interviewees were from rural backgrounds.

Graph 5



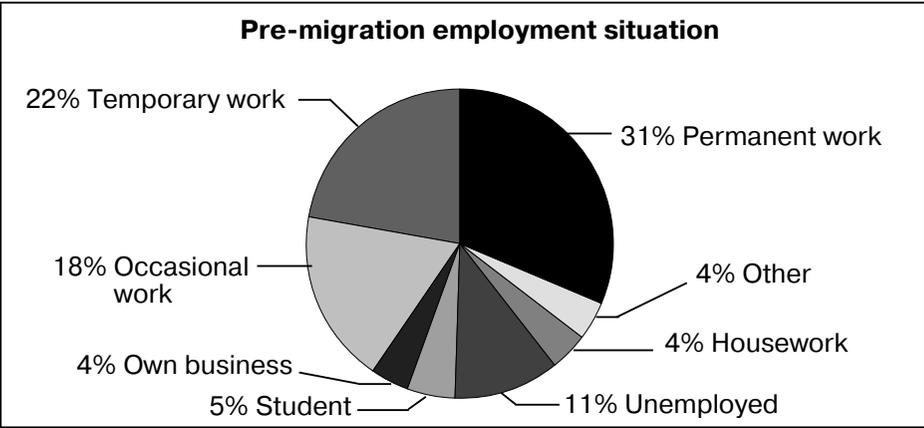
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The growth of migration from towns and rural areas is a recent trend. Only three or four years ago, most migration was from urban areas. There is a greater lack of information and education in rural areas, and migrants from less urban backgrounds can face difficulties adapting to life in Russian cities. As a result, these migrants are more at risk of labour exploitation and rights violations.

Pre-migration employment situation of respondents

The majority of migrants had permanent (31 per cent) or temporary (22 per cent) work before coming to Russia. However, no information is available on underemployment and the adequacy of wages earned with regard to living standards in the country of origin. Eleven per cent were unemployed prior to migration and 18 per cent were working on an occasional basis. The Stavropol region was host to the lowest number of interviewed migrants with stable employment histories.

Graph 6



As such, the sample population of migrants appears, in general, to be fairly well educated and to have had previous employment. A great number came from villages and small cities, some were supporting dependants, were very young, or were uneducated. Migration can be deemed a rational choice, except that the migrants were not well-informed or were even misinformed about forced labour and its detrimental effects, and constitute a population vulnerable to exploitation by unscrupulous employers.

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4.2. PUSH AND PULL FACTORS

The interviews revealed that economic factors were the primary motivation behind migration to Russia. However they also recorded a complicated and diverse combination of push and pull factors, as illustrated by the excerpt below taken from an interview with a male victim of forced labour:

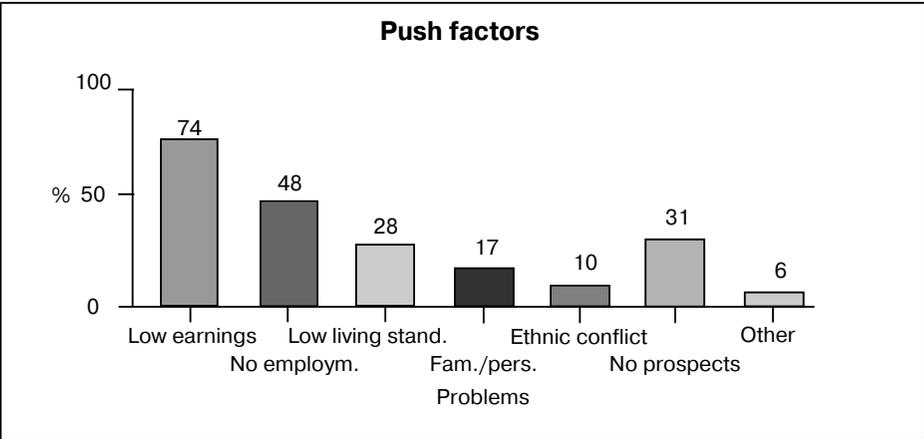
I came from Nukus city, Uzbekistan. I have Uzbek citizenship. In 1990, I served in the armed forces of Uzbekistan. I am a graduate of a metalwork college, and worked as a metalworker in Nukus. I earned little. I tried to create my own business (selling goods from Russia) but it failed. I worked in construction. But in Uzbekistan, this is not in demand as there are not many rich persons. In addition, nationalism and discrimination against foreigners is widespread in both soft and more aggressive forms. In soft forms, Uzbeks give more or less good jobs only to their relatives or persons belonging to their group. More aggressively [ethnic] Russians are subject to direct threats, constant oppression and are pushed from the country. But the main reason for coming to Russia was the absence of work (complete unemployment) and extremely low wages.

(Male victim of forced labour)

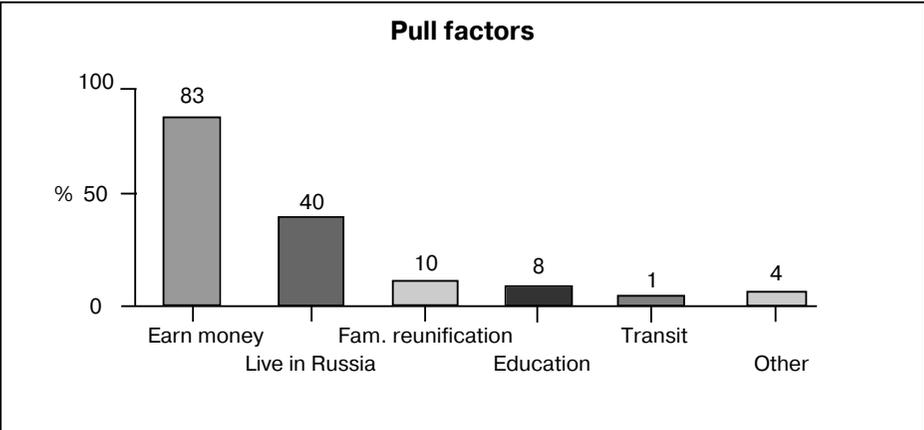
The most important push and pull factors were related to the lack of financial resources, which in turn are probably related to other main push factors: the lack of employment and low living standards as well as the lack of prospects for the future. Migrants also *perceived* the standard of living to be higher in Russia, many considering that there were no prospects in their home countries. This indicates that relative deprivation is also a factor that influences the decision to migrate.

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Graph 7



Graph 8



The majority of respondents mentioned a very low (not enough income for bare essentials) or low (income covers only bare essentials) level of income in their home country. An illustration of this is given in the interview excerpt below:

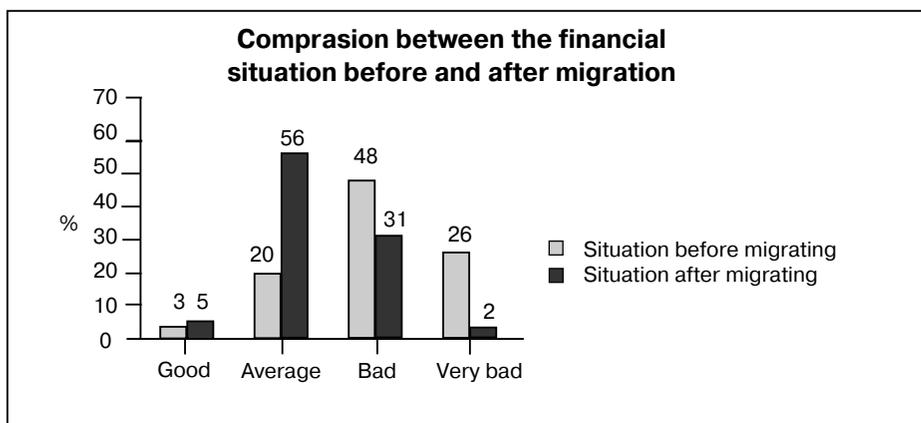
There were six children in our family. I am the second. There [in Kazakhstan] people live in poverty, lacking electricity and water. Sometimes we didn't even have bread at home. My mother made ends meet by casual earnings...

(Female victim of forced labour)

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A minority stated their income was average (income allows for normal life). A tiny minority of 3 per cent declared that their income was good and that they were able to save. Hence, for many migrants absolute poverty may be the main push factor. The migrants' assessment of their economic situation in Russia appears to justify their choice to migrate as a strategy to escape difficult economic situations. Indeed, average monthly income for migrants in their home countries is only around US\$54.

Graph 9



Despite some variation in the figures, migration and work in Russia appears to have assisted the majority of migrants to improve their economic situation and move from low-income to higher income groups. Very few migrants reported a “very bad” situation and the majority considered their economic status to be “average” after migration.

4.3. ORGANIZATION OF TRAVEL AND JOB PLACEMENT

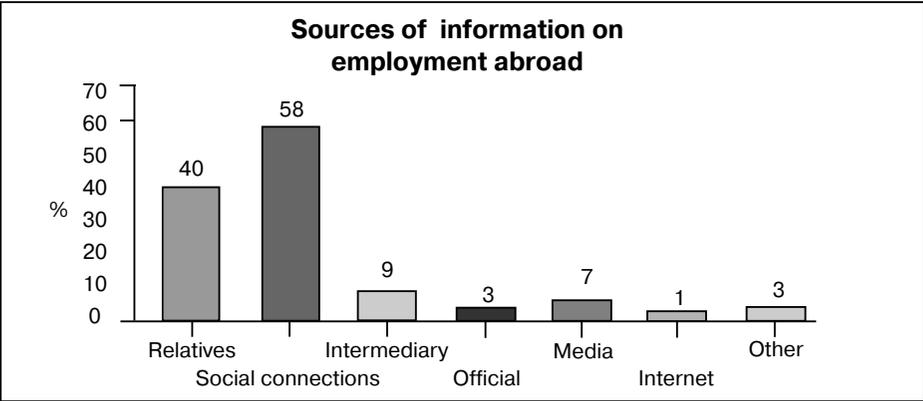
Sources of information and channels of job placement

The interviews with migrants revealed a wide network of unofficial channels and informal connections by which migrants obtain information and are channelled into employment. The prevalence of informal channels to find employment abroad might be explained by the weakness of the official structures responsible for labour migration, and by the lack of reliable and official public or private agencies providing migration related services. The graphs below show the means by which

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migrants gained information concerning employment in Russia and the channels they used to obtain job placements.

Graph 10



On average, only 3 per cent of migrants obtained information through official migration bodies. In Moscow, the figure reached 6 per cent, whilst in the Omsk and Stavropol regions it did not exceed 1 per cent. This suggests that the migration infrastructure in Russia is very weak, although it has started to develop to some extent in the capital. Furthermore, it is imperative that relevant institutions be formed, which are trusted and used by migrants and citizens alike. At present, migrants find social connections (relatives, friends and acquaintances) a more effective means by which to obtain work in Russia. The interview excerpt below shows how a social connection can lead a potential worker to an informal intermediary:

I learnt from newspapers about work in Russia, an acquaintance recommended an intermediary to me, who demanded US\$200 for his services and persuaded me that I would earn enough in Russia. Six more people came with me. In Russia a person responsible for placing us in jobs was waiting for us. They sent us to work at different places.

(Male victim of forced labour)

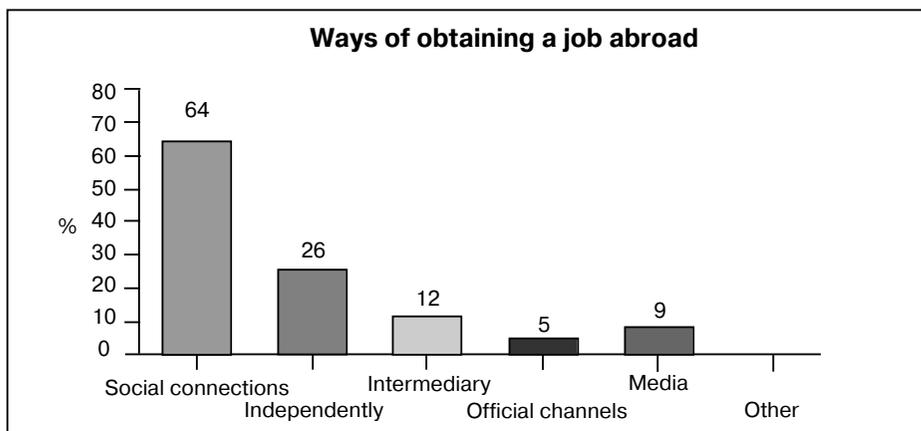
A pattern of chain migration from the CIS countries to Russia appears to be forming, where relatives and friends follow the example of

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previous migrants¹⁸. Until such migration is supported by the appropriate legal infrastructure, informal channels will persist, contributing to mass marginalization of irregular migrants in Russia.

On average, only 20 per cent of respondents had prior knowledge of the nature and location of the job awaiting them in Russia. The graph below shows the means by which migrants obtained job placements in Russia.

Graph 11



Again, the share of migrants using official channels to find job placements is not high: Ranging from 8 per cent in Moscow to 5 per cent in Stavropol. There are practically no functioning institutions in Omsk dealing with labour migration or job placement for migrants.

As is the case for obtaining information on job opportunities abroad, most placements are found via informal networks (family, friends or acquaintances). However, the mechanism by which migrants are actually placed in employment is more complicated. Migrants do not usually deal directly with an employer, more often it is done through intermediaries. In Moscow and Stavropol, where migration infrastructure is more developed, a considerable number of migrants (around 15 per cent) use independent private intermediaries for assistance in job placement. In Omsk, only 6 per cent of migrants use such services. Around 20 per cent of respondents mentioned that, in addition to themselves, other

¹⁸ For more information see Zaionchkovskaya, Z. M. (2001).

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acquaintances had used the services of the same mediator. Intermediaries charge on average US\$100 for their services.

Abusive recruitment practices

No functioning official institute exists in Russia to provide intermediary services for migrants seeking work. As a result, informal systems dominate. Sometimes workers are passed through several intermediaries before “reaching” an employer. In these informal systems, employers use intermediaries, either working alone or with other intermediaries, to select personnel. These agents often advertize through newspapers. There is no regulation to determine the legitimacy of the employer, and his/her name is seldom mentioned. Agents may also approach workers directly, for example, at railway stations, as described in the case study below:

A 37-year old construction worker from Tajikistan saw a man at a train station advertising “Workers needed for a construction site”. The man (an intermediary) gathered 10 persons from the train, all of different nationalities, and drove them to different construction sites. When receiving their first wages, he returns to collect US\$20 from each for mediation services.

(Male migrant)

Recruitment can also take place directly at the workplace, workers being passed from one employer to another, normally for an agreed fee. An example is given in the quotation from an interview:

Sometimes workplaces are located just across the road from each other, and the employers agree amongst themselves to pass workers from hand to hand. The old employer often does not pay the workers, promising that the new [employer] will pay. Sometimes workers themselves form groups and search for better places. As a counter-measure employers remove their documents.

(Male migrant)

Some intermediaries travel to villages and towns in CIS countries to recruit workers. This practice is known to exist, for example, in child trafficking (see cases 2, 3 and 4 in Section 5.) However, most forced

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labour is the result of voluntary migration, as illustrated by the interview extract below:

A man approached me at the market and proposed a job. He was unknown to me. He proposed good money and we discussed conditions. I agreed. They needed workers to build roofs in the localities near Moscow. They would pay good money, supply transport, food – everything. He asked to me to buy a ticket and said that they would reimburse all travel expenses and gave me his word of honour. He found five more people. He promised to pay 100,000 Roubles between the five of us. He drove us away to a house where we lived. After some time I began asking him about reimbursement of our transport costs, the tickets that we had bought with our money. “All right, all right, tomorrow...” he would say.

Then he asked for my documents, saying that he needed to register something. We gave him our documents. The money was still “tomorrow, tomorrow”. We began asking for our documents – “Never mind, they are being registered.” At the beginning, the work was quite normal... Then he asked if we had money. We answered affirmatively. He said: “Just now I cannot pay you, maybe you can buy your own food? And he promised to pay us the following week. We worked and ate at our own expense. And then it turned out that he disappeared and new bosses came to this construction site. We met them for the first time, and they said that this site belonged to them. We demanded our payment for the work we had done, but they did not give us our money.

(Male victim of forced labour)

The case above documents a common situation for migrants working in construction, as well as in markets and on other auxiliary works. The decision to migrate might not be considered involuntary, it involves recruitment by a stranger, or less frequently by an acquaintance. Migrants subsequently become victims of trafficking as they enter a “circle of fraud”. At first, documents are withdrawn and wages are left unpaid. Then victims are subjected to coercion, restriction of movement and physical abuse. This story finished like many others with a complete loss of control over the situation.

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According to the experts interviewed, not only new forms, but also more institutionalized and sophisticated methods of recruitment are appearing. Some recruiters visit households looking for socially disadvantaged families or persons, and in some cases buy children from parents. These people are subsequently handed over to an intermediary or employer. Recruitment may also take place at what is called “slave-markets” in colloquial language, where job-seeking migrants gather and representatives of employers scout for cheap labour. In Moscow, one such “slave market” is located near the Yaroslav highway.

Below is an extract from an interview/case study with a trafficker who trafficks migrants from Uzbekistan to the Stavropol region.

‘Organizing migration includes smuggling of migrants, job placement, settlement and sometimes temporary registration. The trip from Uzbekistan to Stavropol lasts approximately one week. We use either private or public buses. The main problem is that the police collect “tributes” along the road. At some places, if it is a big construction site (for example, an entertainment complex), migrants live on the worksite.’

But this is not always the case. At his own ‘datcha’ the intermediary has three construction vans for his migrants to live in. Migrants give him from a quarter to a third of their earnings. In addition, reductions are made from the migrants for expenditures that he had undergone: bribes for the police, rent for the workplace, fees for temporary registration, food, accommodation, etc. Passports and documents are confiscated.

(Intermediary)

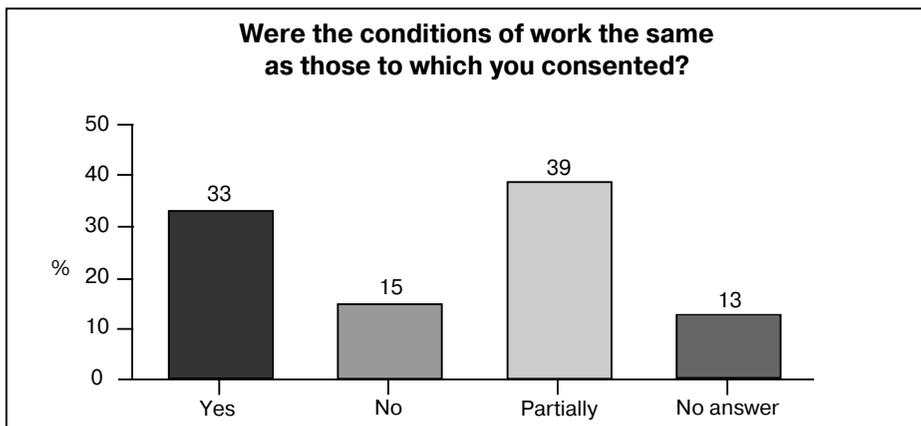
The prevalence of informal connections at the stage of job placement and particularly the use of intermediaries is an essential factor that further marginalizes migrants and leads to their exploitation, including forced labour. Both the intermediary and the employer aim for quick profits and short relationships with migrants.

Of the respondents who had some prior knowledge as to their future employment in Russia, around 15 per cent were deceived. 39 per cent claimed that the promises made to them were partly honoured. This is to say that more than half of the migrants interviewed did not enter the type of work they had expected. (In Stavropol Kray, this figure reaches 59 per

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cent.) Even if the type of work was consistent with that which was promised, more than half of migrants said that the conditions of work were not, or only partially were, those which they had expected.

Graph 12



Four per cent of respondents used the services of official structures – offering legal advice among their services – to find a job, indicating that some formal channels in labour migration are emerging. Therefore, although informal services currently dominate migration in Russia, should more reliable and better quality migration systems with adequate legal guarantees to migrants appear, these might attract more demand. Some progress was made in 2003, with the creation of the Association of Organizations-Exporters of Labour Force¹⁹, which aims to counter the practices of illegal agents in the labour migration market, cooperates with the State in broadening legislation on migration and assists companies which offer services to Russian citizens migrating abroad. The Association has yet to work out organizational measures regarding labour migration to Russia.

Coercion during travel

The study investigated the use of different forms of compulsion, coercion and exploitation at different stages of migration. Data from the questionnaire shows that elements of coercion are already manifested at

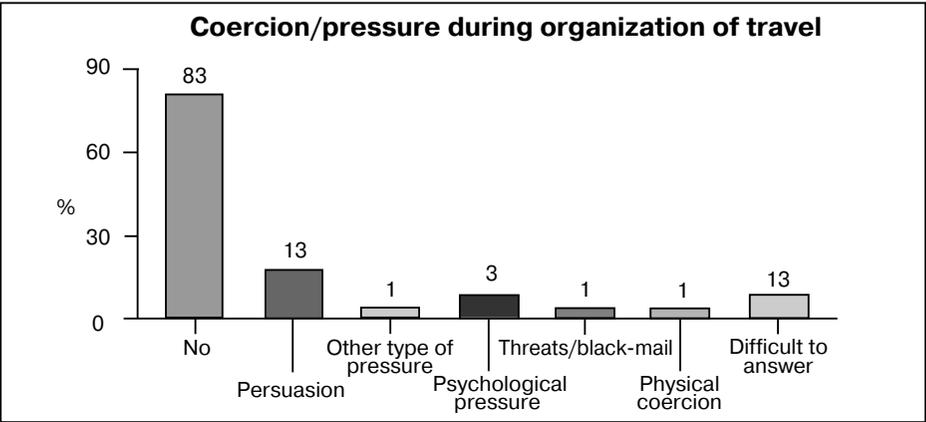
¹⁹ This association includes Private Recruitment Agencies and aims to recruit Russian workers for jobs outside Russia.

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the organizational stage of migration. However, those exerting pressure were almost all family members or relatives, constituting what is considered a “soft” form of coercion.

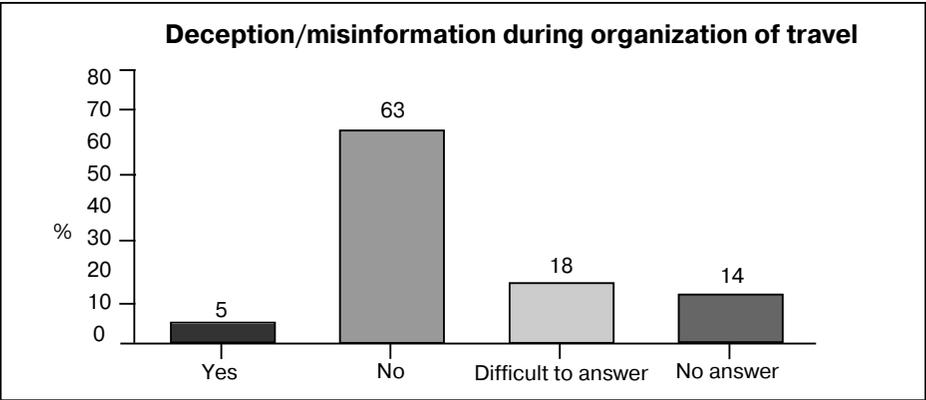
The data shows that elements of coercion and compulsion during the organization of travel are experienced more often by those migrating to the Stavropol region. As will be seen later, migrants in the southern regions of Russia are also subjected to more severe exploitation.

Graph 13



The pie chart above illustrates that the large majority of migrants did not experience any coercion, pressure or persuasion from others while organizing their travel. In addition, 63 per cent claim that they were not deceived or misinformed while organizing their travel (see graph below). This indicates that very few of the migrants were trafficked from the outset.

Graph 14



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Similar results were obtained on questions pertaining to job placement procedures once in Russia. Seventy-four per cent of participants stated that they had experienced no persuasion, physical coercion, threats, blackmail or psychological pressure while they were organizing their job placement. Eighty per cent claimed not to have experienced any kind of pressure. In addition, 70 per cent claimed not to have been deceived at this stage of the migration project²⁰. A great number of those interviewed were reluctant to answer questions concerning coercion, suggesting the latency of the problem and that a considerable volume of information was hidden from the researchers.

4.4. EMPLOYMENT IN RUSSIA

Duration of employment and stay in Russia

The overwhelming majority of migrants (around 90 per cent) came to work in Russia after 1993. Migrants in Moscow belonged to later migration waves. Here 78 per cent of migrants came to Russia for the first time after 2000. Migrants belonging to earlier waves were mostly to be found in the Stavropol region, where only 51 per cent of migrants arrived after 2000.

Migrants' duration of stay varies widely between regions. In Moscow, only 9 per cent of migrants spent all 12 months in the year 2000 in Russia, and only 14 per cent did so in 2001. Twenty six per cent lived in Moscow all through 2002 and 76 per cent all six months of 2003 (up to the moment of the survey which took place in June 2003). In Omsk, the respective groups make up 20 per cent, 22 per cent, 26 per cent and 51 per cent. In the Stavropol region, 23 per cent, 34 per cent, 49 per cent and 8 per cent of migrants spent the whole year in Russia in 2000, 2001, 2002 and the first half of 2003 respectively.

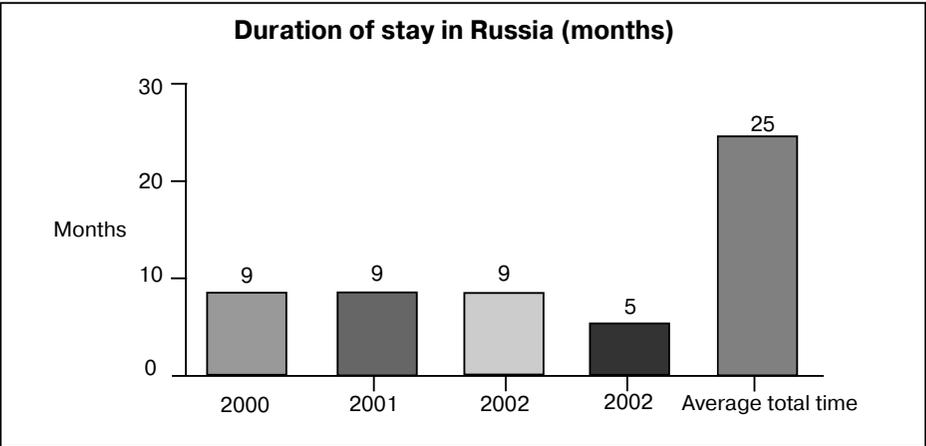
The average stay abroad in Russia in 2000 was 8.5 months and 8.7 months in 2001 and 2002. In 2003, the average number of months of stay in Russia was 5.2²¹. On average the total time spent in Russia since first arrival was 24.6 months.

²⁰ It must be noted that a significant number of migrants hesitated to answer the questions pertaining to the organization of travel and recruitment stage (17 to 23 per cent), demonstrating the limits of the questionnaire. The in-depth interviews with migrants (see Appendix I) provide much more detailed information regarding cases of coercion in its different forms.

²¹ The research was carried out in June 2003.

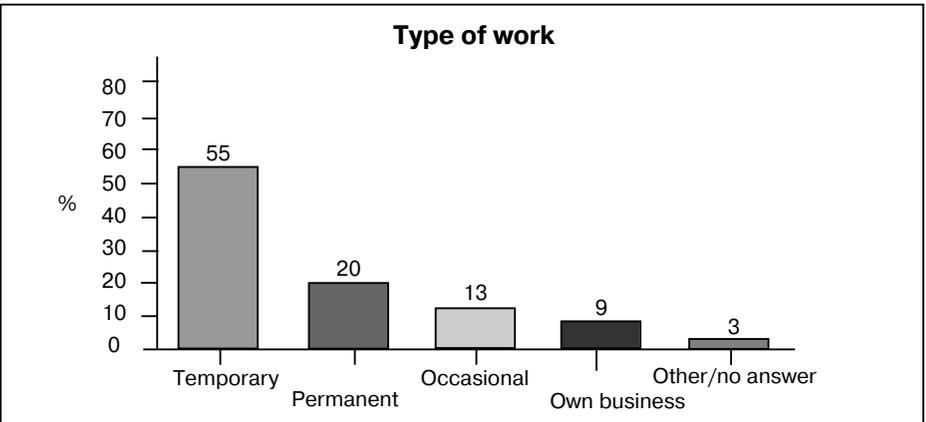
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Graph 15



Migration in Moscow would appear more mobile and more recently periods of stay have become shorter with many migrants arriving after 2000. In contrast, migrants in Stavropol tended to stay longer and the proportion who arrived in the 1990s is larger. This might be explained by a larger number of short-term employment opportunities in the capital. The average duration the migrants worked at their most recent employer was 12-14 months. This differs from the overall average of 25 months and might imply that migrants changed employers at least once during an average stay in Russia. This may include return travel to the country of origin. Most migrants are employed on a temporary basis, ranging from 46 per cent in Omsk to 68 per cent in Moscow.

Graph 16



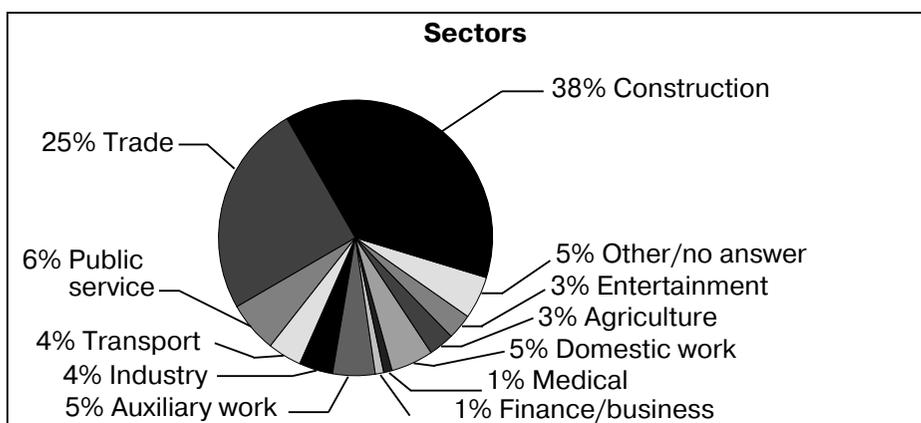
The situation of migrant workers in the Russian Federation

Sectors of migrant employment and ethnic concentrations

Analysis of migrant employment in Russia (see graph below) indicates that the Russian labour market is structured in a similar fashion to those in many other receiving countries. There is a dual labour market, segregated on the basis of local and foreign workers, nationality and gender. This would imply that Russia has become part of the modern global economic regime, in which the use of cheap migrant labour plays an integral role.

The sample includes migrants from a wide spectrum of professions, representing all the sectors of employment typically occupied by migrant workers. In the trade sector, these include warehouse workers, stockroom workers, removal personnel and entrepreneurs; in construction, bulldozer drivers and tilers; and in the service industry, messengers, cleaners, child-minders, waiters and nightclub workers.

Graph 17



The table below illustrates what experts believed to be the main sectors employing migrant workers, and which are thus prone to forced labour.

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Table 1. Nationality of migrants and employers/exploiters according to sector

SECTOR	MIGRANT'S COUNTRY OF ORIGIN	EMPLOYERS/EXPLOITERS
Construction (especially in small business), repair works	Ukraine, Moldova, Uzbekistan, Tajikistan, Armenia, Georgia, Azerbaijan	Private employers (mainly migrants from the Caucasus region, Russian citizens or compatriots from previous migration waves who have either opened legal, illegal or fictitious companies or gangs)
Trade	Ukraine, Moldova, Russia, Tajikistan, other CIS countries, Viet Nam, China	Private employers (From the Caucasus region and Russian citizens)
Agriculture, shepherding, forestry (Stavropol)	Russians from CIS countries (near Moscow), China, Vietnam, Mongolia, the homeless (Omsk region), Rep. of Korea (Stavropol)	Private employers, directors of collective farms and the Chinese (Omsk, Far-east Russia)
Municipal economy	Kyrgyzstan, Russians from CIS countries (Moscow), Uzbekistan (Omsk)	City authorities
Public catering Road works	Tajikistan, Uzbekistan, South Caucasus, Georgia	Azeris, Armenians
Seed sowing	Tajikistan, Uzbekistan Viet Nam, China	Private employers, (Russian and foreign), fictitious companies
Production of liqueurs, vodka	Caucasus region, Russia	Russian Mafia
Prostitution	Ukraine, Moldova, Russia	Russian pimps, migrants from the Caucasus region and organized criminal groups (the mafia)

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SECTOR	MIGRANT'S COUNTRY OF ORIGIN	EMPLOYERS/EXPLOITERS
Domestic work	Ukraine, Moldova,	Private employers, firms, Belarus (including fictitious ones)
Begging	Kidnapped children, handicapped children, the homeless	Russian mafia

Therefore, according to the experts, migrants are exploited by previous migrants from their own country, as well as by citizens of the South Caucasian republics – Azerbaijan, Armenia and Georgia. Migrants from Central Asia, primarily Tajiks and Uzbeks, appear to be subjected to the worst forms of exploitation. According to experts, employers who employ migrant workers illegally are aided by Russian citizens, who open companies and appoint a proxy – usually a foreign citizen – to manage the recruitment of migrant workers. Many trade companies and public service bodies where foreigners work, such as the catering industry, are organized according to this model.

The less prestigious, unskilled and informal sectors of the labour market, which depend on cheap migrant labour, show some regional variations. These are sometimes the result of existing structures in the indigenous labour markets, for example, the Stavropol labour market being predominantly agricultural. Other variations are related to social trends in given regions. In Moscow, increased demand from a growing middle class has led to an emerging domestic work sector. This type of employment is gender segregated – employing a great number of female migrants from the Ukraine, Belarus and Moldova. Jobs in the domestic sphere can mainly be found in the capital, but the number of migrants involved suggests that it has become a mass phenomenon, mirroring patterns exhibited in developed receiving countries.

Migrants mainly work at private employers (44 per cent), as well as for individuals (21 per cent) or themselves (9 per cent). Less than 5 per cent of respondents work in the public sector (around 2 per cent in the Omsk and Stavropol regions and 9 per cent in Moscow). Migrants who work for individuals on a more occasional basis, especially in the Omsk and Stavropol regions, can be presumed to enjoy less social protection than others.

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In only 13 per cent of cases are employers compatriots of the migrant workers they employ. The majority of entrepreneurs in Moscow are Russian, Armenian and Azeri; in the Stavropol region, Russian and Georgian. In Omsk, the national composition of employers is more varied, consisting of Uzbeks, Kyrgyz and Armenians. Around 10 per cent of migrants (slightly more in the Stavropol region) complain about the attitude of their employers, implying that they are treated badly because they are of a different nationality, and are thus being discriminated against.

Although the formation of ethnic concentrations for migrants is at an early stage, migrant labour is slowly becoming an integral part of local ethnic communities in many regions. This process is more noticeable in Moscow and other big cities, in border regions and in traditional immigration regions (such as Stavropol kray). However, regions such as Omsk, which are not considered traditional immigration regions, are also witnessing this restructuring of the labour market and the formation of employment pockets for migrants. An expert gave an example of the restructuring of the labour market and the slow appearance of ethnic pockets:

More and more marketplaces...are being divided according to nationality. For example, a certain national community (or diaspora) "owns" the Tcherkisevsky market in Moscow. This is a "city within a city". It is fully self-managed. The community lives there, feeds there, has its own entertainment centres, its own prison and its own police and guards. "Another" police force would even be afraid to "butt in" there. This means that a (policeman) who appeared in the marketplace was allowed to do only what had been agreed with the market authorities... If we take for example the Tcherkisevsky market, there are 10,000 market stalls, meaning enormous profits – billions of dollars in turnover a year, and millions of dollars per month...one cannot speak about the attitude of the authorities, but ask whether the authorities have a chance to influence the situation. Looking from outside - marketplaces are more or less civilized. But when we conducted check-ups there, it was awful to find ourselves in such slums. There is total lawlessness, mayhem there. People live many years in the "bowels" of these markets, they do not leave the territory, i.e. they live and die

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there. There were cases when five Vietnamese citizens lived there with a single passport of a man who had died, they showed the same passport, but for control bodies it is difficult to distinguish their faces. In short, they come to markets with whole families, live on one and the same documents, give birth and die there. It is awful what is happening.

(Expert, V. Zaikin)

Observing trends in Moscow, it appears that the restructuring of the labour market has occurred according to economic sectors and geographic regions. Ethnic concentrations of migrant employment are formed according to certain types of activity, such as automobile servicing, or in certain regions. For example, migrants from Azerbaijan control many markets in Moscow and the surrounding territories.

Social stratification occurs in areas where large numbers of migrants have been employed for prolonged periods of time. This study does not concern itself with the way in which work is divided along ethnic lines. However, it can be observed that protective mechanisms based on ethnic solidarity can develop in the informal economy. For example, compared to Tajiks, Armenians rarely find themselves in marginal conditions. Armenians have a greater ethnic resource base. On the other hand, ethnicity can play a marginalizing role, limiting migrants' possibilities and trapping them in circles of exploitation. Such cases have been observed among Moldavian migrants.

Competition with indigenous workers

The question as to whether migrants reduce employment opportunities for the indigenous population, or whether they perform jobs to which the local population does not aspire, is widely debated in all receiving countries. In many States with developed legal structures concerning labour migration, employers who wish to employ foreign workers have to provide evidence that no local workers have applied for the job in question. This rule also exists in Russia and is regulated by a procedure by which employers have to obtain the approval of the employment service before taking on foreign workers. The employment service has to confirm that such jobs are not being claimed by local workers. If adhered to, this rule should ensure that legally employed foreign workers do not compete with the local population. However, the majority of

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migrants are employed in the informal labour market, requiring more focused studies to discover whether there is a competition over jobs in this sector.

All the experts from Moscow considered that migrant labour was an economic necessity. The Omsk and Stavropol experts had more divided opinions. In total 19 (46 per cent) experts believed that migrant labour is an economic necessity whereas 14 (34 per cent) believed that it was not. Eight (20 per cent) experts did not answer this question.

The experts suggested that demand exists for both unskilled migrant workers, for example, in construction, transport and agriculture, and for skilled migrant workers such as computer programmers, analysts, and managers. It is preferable that legal migrants meet this demand in the Moscow economy. However, if migrants were to work legally, employers would have to pay higher wages and ensure that minimum working conditions were provided. Under such conditions, more local workers would be attracted by the higher wages, and employers would face a choice over who to employ. Employing local workers would involve paying wages, taxes and social security contributions, whilst legally employing migrants would involve solely paying wages, which, will be lower, but the gain would be offset by the costs of registering migrant workers.

It appears that illegal migrant labour occurs in some sectors but not in others that are of a similar nature. For example, illegal labour is seldom used in the machine building industry. As a rule, migrants in this sector are legally employed. However, they do receive minimal wages. Yet, illegal migrant labour is in demand on building and repair sites in Moscow. Moreover, changing economic situations can impact migrant employment. For example, migrants are used in marketplaces serving the poorest sections of Moscow's population. Over time, however, these markets may be eliminated as low-cost food suppliers gain a hold on the market – reducing the need for cheap migrant labour at the markets.

In summary, the current situation is one where irregular migrant workers predominantly take the worst paid, the least modernized and the least regarded jobs that are rejected by the local population. However, there are also other jobs for which irregular migrants are employed, depriving the local workers of fair competition. Should legal migrants occupy these jobs, they would probably be employed in better conditions, hence local workers would compete with migrants. Legalization of migrant workers, however, would recognize the demand

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for migrant labour in specific sectors and may put a barrier to further deterioration of working conditions.

Forty per cent of migrant workers did not feel that they were competing with the local population over jobs as they felt the latter did not want to do the work done by the migrants. However, a relatively large proportion did believe that there was competition (31 per cent).²² In Moscow, over 50 per cent of the interviewed migrants believed that they were not employed in jobs which the local population wanted. This can be explained by the higher living standards of the local population, and a developing middle class. Considerably fewer respondents in Omsk (35 per cent) and Stavropol (37.8 per cent) believed that they were not competing with locals for jobs. This would suggest that the labour market in Moscow follows patterns exhibited in more developed receiving countries, but which are yet to appear in Russia's regional markets.

Following the migrants' observations, it appears that a considerable number of jobs today have already been assigned as migrants' work, and have been "reserved" for them for many years. Other jobs have been "won" by migrants in a competitive struggle with the local population. Migrants have several advantages over local workers, including the acceptance of lower wages, longer working hours and a lack of social benefits. Employers often prefer to employ migrants as they believe they have less family commitments and are less susceptible to problems such as alcohol abuse. Migrants are also willing to consent to informal working relations.

The informal economy

The scale of the informal economy is enormous in Russia. The most conservative estimate of the contribution the informal sector makes to the economy is 22.4 per cent of Gross National Product (GNP). The greatest numbers of informal workers are in trade (market sales) or are working for individuals, for example, as domestic workers. Many also work in agriculture and construction. By mid 2001, an estimated 10 million persons were engaged in the informal sector. Of these, 6.5 million worked solely in the informal sector. It is also estimated that 3.3 million were involved in trade and catering, 2.7 million in agriculture, about 1 million in industry and more than 0.5 million in construction (Sourinov, 2003).

²² The remainder of the participants did not answer this question.

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The scale of the informal economy and absence of State control over it are important contributory factors towards the proliferation of the worst forms of labour exploitation, both for national and migrant workers. Irregular migrants are particularly vulnerable. Demand for informal labour promotes irregular migration, affording some employers the opportunity to manipulate people and take advantage of other unregulated elements of the Russian economy. Moreover, the weakness of migration laws, and the presence of a great number of irregular migrants (estimated at around 4 to 5 million) in the country who cannot obtain official employment, stimulate the development and prosperity of the informal sector.

The wide use of informally employed migrants is an important feature of labour migration in Russia. Using migrant workers allows employers to increase flexibility and decrease costs in the form of social security contributions, taxes and wages. Yet the situation is double-edged. Migrants' lack of rights increases their vulnerability to exploitation; however, their own willingness to enter into flexible situations aggravates the problem. A vicious circle ensues, escape from which might only be possible under a well-planned policy to regulate the informal economy.

The employment of irregular workers has thus become an institutionalized means by which to maximize profits. An employment regime has been created and reproduced which "reserves" jobs for migrants year after year, decade after decade. In some sectors, migrants already constitute the majority of workers. In others, their number is constantly growing. Employers that use migrant labour, especially irregular migrants, are constantly improving and institutionalizing informal and criminal practices of manipulation to escape taxes, conceal incomes and make use of additional sources of profit. This is illustrated by the interview excerpt below:

'Let us imagine that an employer has a stall in the market and uses foreign workers. The employer opens a restaurant or café so that the money which he pays to these foreign workers returns to him when they pay for food in this establishment. For this reason, plenty of small restaurants, cafés and public houses surround the markets where foreign workers eat, and the owners of these places are the same employers who employ the workers at the market. In that way, they receive part of their money back.'

(Expert)

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The restructuring of the economy has had dramatic effects on social relations. Society, as well as employers, become accustomed to the allotment of certain work to migrants. Female migrants are employed to care for children, the elderly and the sick, allowing middle class women in developed countries to become more socially and economically active²³. The use of migrant labour in low-skilled and low-paid jobs also allows developed countries to increase the duration of education of their own citizens, thereby increasing national human capital. Thus, not only economic, but also social structures are leading to the reproduction of informal employment patterns and are further stimulating the migration regime which serves it.

Many interviewed migrants describe the informal networks surrounding their work, which help employers and intermediaries maintain control over the workers. The employer often is not only the person for whom a migrant works, but also the person who provides accommodation and food and deals with the authorities. As a result, the employers of migrants become heavily immersed in an informal infrastructure which serves to help control and exploit migrants. Hence the informal labour market puts migrants at risk of forced labour and forms of severe exploitation.

Wages and working conditions

The average wage of respondents was 5,338 Roubles (around US\$180)²⁴, nearly six times the earning of migrants in their home countries. In Moscow the average wage reaches 6,835 roubles (US\$230), in Omsk, 4,511 Roubles (150 US\$) and in Stavropol 4,640 Roubles (US\$155). An average of 74 per cent of respondents (70 per cent in Omsk and 80 per cent in Stavropol) mentioned that they received wages in so called *black cash*, money that is not accounted for in official documents and therefore escapes taxation. Aside from monetary remuneration, 22 per cent of the migrants received food and 35 per cent accommodation as part of the remuneration for their work. The case study below demonstrates what other forms of remuneration for work are in use:

²³ For more information on the concept of reproductive labour of women migrants see Malysheva, M. (2002.)

²⁴ As a comparison, according to the official statistics, the average monthly nominal calculated wage in Russia is 4414 Roubles. (US\$147).

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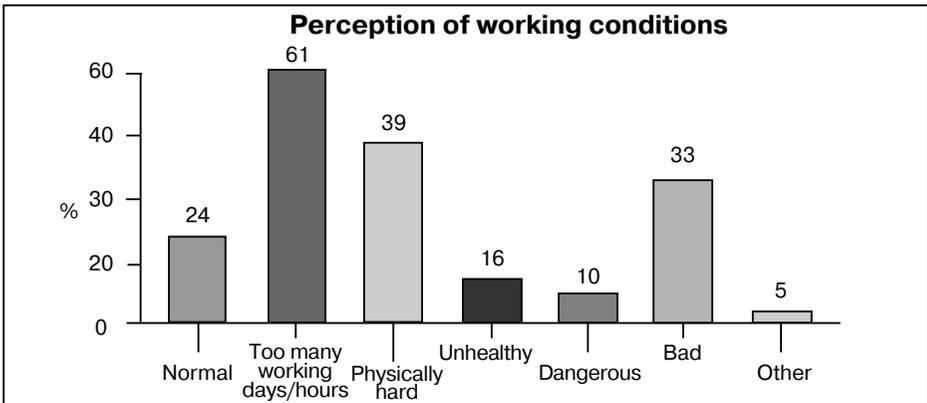
A 30-year-old migrant works at a private illegal dressmaking and tailoring establishment. She receives her wages in ‘black cash’ and in material, from which she can sew clothes for herself or for sale directly in the establishment after working hours. The establishment attaches fake labels to the clothes. It often happens that these labels have not arrived on time, and the workers have to work at night to complete the order.

(Female migrant)

Cases were also identified where migrants worked under conditions of debt bondage (see the section on links between forced labour, human trafficking and migration below for more information). The largest number of such cases occurred in the Stavropol region, where three out of 144 respondents were exploited in such a way²⁵.

Working conditions for migrants are, in general, difficult. Long working hours, physically demanding work and bad working conditions are frequently mentioned. Only 10 to 13 per cent of respondents (slightly more than 50 per cent in Omsk) consider their labour conditions to be normal. Migrants work on average 11 hours a day, six days a week – approximately a 66-hour working week. However, working hours can also extend to 16 or 18 hours a day. Around one third of respondents said that they work 12 or more hours a day. Many migrants work without off days.

Graph 18



²⁵ No attempt was made to classify migrants, on the basis of the survey results, according to the degree of exploitation they suffered.

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Ten per cent of the interviewed migrants mentioned the danger of robbers and blackmailers. Migrants employed in the informal sector are practically defenceless in the case of racketeering, which the police itself often carries on. To guard against thieves, migrant entrepreneurs sometimes employ their own bodyguards or mercenaries to operate a protection racket on their behalf. More often, however, employees suffer at the hands of thieves rather than from racketeering.

A large majority (more than 90 per cent) of migrants said that they have no paid annual leave. Only 8 per cent (7 per cent in Moscow, 13 per cent in Omsk and 4 per cent in the Stavropol region) benefit from paid sick leave. Furthermore, dismissal from employment appears to be at whim of the employer. More than 50 per cent of migrants in Moscow and the Stavropol region, and 40 per cent in Omsk, indicated that an employer might dismiss them at any moment.

Due to such poor working conditions, more than half of the migrants questioned were not satisfied with their job and would prefer to find another. The highest number of those dissatisfied was found in the Stavropol region (69 per cent). The figure was 56 per cent in Moscow and 41 per cent in Omsk, where a very high portion of migrants declined to answer.

In summary, certain comparisons can be made between labour conditions across the three regions. In Omsk, the degree of exploitation revealed by the questionnaire is slightly less than in other regions. Levels of exploitation are highest in the Stavropol region. These findings are based on the evidence obtained through the questionnaire. However, some evidence suggests the existence of more latent forms of exploitation and that, even in Omsk, people are subjected to extremely severe forms of exploitation.

Less than 20 per cent of the labour migrants who answered the questionnaire (26 per cent in Omsk, 22 per cent in Moscow and only 11 per cent in the Stavropol region) had a written agreement with the employer, and others said that all details had been stipulated orally, thus bearing no legal obligation. Where migrants did have contracts, these are generally for a year and do not mention the terms of employment. three, six and nine months contracts were also mentioned.

Conditions of employment are rarely stipulated (either in written or oral form) when migrants enter employment. Conditions such as working hours were agreed in around 70 to 80 per cent of cases, and terms of contract and dismissal procedures in approximately 40 per cent of cases.

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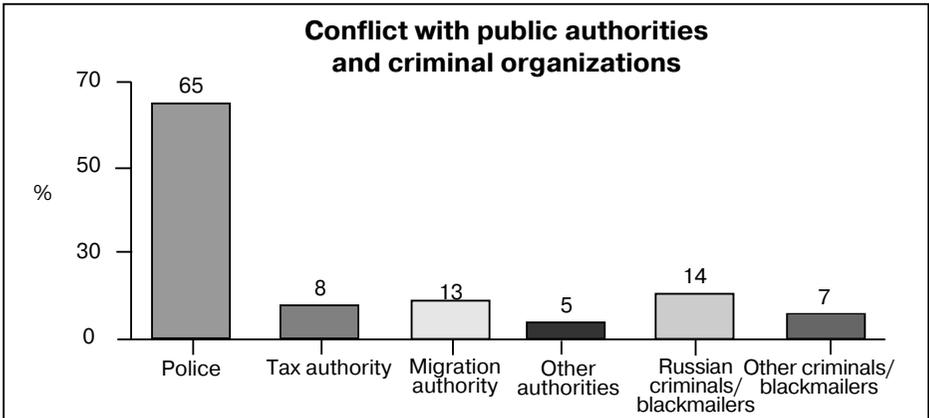
However, conditions concerning leave, health and safety regulations and paid sick leave were only agreed in 20 per cent of cases. Such a low level of formalization adversely affects the social and personal protection of working migrants.

Interventions of public authorities

Around half (51 per cent) of the migrants in Moscow had registered accommodation against 80 per cent in Omsk and 31 per cent in the Stavropol region. Considerably fewer migrants (on average 25 per cent) had work permits and 42 per cent did not. Certain allowances should be made for false responses and reluctance to answer the question (18 per cent); however, the general conclusion stands that irregular migration is closely related to unauthorized employment²⁶.

The majority of respondents (from 51 per cent in Omsk to 80 per cent in the Stavropol region) had conflicts with the police, and approximately one in six with criminals or racketeers of different types. A relatively small share of migrants encountered members of the Migration service in Moscow compared to other regions. According to the data in this study, migration control is lowest in Moscow and is conducted mainly by the police while the migration authorities do not function particularly actively.

Graph 19



²⁶ It is highly likely that in Omsk respondents were not always sincere in answering the questions asked by the researchers as here the police were often used to help locate migrants for interviews. However, estimates by experts should compensate for this bias. In addition, using police officers as key informants allowed access to extreme cases of migration exploitation and forced labour.

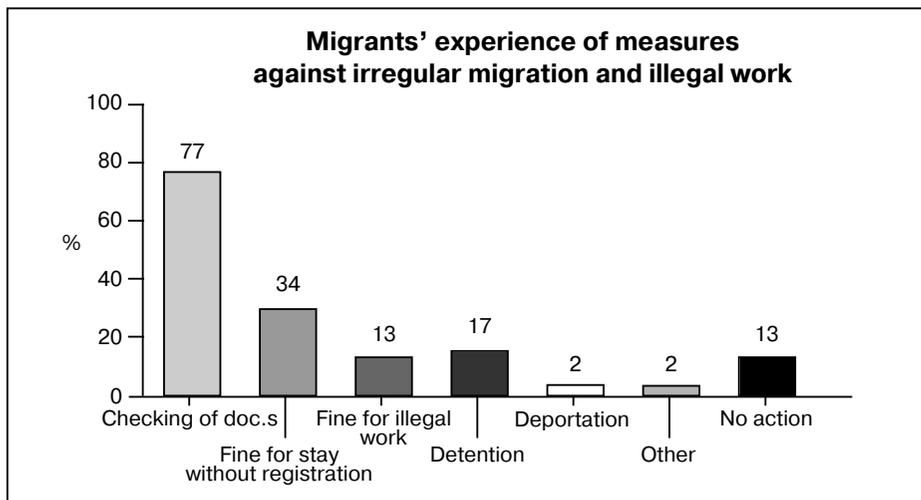
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On average, 77 per cent of respondents have at least undergone document checks once. Thirty-four per cent have been fined and one fifth have been detained. In Moscow, the authorities may to an extent turn a blind eye to migrants, who also find it easier to maintain anonymity in a large city. More migrants received severe sanctions from the authorities in Stavropol, including detention and even deportation. According to surveys previously conducted in Moscow, 43 per cent of those who paid fines to the police, did so unofficially. Unofficial fine (or bribe) can amount to 500 Roubles. The interview extract below shows an example of the link between conflict with the authorities and forced labour, in this case leading to debt bondage:

Two years ago they arrested me and I spent a night at Leninsky police station. The boss came and bailed me out, then I had to work off the debt.

(Male victim of forced labour)

Graph 20



The majority of those questioned report widespread corruption in varied forms amongst the law-enforcement bodies. One such example is described by a migrant worker is given below:

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A 35-year old man from Kyrgyzstan worked as an agricultural production surveyor. A company in Kyrgyzstan recruited workers for work in Russia. Promised a good job, US\$10 was collected from each [worker] and they were given a receipt with a stamp and an address in Moscow. When the man came to the address it appeared that the firm did not exist. He found work as a 'dvornik' (he was employed as a gardener in one of the Moscow's repair-and-exploitation administration offices which provide communal services). He lives in a two-room apartment, provided by the management, together with other Kyrgyz workers. They also allow their compatriots to live in the same flat for money or out of mercy, just to help them. In all, 30 persons live there. Their materials for work are kept there as well. He is registered for three months, but nevertheless, policemen take his passport and he has to go to the police office to reclaim it ²⁷.

(Migrant).

According to experts, the authorities are actually involved in the exploitation of migrants. In the Stavropol region, the following forms of forced labour are widely found: illegal work for officials of administrative bodies and organizations or work for these organizations themselves, and work performed for "credit" under the promise of later payment. (M. Zoubkov, Boudenovsk, Stavropol region). Local administration representatives, high ranking police officers and those of other authorities often receive gains from the exploitation of migrants. Indeed, all senior officials have "dachas", country houses built at the expense of "slaves" (T. Vlassenko, Stavropol). Furthermore, directors of collective farms and police use Russian repatriates and other migrants from the CIS countries in a slavery-like fashion. (L. Makarova, Moscow). In some cases, to avoid paying wages, employers may hand irregular migrants over to the authorities once work has been completed. The police then remove, and sometimes deport workers, without investigating abuses on the part of the employer.

²⁷ Police officers take migrant workers' passports and ask for a certain sum of money in exchange for their return. Usually, migrant workers have a choice either to pay more and settle with the police officer immediately, or pay less but wait longer to receive the passport back.

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Cases such as the ones above are frequently described in the interviews with migrants, and the experts suggest that the employers are often in partnership with the police, paying them some of the wages due to the workers in the form of bribes. In this way, the police avoid having to prosecute on two accounts: against the migrants' illegal status and against the employer's illegal use of migrant workers.

Living conditions in Russia

In addition to legal and employment related problems, migrants face severe difficulties in obtaining adequate health care and housing. A small share of migrants, on average 10 per cent of respondents, enjoyed state sponsored medical care. Around one third said that they used private health care out of necessity, and more than 60 per cent of migrants said that they had no medical assistance at all and resorted to self-treatment. Considering that migrants stay on average two years in Russia, often with families and children, this is an acute problem.

Housing is migrants' greatest expense. Only a small number of those surveyed could afford to rent comfortable individual accommodation. The majority share flats or rooms with several other migrants and many of them live in vehicles or on the worksite. The following interview excerpt illustrates the difficult housing conditions of migrants in Russia:

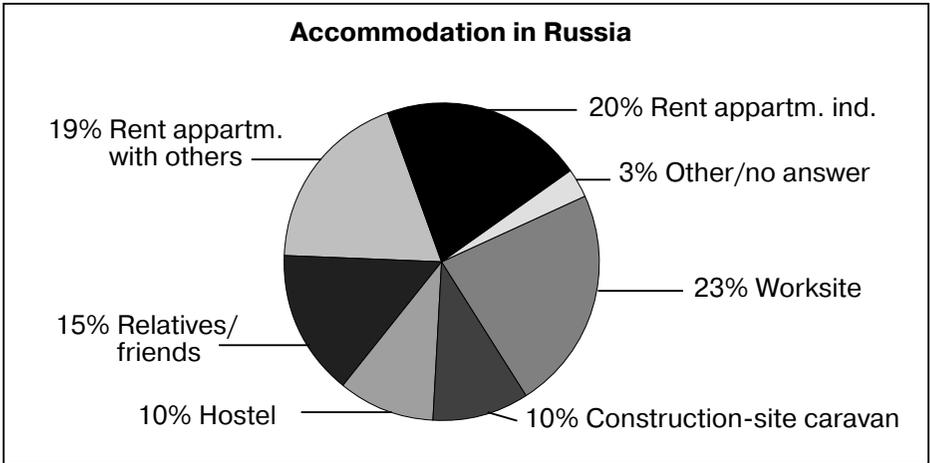
We live in a van, which is not equipped with facilities. There is no water supply, in winter time we stoke a stove and cook dishes at the same place.

(Male victim of forced labour)

Sometimes employers offer housing and medical cover to workers. This can lead to the "ownership" of migrants by their employers (see Appendix I) for more qualitative evidence on this) as they are bound to the latter for such services provided at the workplace. Employers also often supply food, money transfers and other services, thereby limiting the amount and diversity of social contacts a migrant can establish. Migrants can therefore become dependent on their employer, leading to a relationship of more pronounced control.

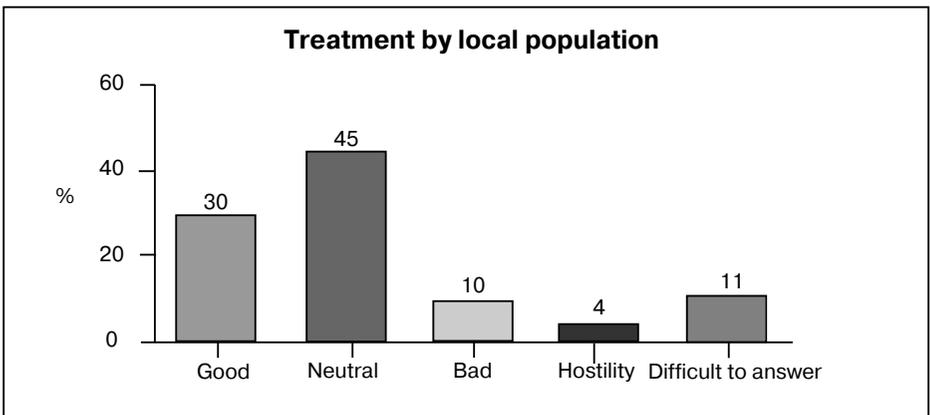
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Graph 21



The attitudes of local populations play an important role in a migrant’s life abroad. Although the majority of migrants report positive or neutral feelings towards them, a considerable number believe that underlying hostility and animosity persist amongst members of the receiving society. The share of migrants reporting negative sentiment is largest in the Stavropol region, representing more than one quarter of all respondents.

Graph 22



The quote below illustrates the attitude to migrant workers by some locals:

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We were dressed very badly, only torn trousers with a belt. We had no T-shirts. Many of us had short trousers. The local children threw stones and sticks on us while we had dinner.

(Male victim of forced labour)

In addition to hostility from local populations, an average of 33 per cent of migrants reported restricted mobility. This figure was higher in regions with more aggressive migration policies, for example, 40 per cent in Moscow. Some migrants said that they went without food several days, as they were unable to go to a nearby grocery store. This restriction can be imposed by an employer, but some migrants also avoid public places for fear of being noticed. Respondents said that the difficulty of integration, the authorities' negative attitudes towards migrants and the intolerance of the receiving society negatively affected their mobility. The quote below gives an example of restricted mobility which was not directly imposed by an employer:

I partially work without payment (for example, tile laying in bathrooms and swimming pools), as I work for persons who legalize my status and status of other migrants. Usually registration is arranged for 3–6 months. My boss has a man who is doing it. But it is not always possible to get registration. Without it, in effect, I cannot go to the city.

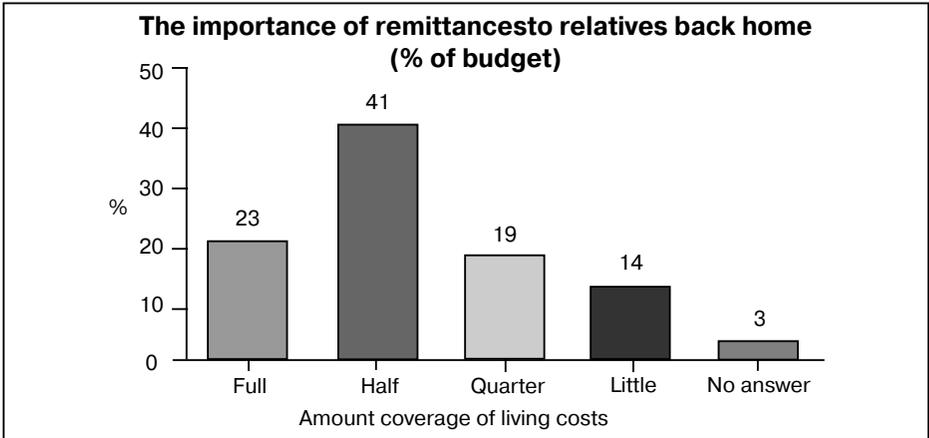
(Male victim of forced labour)

Remittances

The majority of migrants questioned (70 per cent) were still positive about their move to Russia. Only 6 per cent (4 per cent in Stavropol and 10 per cent in Moscow) said that they regretted migrating to Russia for work. Indeed, around half of the respondents remit part of their wages to their home countries. The average amount sent home was slightly less than US\$100 per month. Only 12 per cent sent more than US\$100. As shown in the graph below, these remittances provide considerable support to migrants' relatives in their home countries. The majority of remittances are sent informally, i.e., via visiting friends and relatives. Few migrants use banks.

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Graph 23



According to World Bank data (2002), migrants send an estimated US\$80 billion annually in remittances to their home countries, contributing significantly to national income. The results of this study do not provide enough details for us to calculate the extent to which worker remittances from Russia are bolstering the economies of the main sending countries of the CIS. However, the results collected do show that average monthly remittances range from US\$51 for Tajiks to US\$133 for Azeris. During their last stay in Russia, migrants generated on average total remittances of US\$676 (Uzbeks) to US\$5,852 (Azeris).

Migrants' perceptions of their working and living conditions in Russia are influenced by the temporary nature of their situation and by the economic gains they stand to make for themselves and their families. A migrant may not consider him or herself marginalized in an absolute sense. For although their current conditions exhibit marginal qualities they are aware that on repatriation they will return to non-marginal, and in many cases improved situations. Migrants, whose psychological frames of reference are therefore more rooted in their status in their home countries, are aware of the temporary sacrifice they are making and may as a result judge conditions of exploitation, including forced labour, differently, and even at times undergo such conditions "voluntarily".

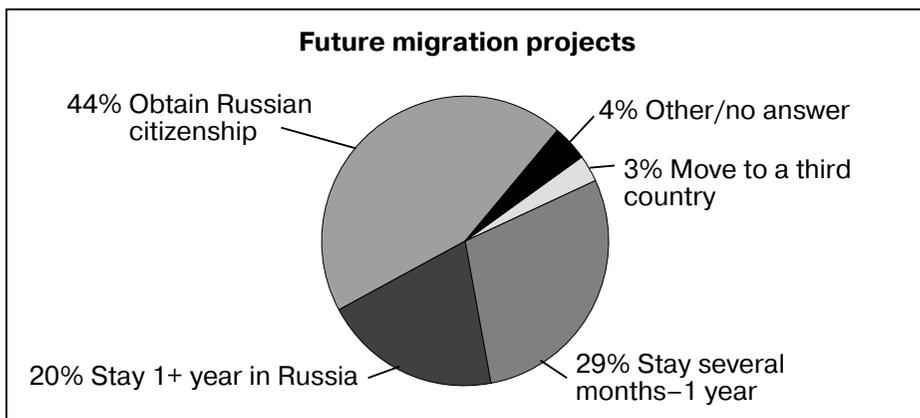
Migratory strategies

As can be seen in the graph below, migrants pursue two main strategies: the first is to obtain Russian citizenship and remain in Russia (44 per cent of respondents). The second is to earn money quickly and

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return home (29 per cent of respondents). Therefore, of the migrants surveyed, the greatest number aimed to settle permanently in Russia and acquire Russian citizenship²⁸. A number of these migrants had been living in the country for a long time, and were accompanied by their families. Moreover, the majority had a registered address in Russia and considered Russia as the country of their permanent residence.

Graph 24



Despite Russia's declared interest in receiving migrants, the country's policy towards citizenship and permanent residence status does not create an environment conducive to integration. Many migrants have now been living in Russia for a long period of time, and represent considerable demographic, professional and intellectual potential. Integrating these migrants does not necessarily require an expensive policy on the part of the State; however, it does require the development of effective policies. At present, excessively restrictive citizenship policy is holding back a natural process of integration and favours irregular migration, informal employment and labour marginalization of migrants.

Despite all the difficulties associated with migration, more than 60 per cent of respondents intended to return to Russia for work. Nearly all

²⁸ This data should not be over-generalized since there is likely to be a bias due to the fact that those migrants who have been in Russia longer are likely to feel more confident and thus be more open to an interview with a researcher.

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noted that they would advise friends to do the same. Only 5 per cent said that they will not come to Russia any more “to earn money”.

4.5. LINKS BETWEEN FORCED LABOUR, HUMAN TRAFFICKING AND MIGRATION

To determine the existence and current forms of forced labour, a two-pronged approach was used again, i.e. the data obtained in the interviews with the experts was analysed in conjunction with that from migrants’ interviews. First the experts’ opinions on forced labour will be considered, then the results from the interviews with the migrants.

Opinion of experts

Hitherto, forced labour was not an urgent socio-political problem in Russia. For that reason, the experts were asked whether they believe the phenomenon exists. The results are shown in the graph below.

Graph 25



Only a very small number of experts denied the existence of forced labour in Russia. The majority considered forced labour a marginal phenomenon, i.e. one that exists somewhere at the edges of society, in a limited social and geographical space. However, 15 per cent of the experts considered forced labour a pervasive phenomenon.

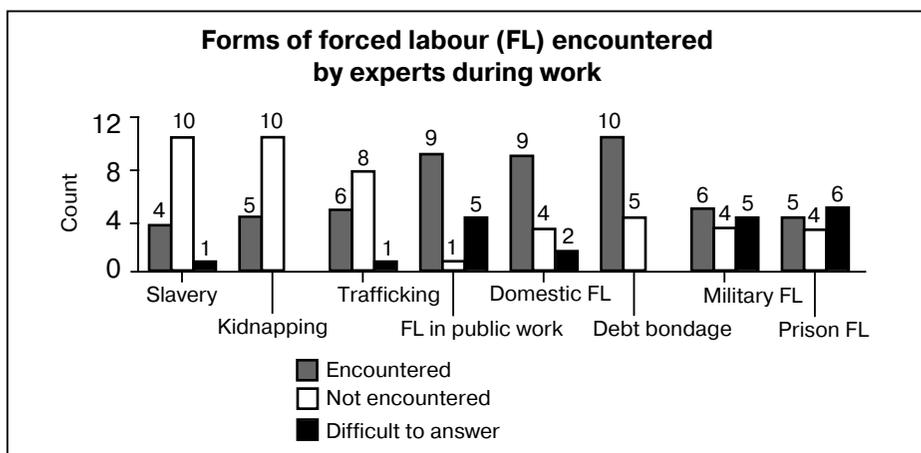
Thirty-four per cent of experts felt that forced labour is an acute problem that requires urgent attention, Fifty-one per cent felt it was a problem though not an urgent one, but none believed forced labour

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was not an issue. Fifteen per cent had difficulty answering this question. Irregular migration was considered a more pressing problem requiring urgent measures by 78 per cent of experts. Only 17 per cent believed that irregular migration was not an urgent problem at present and none believed irregular migration was not problematic at all. Five per cent had difficulty answering this question. Trafficking was considered a problem demanding urgent attention by 24 per cent of experts. Forty-nine per cent, however, felt it was not a problem that demanded urgent attention and 3 per cent thought it was not a problem at all. Twenty-four per cent had difficulty answering this question. Therefore, though irregular migration is perceived as the main problem, many experts considered forced labour and trafficking as an important issue.

Given that, in general, the professional community accepts the existence of forced labour, the experts were asked whether they had encountered forced labour in its various forms.

Graph 26



The questionnaires given to experts used the definition of forced labour taken from ILO Forced Labour Convention, 1930 (No. 29). But the experts were also asked to offer their own definition of the phenomenon. The table below illustrates their definitions according to key words, or aspects, of forced labour. A great number of these definitions are situational or context based, suggesting that experts think of forced labour in terms of empirical examples rather than as a theoretical concept.

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Table 2: Experts' definitions of forced labour and its components

<p>Types of forced labour according to types of employment</p>	<ul style="list-style-type: none"> • Underground workshops (sweat shops) • Domestic service • Forced labour in market trade and small businesses • Forced prostitution and sexual exploitation, including the prostitution of minors by parents or third persons • Agriculture • Coercion to steal, or buy and sell stolen goods, or work in other criminal capacities (such as in the drugs or weapons trade or in fraudulent activities) • The buying and selling of child orphans, neglected street children, invalids and children from socially disadvantaged families (including those selling their children), and the kidnapping of children • Forced military labour, forced recruitment into armed groups
<p>Types of forced labour based on the victims</p>	<ul style="list-style-type: none"> • Child labour: the use of children for domestic work, begging or other activities, including the use of orphans • Exploitation of migrants or illegal use of foreign workers • Illegal induction of students or school children into labour • Illegal induction of servicemen into labour, such as forced labour compelled by the army • Trafficking in invalids for the purpose of begging • Exploitation of fugitive prisoners
<p>Types of forced labour based on the exploiters</p>	<ul style="list-style-type: none"> • Work for illegal employers • Work for other employers, such as owners of factories or collective farms • Exploitation of children by their parents • Labour under pressure from criminal groups or criminals • Illegal work for administrative bodies and their employees, or for the military
<p>“Complex” definitions of forced labour</p>	<ul style="list-style-type: none"> • Unrewarding labour with no prospects for personal development, or situations where a person has to work at a given place as a consequence of their legal constitutional rights and possibilities having been infringed • Labour under conditions of discrimination • Labour where people are deceived and there is a breach of contract

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<p>Criteria allowing to distinguish between forced and voluntary labour</p>	<ul style="list-style-type: none"> • Physical coercion • Psychological coercion • Limitation of freedom • Debt bondage, dependence in different forms (for accommodation, food, etc.) • Imposed labour conditions • Labour performed under threat, including threat to life • Restrictions on leaving an employer or workplace • Work performed against an individual's free will • Compulsion to perform additional services • Non-payment, insufficient payment, delays in payment or inappropriate payment • Payment in non-monetary form (for instance, food or alcoholic drinks or drugs) • Labour in inhumane conditions • Labour without social protection • Restricted access to medical, social or legal aid, or law enforcement bodies • Absence of a contract or agreement on work to be performed • Unlawful methods of enrolment • Infringement of constitutional rights • Violation of labour laws • Non-observance of human rights • Violation of moral principles (for instance, using children to sell alcohol or drugs)
<p>Coercion, control</p>	<ul style="list-style-type: none"> • Labour under the threat of physical or psychological coercion, possibly connected with institutional limitations (for example, withdrawal of documents) • Labour where the occupation or working conditions are not chosen voluntarily • Compulsion to perform certain work • Work in custody • Labour performed against one's own free will, as a result of threats, fraud, kidnapping, etc.
<p>Exploitation</p>	<ul style="list-style-type: none"> • Withdrawal of documents, debt bondage and other ways of "binding" a worker to an employer • Physical, psychological or other forms of coercion • Taking advantage of migrants' illegal status or vulnerability • Kidnapping, slavery and trafficking of people for

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	<p>forced labour purposes</p> <ul style="list-style-type: none"> • Abusing positions of power or authority or the use of labour for the benefit of administrative bodies and their employees • Debt bondage • Labour on “credit”, with the promise of future payment, or without any form of remuneration
<p>Violation of the employment contract</p>	<ul style="list-style-type: none"> • Labour without remuneration, where the terms of payment are violated, where payment is not received in full, or where rules of safety at work are violated (according to the Labour Code) • Labour where terms of remuneration have not been set in advance, where remuneration is insufficient for the labour performed, or where labourers work in subsistence conditions, i.e. only to maintain their physical existence and ability to work. • [An example of forced labour] “An employer underpaid a team of construction workers in Stavropol by 30000 Roubles. The money was paid two months late, following the involvement of a criminal organization.” • [An example of forced labour] “A local small landowner uses homeless persons for work in exchange for food and drink. As this occurs far from any major settlement, local authorities are unaware of the practice and do not react to it. It might only become evident if a serious criminal act (i.e. murder, assault) is committed.” • Labour which breaches agreed conditions • Labour unaccounted for in an employer’s records²⁹

The majority of experts considered that forms of forced labour have become more severe and cynical in post-transitional Russia, as stated by an expert from Omsk.

“Illegal exploitation of labour has acquired more widespread and at the same time more severe, cynical and perverted forms.”
(Expert)

²⁹ Nearly all irregular migrants are exposed to non-payment and delays in payment, hence, if this is used as a definition of forced labour, practically all illegally engaged migrants might be considered as slaves, subjected to forced labour.

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Though 23 (56 per cent) experts were of the opinion that forced labour in Russia has changed over the past 10-15 years, approximately one third (14 participants or 34 per cent) of the experts appeared unable to speak with conviction about changes in the forms of forced labour used in Russia. Four (10 per cent) of the interviewed experts felt there had been no change in forms of forced labour over the past 10-15 years.

Experts noted that changes in forms of forced labour in Russia could be attributed to increased irregular migration, a greater number of marginal groups in society (prostitutes, homeless people, street children, beggars or alcoholics) and the pervasive use of criminal, manipulative and deceptive practices (for instance, trafficking or smuggling).

Experts had themselves encountered cases of forced labour or were at least aware of cases as shown in the interview excerpt below:

We observed cases where shop workers had all their documents and personal belongings withdrawn. They were wearing only light clothing in the winter months and their movement was effectively restricted to the immediate vicinity of the shop as otherwise they might die from the cold. The police could have intervened, but only to deport them. And the police even lacked sufficient resources to do that. Migrants awaiting deportation were kept in receiving and distribution centres, in which the conditions are awful.

There have also been cases where Vietnamese and Chinese migrants were discovered in containers at city markets. They had been brought to Russia, and had their documents withdrawn under the pretext that this was part of proper registration and legalization processes. They were kept locked in containers, and only let out to perform loading and unloading work and to eat scarcely sufficient meals.

Sometimes women, for instance, from the Ukraine or Moldova, live “married” to their employer. They are rarely registered, have their documents withheld and forced to work in return for food and accommodation. If these women refuse to work, their “husband” threatens to turn them out of the house, inform the police and refuse to legally register them.

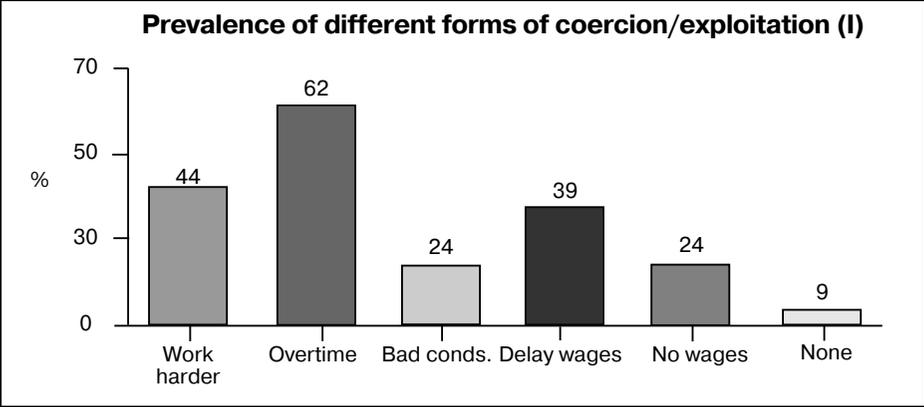
(Expert, V. Zaikin)

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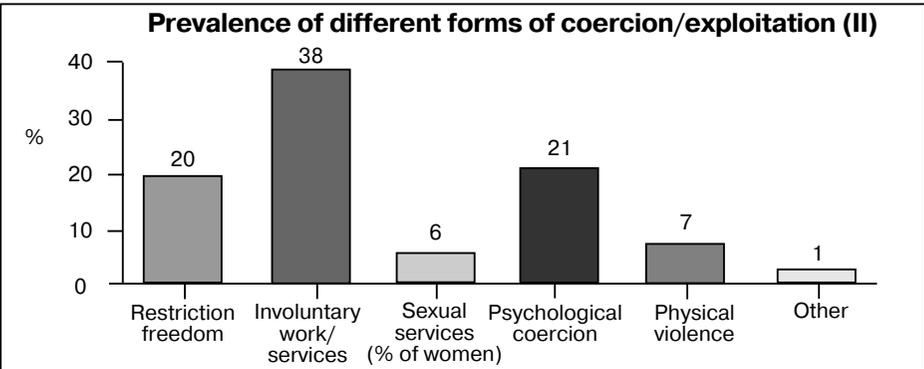
Opinion of migrants

The graphs below show elements of forced labour that migrants experienced.

Graph 27³⁰



Graph 28³¹



As previously revealed, the exploitation of migrants is most prevalent in the Stavropol region. However, the most severe forms of exploitation are observed far more frequently in urban areas. Twice as many women in Moscow were victims of sexual exploitation than in Stavropol, and nearly three times more than in Omsk. In total, 30 per cent of the women questioned had been subjected to sexual exploitation, nearly all of the women working in the entertainment sector and nearly 20 per cent

³⁰ Coercion to work overtime includes absence of remuneration and/or days off.

³¹ The respondents to the question on sexual services were all women. Psychological coercion includes threats, blackmail and deceit.

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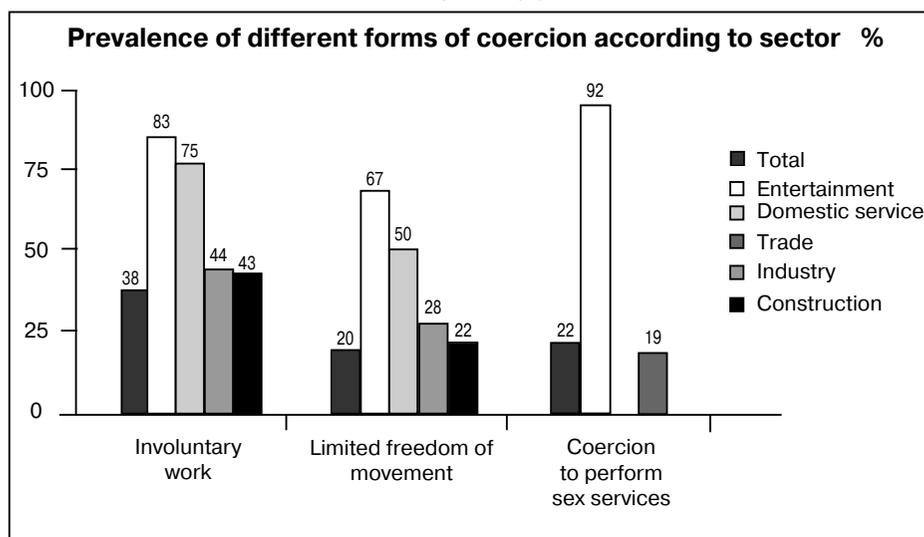
of those working in trade, while replying to questions, reported coercion to perform sex services. This suggests that the sexual exploitation of female migrants occurs not only in the entertainment and sex sectors, but also across other sectors of the labour market.

Restricted freedom of movement and physical coercion are also more frequently observed in Moscow, reported by 31 per cent and 13 per cent of migrants respectively. Data suggests a more favourable situation in Omsk. However, this could be due to the region's more closed social environment where more latent forms of exploitation may remain hidden from the survey. (For more detailed comments on data collection in Omsk and in other regions see Zaionchkovskaya, 2001.)

The results of the questionnaire show several other trends according to migrants' sex and the sector in which they work. Firstly, female migrants are more often subjected to the worst forms of exploitation, including economic, but also physical, psychological and other types of violation and exploitation such as debt bondage, compulsion to work without consent and restricted mobility. Twenty-five per cent of women for instance reported restricted mobility, as compared with 17 per cent of men.

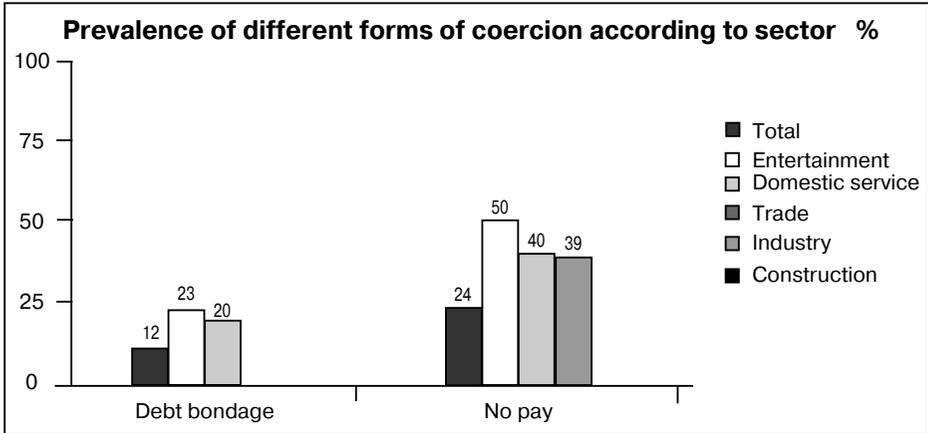
Taking the results of those migrants who claimed they were subjected to coercion, it can be seen that the sector most prone to exploitation is the entertainment sector. This is followed by domestic work, industry, construction and trade in a decreasing order.

Graph 29 (a)



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Graph 29 (b)



R: The first two or three days we worked as shop assistants. We not only sold things, but also cleared up, washed dishes and floors and moved furniture. We were promised an apartment, but received none. We lived in an annex to the shop – it was like a storeroom, very dirty. There were mattresses on the floor. We were locked up there and they seldom brought food. Afterwards they began beating us, forcing us to work. Later, they took us to the home of this man. They were drinking there. They raped us and beat us.

I: Did they pay you money?

R: No. Our bosses sold us for a night.

I: So you worked for them as prostitutes?

R: Yes. They cut our skin and put out cigarettes on us.

I: But why did they cut you?

R: I don't know. They did not explain.

I: Maybe in order not to let you escape?

R: Possibly. Some girls fainted, and were on their backs for weeks. Once a girl made an attempt to run away. She was caught. We have not seen her any more. They threatened us that if we decided to run away, we would share the same fate. We were afraid of everything.

(Female victim of forced labour)

Though the case above illustrates obvious and direct forms of coercion, forced labour also encompasses forms of coercion without the use

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of physical force, which, as demonstrated by the questionnaire data (see graph 29(a,b)), is very widespread among migrant workers. This raises the issue of “soft coercion” – where a worker could formally withdraw from an employer, but without seeing any viable alternatives, agrees to all conditions.

In such situations, employers use a variety of techniques to enter workers into dependent situations. Although appearing legitimate, safe and even charitable, employers can exert strict control over workers and exploit their labour. For example, an employer may provide a worker with food, accommodation and a work permit if the migrant hands over his/her ID documents, and may even provide medical insurance. However, these situations make workers increasingly dependent on their employer for their basic needs, allowing employers the opportunity to exploit this dependence. An interview excerpt on this is given below:

Having arrived, our documents were taken away for temporary registration. We couldn't move independently – without documents, in an unknown city. I really had no choice of place of work.

(Male victim of forced labour)

Forced labour can thus be envisioned as a continuum, with obvious, direct coercion at one extreme, such as physical restraint, violence, rape or starvation, and more subtle, indirect coercion at the other. This ‘milder’ form of coercion can take several forms.

Forced labour under “soft coercion” can include:

1. Confiscation of ID documents.
2. Debt bondage.
3. Threats of being reported to the authorities.
4. Threats of deportation.
5. Threats of violence to the worker or others.
6. Physical and social isolation.

We saw cases while visiting construction sites where people were kept in basements, in locked premises, spending the night in unsuitable conditions. When we arrived, the migrants hid themselves in empty barrels. We had to pull one person out, as he could not get out of it himself – the lid had been closed or he had closed it himself in such a way that it practically could not be opened. We

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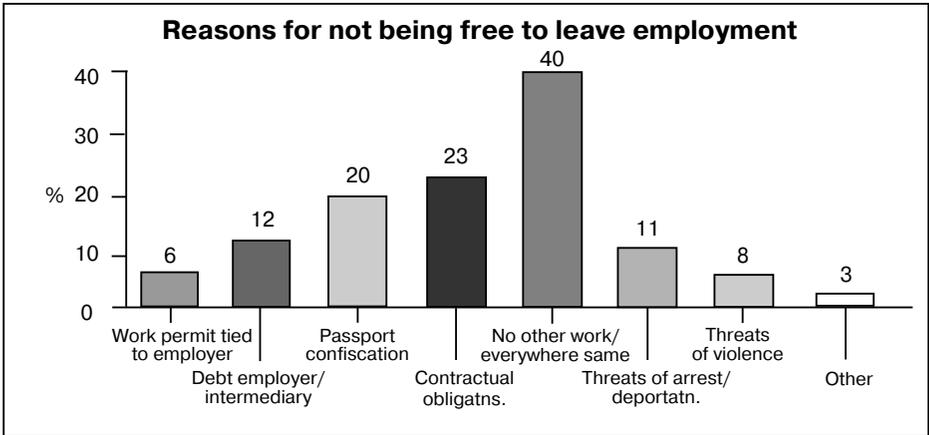
had to pull the lid off to let him out. In construction - as a rule - workers are guarded, kept away from outside visitors. As they don't have documents they rarely leave the site. That is why they are exploited more brutally.

Generally, workers are taken to a building site, kept in vans, and they work from dawn till dark, hoping to receive remuneration when the job is finished. There is no direct coercion. But there are many cases where, upon completion of a building, a bus arrives and takes all the workers away to be deported. These violations occur more often in private, out of town industry. In large-scale city construction, the Moscow government has much more control and there are fewer violations.

(Expert, V. Zaikin)

In more than 20 per cent of cases (23 per cent in the Moscow and Stavropol regions and 17 per cent in Omsk) migrants' passports were withheld by employers. This is an illegal act in itself, constituting an element of exploitation, but importantly also facilitating the unlawful exploitation of workers and the exertion of control over them. Only 37 per cent of migrants who answered the questionnaire (24 per cent in Moscow, 30 per cent in Omsk and 58 per cent in the Stavropol region) said that they were free to resign from their job, and the same number of respondents said that this was impossible in reality. The graph shows the various reasons why workers were unable to freely leave their employer.

Graph 30



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18 per cent of respondents in Moscow, 15 per cent in the Stavropol region and 7 per cent in Omsk, an average of 12 per cent, said that they had a debt which they had to work off, i.e. that they were working under conditions of debt bondage. Debt bondage conditions are reported frequently, and occur in diverse forms. For example, an employer may impose the cost of defective materials upon a worker.

The debts usually total considerably more than a month's wage. Average initial debt is around US\$246, whereas at the moment of interview it was around US\$106.

Very often debt bondage occurs within the process of trafficking. Whilst working on immigration documents I received a lot of complaints regarding migrants, who after arriving at their place of work, were told that they owed the trafficker money. As a result they have to pay off this debt, have their documents withheld and they are detained in confined accommodation which they can only leave for work.

Forced labour conditions also occur where workers are not paid fully and are subjected to fraud. Sometimes employers deduct the fines they suffer for legal infringements from workers' wages or add them to their debts.

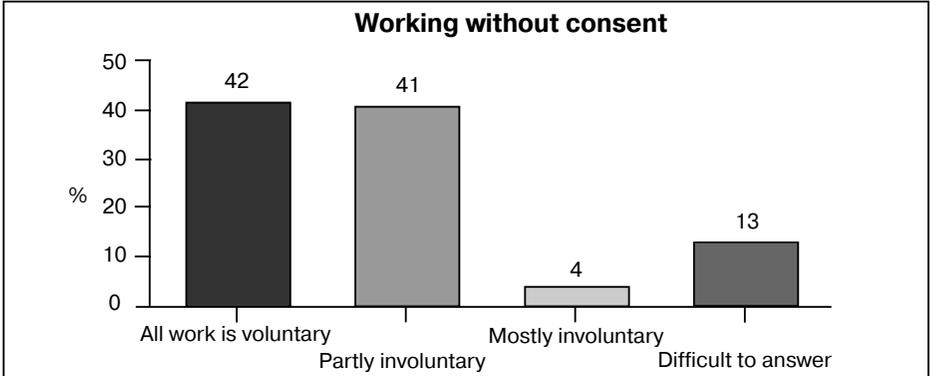
(Expert, V. Zaikin).

16 per cent of respondents in Moscow and 8 per cent in the Stavropol region admitted that they were threatened with punishment if they were to leave their employer. An even greater number of migrants are threatened with being turned over to immigration authorities if they attempt to leave.

Around 20 to 25 per cent of migrants in the Moscow and Stavropol regions consider that their rights are being violated in Russia. In total, 57 per cent of those questioned thought that they were subjected to some form of labour rights violation. 24 per cent did not believe that their rights had been violated in any way. The picture painted in Omsk is somewhat different. Only 4 per cent stated outright that they were being exploited, and 41 per cent believed that they were not subjected to exploitation of any kind. 53 per cent did however believe that they were victims of some violations. 2 to 6 per cent of respondents investigated in the three different regions considered that they were victims of coercion, and around 45 per cent admitted that at least part of their work was involuntary.

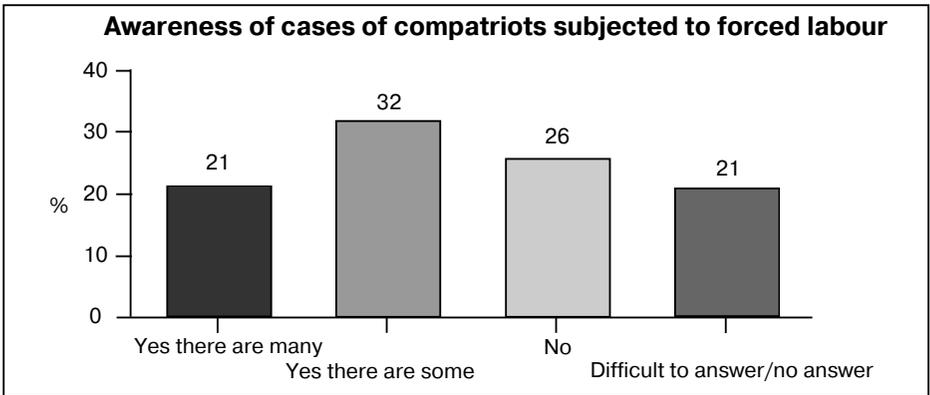
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Graph 31



Alarming, more than one quarter of the questioned migrants in Moscow and in Stavropol believe, on the basis of their personal observations, that forced labour is widespread. Less than 20 per cent of respondents from these regions said that they had not personally come across cases of forced labour.

Graph 32



Forced labour reports in the media

Cases of forced labour, trafficking in people and slavery are difficult to analyse quantitatively. However, such cases are frequently documented in the mass media. In June 2003, several articles were published following large-scale investigations by Moscow’s Chief Department of Interior Affairs on the use of forced migrant labour.

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One article revealed the situation in a highly profitable underground bakery shop in the village of Tolstopaltsevo, near Moscow, where migrants from Armenia were working and living in unsanitary conditions. Another investigation revealed an underground bar in Kuntsevo, Moscow, which was operating under the guise of a sauna. Having been shut down four times, it continued to operate and recruit girls as “exotic dancers”. On 1 June 2003, a sweatshop near Moscow was exposed where Vietnamese migrants, recruited under the false promise of high wages, were working. The evidence collected suggested that they had been recruited by a global trafficking network and that the sweatshop was producing counterfeit goods. Some of the migrants who answered the questionnaire said that they had worked at similar enterprises in Moscow, the Moscow region and Stavropol kray.

Links between irregular migration, trafficking and forced labour

Many experts pointed to a direct link between the growth of irregular migration and the prevalence of forced labour. Quotations from the experts demonstrate this view:

Irregular migration is accompanied by illegal employment. All profit generated as a result of such employment is gained by the use of forced labour.

(Expert, Tikhonova)

Irregular migration gives birth to forced labour. There is a direct link between these processes. Irregular migrants are the most vulnerable category. They are pushing themselves into a situation of forced labour by their own actions.

(Experts, Baturkin, Grafova, Zaikin and others)

As such, the experts established a clear link between illegal migration and the prevalence of forced labour. However they argued that though attempts to combat forced labour by toughening migration policy are common, these measures may not be enough to eliminate it³².

Questions in the survey dealing with the link between human trafficking and the use of forced labour posed some difficulty to the experts.

³² The expert's comments on the links between forced labour and trafficking were not numerous, and when made they were normally not directly concerned with trafficking in people, but tended to concern coercion, migration and exploitation in general.

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The majority of experts questioned were familiar with cases of debt bondage, illegal recruitment, forced domestic labour, and other elements and forms of exploitation and slavery. However, it is very rare that these cases are interpreted by specialists as involving trafficking in people. This is despite the fact that more than one third of the experts said that they directly encountered cases of trafficking. Some typical examples of trafficking cases are given in the interview extracts below:

I: How much did they [the traffickers] pay [to your parents]?

R: I can't say exactly the sum. Approximately US\$300, it was quite a sum, and they let me go. I agreed. After my parents gave their consent a problem arose: how to pass through the border? He [the trafficker] had taken care of all the problems himself and made up legal documents saying that I was his underage daughter. I do not know how he managed it, but I crossed the Kazakh-Russian border by train as his daughter. It is very easy to pass our border, practically nobody asked for documents and we calmly, without obstacle, passed through. During our journey he treated me well, as a daughter. Moreover, I myself was in a good mood, as I was going to market to earn money. As soon as we arrived at a flat he immediately put a question to me. I was told that I had no documents and would work as a prostitute or they would kill me. If I worked voluntarily, everything would be normal and they would pay me. If not, they threatened me with physical punishment. I did not give my consent. They just began beating me. They tied me up. They kept me tied for five days without food. I wasn't even allowed to drink water. They evidently wanted to break my will.

I: And in the meantime, did any sexual activity take place?

R: Yes.

I: Meaning that they also raped you?

R: Yes.

I: And then you agreed

R: I had no choice, I had to agree. They took me to another apartment, where other girls like me had been held. They took me with there with guards. Another guard was in the apartment; there were

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grilles on the windows and an iron door, like a prison. It was impossible to escape, not even worth contemplating.

(Female victim of forced labour, trafficked)

Half a year ago they kidnapped me. It happened as follows: I was going home, a foreign car approached, they put a sack on my head, drew me into the car and then injected me with something. I remember nothing. I do not even remember how they took me away. It seemed as if we were flying or if it was a car, it was shaking. It was dark, like a bunker - they covered me up with something. I only came to when we were somewhere in the East.

I: And how did you know that you were crossing a border?

R: The car stopped. I heard a foreign language, not Russian. But there was no check of the box [that I was in].

I: Did they give you food during the trip, did you go to the toilet?

R: No, I was locked up in the box all the time. When we arrived they kept me for three days in a pit. They took away my passport. They set dogs on me, I was beaten during a couple of days and fed with slops. Then, on the fourth day, I was forced to work – to build something, mainly hard work, lugging bricks. But not one by one, but in big quantities at once, they loaded the bricks on me themselves, as many as they wanted.

(Male victim of forced labour, trafficked)

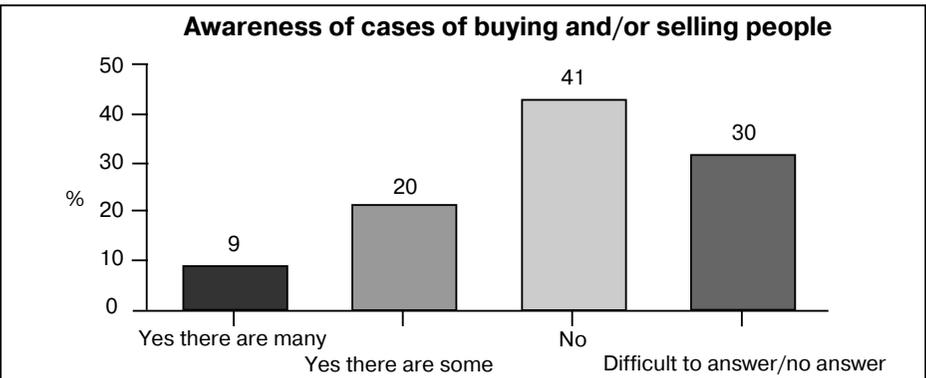
These cases of human trafficking are examples of the *worst situations of trafficking and forced labour* and illustrate common scenarios. If direct coercion in the form of kidnapping is not used, traffickers often pose as respectable recruiters and identify vulnerable families, especially disadvantaged rural families with many children or alcoholic parents. The trafficker persuades the parents to let their daughter leave to work and pays them some money. Falsifying any necessary documents, traffickers then take children across the border, posing as their parents, and sell them to an employer. After this transaction, the trafficked child becomes the property of their employer. All the cases highlighted above

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represent conditions to the far extreme of the theoretical continuum of forced labour as previously discussed.

Migrants appeared to consider forced labour a more common phenomenon than human trafficking. 20 per cent of migrants believed forced labour was common, but only 9 per cent thought that human trafficking occurred frequently. Far more migrants in Moscow, however, believed that trafficking was common. A further 20 per cent of the respondents were aware of some cases of trafficking, whilst about 40 per cent had not personally seen evidence of the phenomenon. This runs counter to our earlier proposition that migrants were less aware of trafficking. However, we shall see later that migrants' subjective estimates do not always reflect reality.

Graph 33



Some extreme elements of forced labour, such as severe physical and psychological coercion and restricted mobility are often characterized as elements typical of human trafficking. However, in Russia, these extreme cases of trafficking are rare (E. Tyuryukanova). Yet cases exist where trafficking occurs more indirectly (see interview excerpt below). For example, sometimes workers are passed from one employer to another – included in the cost of a business takeover.

I: Do you know about any cases of human trafficking – such as any girls who have arrived and disappeared?

R: You mean slave trafficking?

I: Yes. Do you personally come across such cases? For instance, is

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it possible that you might be re-sold to another club?

R: It is possible. Of course such attempts took place.

I: Has this happened to you personally?

R: Yes. But I tried to settle in the same place, as it is less of a headache.

I: But in principle, is it [re-sale] considered acceptable from your experience?

R: Of course.

(Female victim of forced labour)

However, there are few cases of people having been trafficked for forced labour across borders. Yet, experts do repeatedly mention cases of human trafficking and kidnap for the purpose of forced labour in Chechnya and in the Caucasus region. The Stavropol expert documented situations where people were taken to the mountains in Caratchaevo-Tcherkessia and never came back.

Though practically all experts are aware of the seriousness of all three noted problems and believe they are linked, they also believe that the problem of irregular migration is the one requiring the most urgent attention. This is probably at least partially due to the fact that it holds a more prominent position in the public and political spotlights.

Measures to combat exploitation and forced labour

Though experts believe that irregular migration is the most urgent problem to be dealt with, they also put a lot of emphasis on taking action against labour exploitation of migrants. Fifty-four per cent believe that an anti-trafficking law should be adopted and an equal number feel that action should be taken to regulate the informal economy and informal labour relations. Migration measures were considered slightly less important: Eighteen per cent feel that legal labour migration channels should be increased and that migrant workers' rights should be better protected. Seventeen per cent of the experts are of the opinion that action should be taken against irregular migration. Other recommendations expressed by experts were:

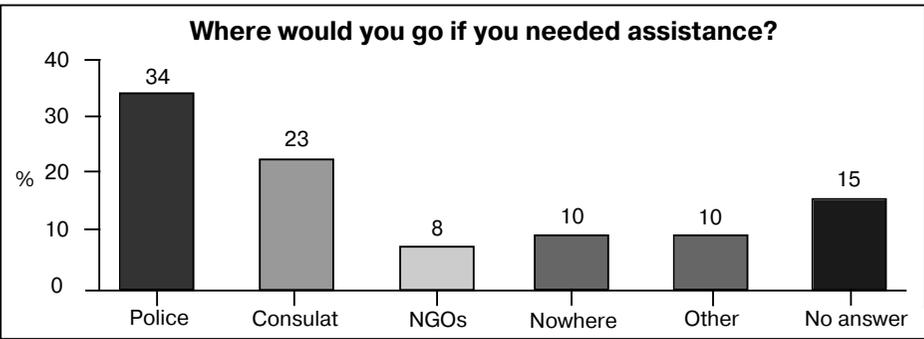
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- Increase regulation and inspection of employers, particularly in the area of recruitment of foreign workers. The labour inspectorates should be responsible for this.
- Legalize irregular migrants currently present on Russian territory and enact new, more appropriate laws on labour migration (Batourkin, Moscow).
- Increase the involvement of the Public Employment Services in labour migration issues in order to increase State control in this area (Tselovalnikov, Stavropol).
- Support organizations that provide information and services to migrants in confidence (Ivashina, Omsk).
- Maintain a record of the history of employment for every migrant in combination with required registration at a job placement agency.
- Conclude bilateral agreements with source countries.
- Take action against corrupt officials.

Assistance to victims of exploitation and forced labour

Informal employment effectively denies migrants the opportunity to defend their labour and other rights, including their basic human rights provided for in the United Nations Universal Declaration of Human Rights. The graph below shows the avenues migrants might pursue to seek assistance.

Graph 34



Only 6 per cent of those questioned in Moscow, 8 per cent of those in the Stavropol region and 37 per cent of those in Omsk actually knew of organizations in their regions to which they could turn for assistance.

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The organizations mentioned included the police, the Ministry of Emergency Situations, the Federal Security Service, the Public Prosecutor and the immigration services. In reality only 7 per cent of respondents have asked for assistance from any of these organizations. The interview excerpt below illustrates the lack of awareness of available assistance:

I: Are you afraid to contact any state structures, maybe an international or public organization? Have you ever tried to get in contact with one, or even heard of them?

R: I heard nothing about public organizations. Why would I apply to an international [organization]? I am in Russia. If I had been somewhere in Poland or Germany, I might have applied to the embassy.

(Male victim of forced labour)

Almost all victims of forced labour interviewed showed little belief in the authorities' ability to assist them and little interest in bringing their exploiters to justice. This reflects a likely sentiment across the Russian population which distrusts power, especially law-enforcement bodies, and has little legal awareness. It also reflects weaknesses in the machinery of protection for victims and witnesses in the Russian judicial system.

However, it is not the gaps in the law or a lack of legal awareness amongst the population which is the root cause of mass human exploitation, including forced labour. The incorporation of economic exploitation into "normal" economic practice, under conditions of poverty and limited economic opportunity, leads to not only marginal members of society working in such situations, but also whole social groups.

Special attention should be paid to the high levels of corruption in the local police force, which appears to be open to bribes from criminals and often returns victims of forced labour back to their "bosses". This dissuades victims of forced labour from seeking assistance from the authorities, as shown by the quote underneath:

I: Have you tried to contact any law-enforcement agencies?

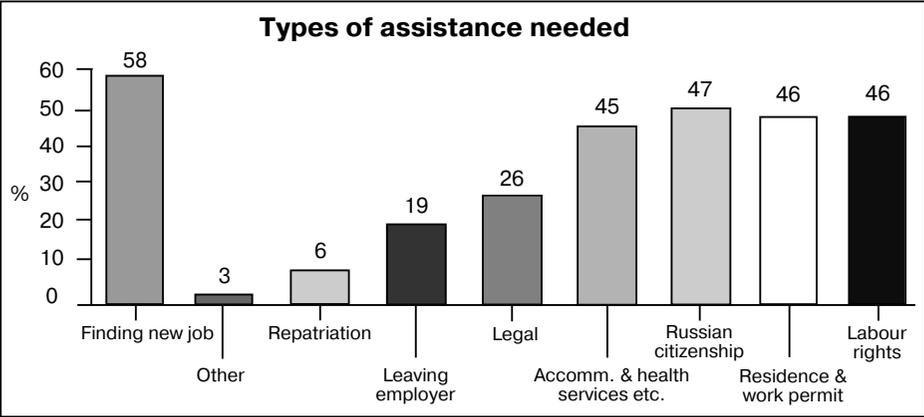
R: No. You cannot believe them either. If you contact them, they will immediately return you and that's all.

(Male victim of forced labour)

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The following graph shows the resources that migrants believe would assist them in the case of difficulty.

Graph 35



Migrants considered assistance in finding a new job or placement most valuable. Also important would be assistance in acquiring Russian citizenship, protecting labour rights, obtaining legal resident status and solving everyday problems, as illustrated by the interview excerpt below:

I do not believe in rules or laws – nobody respects them. Getting official permission for work – it is a waste of time and money. I do not know about any new laws, they do not interest me. But I would like migrants to be treated better in Russia and their rights to be protected. I'd like to acquire Russian citizenship for my family and myself and to have a good job.

(Male victim of forced labour)

At present, weak migration infrastructure in Russia means that the majority of services are available to migrants informally. A suitable service industry for migrants can and should be developed on the basis of institutions already existing in the public and private sectors.

Labour migrants could benefit from the development of mutual assistance associations, unions and organizations to reduce the incidence of labour rights violations. One expert to the study, M. Zoubkov, is President of one such body, the Association of forced migrants in Boudennovsk region in Stavropol kray. The Organization assists with job

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placement, restoration of labour documents and the departure of migrants from Chechnya and the CIS countries.

Comments by experts give some insight into the reasons that prevent migrants from obtaining assistance from the authorities, namely their often irregular status:

In construction, 30 to 50 per cent of foreign workers do not receive their promised wages on completion of work. Employers are highly tempted not to pay, and migrants are unlikely to complain. They are partially to blame. They do not get registered here, do not apply for work permits, etc. That is why they are afraid to lodge a complaint. And even when they do make complaints, the authorities do not lend an attentive ear to their complaints. One can understand the police's point of view when a person, who has illegally lived here for a long period, comes to the police and complains that he had been "let down" or even been forced to do something... The view is that this person entered the situation by himself. That is why such complaints are not taken seriously.

The system plays into the hands of those who exercise labour exploitation and use coerced labour. If, for example, a man without a passport is arrested... it is very rare that a serious investigation on this case would be conducted, because (it is considered that) forced labour is rarely used upon trustworthy citizens... It is therefore natural that the authorities give little credence to their stories.

(Expert, V. Zaikin)

However, as discussed in the chapter of this paper pertaining to legal issues, a labour migrant practically has no legal "personality" in Russia. Employers have to apply for work permits on their behalf and, in order to register a place of residence, a migrant requires sufficient funds and the consent of the proprietor. For that reason, it is hard to agree with the expert's conclusion that migrants are to blame for their illegal status. In addition, the helplessness of migrants in the face of exploitation and violation of their rights is enhanced by the virtual impunity for the employers and other exploiters.

The expert's quoted opinion supports the theory that the exploitation of migrants goes largely unpunished. Even if migrants themselves approach the police or are arrested by the authorities, the blame for their situation is likely to be attributed to themselves. The problem is exacerbated if the

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migrant has had his or her passport withheld. The police rarely consider migrants as victims, only viewing them in their status as irregular migrants.

Similar crimes, committed against Russian citizens, warrant different treatment. Yet this is not the case for migrants. Thus, for criminal groups engaged in trafficking and the exploitation of labour migrants, the risks remain minimal and the economic benefits enormous. Four institutional factors contributing to the helplessness of migrants in Russia can be identified:

1. Fear and distrust towards the authorities on the part of migrants;
2. Distrust towards migrants (regular and irregular) on the part of authorities;
3. An unwillingness on the part of authorities to recognize irregular migrants' human rights and a tendency to ignore their status as victims;
4. Corruption and links between structures of law enforcement and criminal factions.

4.6. LABOUR EXPLOITATION: FROM A MARGINAL TO A MASS PHENOMENON

The results of the research illustrate the extent of human right violations in a forced labour framework in Russia. As discussed earlier, approximately 15 to 20 per cent of the experts considered that forced labour had already grown beyond a marginal phenomenon and is occurring on a mass scale in Russia. At the same time experts noticed certain trends in the use of forced labour, in particular seasonal forced labour exploitation of migrants, for instance during the summer months (Expert, Omsk). The following quotes by experts illustrate the scope that forced labour has in the migrant labour market in Russia:

Irregular migrants cannot protect their rights, hence often have to work in **partially slave-like conditions**

(Expert from the Federal Migration Service, Russian Ministry of the Internal Affairs)

Many marginal illegal practices are becoming a “normal” phenomenon. Slave labour has become more prevalent, especially for migrants from the CIS countries. Previously slavery was recognized as criminal. Now, employers withhold documents, cre-

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ate dependent relationships and workers themselves agree to work “**semi-voluntarily**”.

Direct physical coercion seldom occurs. If observed, it is usually at auxiliary works or in construction. **Partial forced labour**, where workers receive insufficient remuneration, are deceived, have their documents withheld or work under debt bondage is more prevalent. A worker in Uzbekistan earns little more than 50 Roubles per month cotton-picking, whereas in Russia under forced or partially forced conditions they would earn much more. These even small sums can allow a worker to provide for their family at home.

(Expert, V. Zaikin)

Severe exploitation, reported by more than 50 per cent of respondents in the Moscow and Stavropol regions, shows that in the sectors under consideration, elements of forced labour are present on a mass scale and in the open labour market, not in marginal or peripheral cases. If cases of pure forced labour cannot always be found, this study has identified the presence, and pervasive use of, elements of coercion which are incorporated into normal labour relations.

Cases which contain separate elements of exploitation, which by themselves may not be classified as “pure” coercion, nevertheless are closely connected with the latter and may develop into fully coerced situations of forced labour. This can be observed at the international, national, company and individual level. In only considering overt cases of coercion, the understanding of exploitation remains too narrow and obscures attempts to measure it empirically. Using a wider theoretical framework enables to understand this modern phenomenon more deeply in the context of the prevailing economic and social order, as well as affords the opportunity to develop more effective measures to counteract it. As such, the contemporary situation in Russia calls for a multi-faceted understanding of forced labour.

The Russian Government has recognized the problems of forced labour and trafficking and has made a political commitment to abolish both practices. Since the beginning of the research project, public authorities have taken important steps to achieve this goal, notably amending the Criminal Code and drafting an anti-trafficking bill to allow for the prosecution of forced labour and trafficking related offences. The anti-trafficking working group, composed of both government officials and members of civil society, has been the main driving force behind these legislative reforms. However, though much positive action has been taken, much can still be done to improve legislation on forced labour and trafficking, particularly in the area of victim protection and migrant worker rights.

1. Russia should ratify relevant international instruments: the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which has come into force recently. All CIS countries should be encouraged to follow suit in order to create a climate of mutual trust in which the issue of migrant workers can be considered. Whereas Russia has ratified the UN Convention on transnational organized crime and its Protocols against human trafficking and smuggling of people, other CIS countries have yet to follow.
2. The Russian Federation ratified all ILO core Conventions, in particular Conventions No. 29 and No. 05. However, their application in the national law and law enforcement needs to be strengthened. Even though forced labour is prohibited by the Labour Code, it has so far not been used against employers imposing it on migrant workers. A clause should be introduced to Article 4 of the Russian

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Labour Code aimed at clearly defining forced labour and the forms of coercion being used to lure and continue to subject the victims to forced labour. The amendments to the anti-trafficking bill of the Penal Code have helped to broaden the range of application, however, the offence of “slave labour” is too general for use in prosecution practice in cases other than prostitution. Legislators, law enforcement authorities and social partners will need comprehensive training on these provisions in order to understand its relevance in modern Russia. The federal labour inspectors should be empowered to identify and investigate forced labour related violations and submit cases to court. It is advisable to add clauses to the Statement on Federal Inspection of Labour Standards stipulating that its functions include the identification and investigation of cases of forced labour and the restoration of rights of workers, including those working in the informal sector. Other investigative and law enforcement authorities, such as the customs and border police, also require the authority to deal with forced labour.

3. Establish a procedure by which cases of forced labour are considered in court. The procedure should take into account all the actors in the forced labour case: victims, perpetrators and legal actors, and lay out the legal requirements for presenting a case of forced labour in court. The degree to which workers subjected to coercion should have their rights restored should be determined. These rights could include compensation for damages based on the degree and duration of abuse. Protection should be provided for victims of forced labour by incorporation of an appropriate procedure in the relevant law. Provisions should be included in Article 4 of the Labour Code, stipulating that persons who believe that they have been exposed to forced labour have the right to apply to the federal labour inspection bodies and (or) to court and to demand the restoration of violated rights as well as compensation for material and psychological damage. Article 391 of the Labour Code would be improved by a provision stating that claims regarding the restoration of rights to victims of forced labour should be investigated directly in court, and it should include a clause allowing labour inspectors to bring such cases to court.
4. Regional legislation should also include measures to prevent and combat forced labour. Action can be taken, for example, to reveal covert labour relations or to promote and stimulate formal employ-

Recommendation

ment. Special attention should be paid to those sectors in which forced labour is particularly prevalent (such as agriculture, extraction mining, public works, the entertainment sector, etc.) In addition, awareness on forced labour should be raised and control and inspection measures need to be taken.

5. Better migration management should complement legal and other action against forced labour. An important way to improve migration management in Russia is to conclude bilateral labour agreements with major source countries, as well as with destination countries of Russian migrants. Currently, Russia has such agreements with, amongst others, Germany, Finland, Switzerland, Kyrgyzstan, China, Poland and Viet Nam. However, as this study has shown, the effects of these agreements appear to be very limited. Moreover, a number of concluded agreements are not being implemented. Assistance of international agencies and organizations could be an important contribution in the drafting and concluding of bilateral labour agreements. Social partners should be actively involved in the drafting and implementation of these agreements.
6. In addition, it is crucial to adopt legislative measures to regulate the status and rights of migrant workers. This must include a system of federal laws and by-laws regulating the labour situation and labour relations of migrant workers. An article could be included in section 12 of the Labour Code regarding the differences in labour regulation for various categories of workers. Existing regulation should be revised in accordance with the new article and should provide for appropriate procedures of entry of migrant workers in Russia, job searching and access to the labour market, as well as determining the nature of the relationship of the migrant to the authorities and the employer.
7. Russian migration legislation ties the migrant worker to the employer via recruitment procedures allowing a migrant worker to enter Russia solely on invitation by an employer. This type of legislation fails to protect the migrant worker from exploitation. Articles in migration legislation that limit the freedom of movement of migrant workers (art. 11.2; art. 13.5) and binding a migrant to an employer (Article 18.2) should be amended to prevent exploitation by employers of migrants. In addition, it would be more appropriate to introduce quotas for migrant workers based on work permits given to migrants instead of the number of invitations granted to employ-

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- ers allowing them to recruit foreign workers. Not only will this provide more rights and protection for the migrant worker, but it will also ensure fair competition between foreign and local workers.
8. One of the reasons behind the absence of legal migration channels is a lack of coordination between labour and migration policy. Since irregular migration is closely connected with employment in the informal economy this coordination is imperative. Existing normative standards require revision and adoption of appropriate procedures by which migrant workers can enter Russia, search for work, secure employment and conduct relations with authoritative bodies and employers. Links between migration and employment policies could be established via inter-agency commissions or working groups on the informal economy, the labour market and migration. From a more practical perspective, State services should become more involved in migrant employment in order to increase the role of the State in labour migration.
 9. Russia is a major receiving country of migrants. Its policies related to demographics, migration and labour express the need to attract migrants to Russia for the period of 2003–2005. Yet the country has no integration policy for migrants. In addition, public information campaigns should be launched, aimed at increasing tolerance and acceptance of migrants by locals. To begin with, this type of campaign could be launched as part of school curricula, for example.
 10. The Ministry of Internal Affairs has a leading role in the field of migration, though the Ministry of Labour and Social Development also plays an important part despite its low institutional capacity. The role of the Ministry of Labour and Social Development in labour migration should be strengthened. Cooperation between the two ministries should be improved. Furthermore, cooperation between all relevant bodies in the area of migration should be improved. These include the office of the public prosecutor, the courts, the Federal Migration Service and border and customs police. In order to abolish forced labour, laws must be implemented comprehensively, which requires efficient coordination.
 11. More importance should be given to preventive measures against human trafficking and forced labour, including targeted public information campaigns in countries of origin, skills training prior to migration, improved job placement services and monitoring of private recruitment agencies, just to name a few. Workers' organisa-

Recommendation

tions could also play a more active role in the prevention of forced labour by disseminating information, providing legal counselling and encouraging migrants to seek justice. To better coordinate their efforts, workers' organisations of the origin and destination countries should conclude cooperation agreements. Likewise, employers have an important role to play in prevention. Most of forced labour takes place in the informal economy, often undercutting legal business. By promoting fair business practices through their associations, law-abiding employers would not only contribute to reducing the incidence of forced labour but also to combating informal labour practices more broadly.

12. International organizations, such as the UN, ILO and IOM, play an important role in combating forced labour. From this perspective, it is advisable that Russia becomes a member of the IOM. The international community should take more concerted action to increase and improve legal channels of migration and to combat the marginalization and exploitation of migrants. As such, cooperation between different global actors in the field of migration and labour is especially recommended in order to establish an institutionalized relationship between migration and labour on a global scale. Of course cooperation between the international and national community demands strong political will on both sides. States should appeal more actively to international organizations for assistance in tackling migration and labour related problems.

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INTERVIEWS WITH VICTIMS OF FORCED LABOUR³⁴

Case 1: A 25-year old woman from Donetsk (Ukraine) works at a striptease bar in Moscow. She is a victim of sexual exploitation, threats and debt bondage. The interview took place in the bar in Moscow.

The interview, during which the respondent was clearly nervous, revealed various forms of coercion. In addition to dancing, the employer forced her to perform sex-services to clients, though this was not agreed prior to employment. She had no written contract and received payment from clients and her employer in cash. She was also forced to perform services, such as unprotected sex, under threat of non-payment and dismissal. The employer would have fired her immediately, in case of illness, for example. No social security or health care was provided and she had no registered place of residence. When stopped by the police in the street, she had to pay bribes. Her relatives in Ukraine did not know what she was doing in Moscow. She sent money home to help her parents and hoped to find another job. Only migrants work at the club and they knew next to nothing about their employer. Even the name of the employer is most likely fictitious.

I came from Ukraine, wages are very low there. Besides, my family situation was unstable. I have higher education, and I intended to work in real estate. I came to see a female friend [in Russia]. The majority of my friends came here, they are very well settled. My friend got me acquainted with an employer – the owner of a night-club. The employer immediately took away my passport but afterwards gave it back.

I³⁵: Tell me, why have you chosen this work?

³⁴ The interview excerpts have been edited for the sake of clarity for the reader. However, the editing has been kept at a minimum to preserve authenticity.

³⁵ I: Interviewer, R: respondent.

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R: I had no choice and I already knew that I would earn much money. I also had to pay for a room...

I: Could you refuse this work and go to another employer either at the start of your employment or now?

R: No, I have already been in great debts. I borrowed money to travel, I had to buy a suit, pay for lodging and have something to live on. They gave me certain sum and I had to work it off. I am still in debt to him.

I: Is there a difference between the conditions that you agreed to before and what you are doing now?

R: Yes, I work more time and do other accompanying things. It is very difficult for me here. But to go home – it would be awful. There is no possibility to live in Ukraine. My parents earn nothing at all there.

...Foreign workers are hired more willingly because they are less protected and they can be forced....these clubs seem to form an organized business, as each has in some way a kind of relationship with the others. But I know nothing – if I know less, I live longer.

The respondent considered human trafficking (she refers to “slave trafficking”) a widely acknowledged and almost inevitable practice:

I: Do you know about any cases of human trafficking – such as any girls who have arrived and disappeared.

R: You mean slave trafficking?

I: Yes. Do you personally come across such cases? For instance, is it possible that you might be re-sold to another club?

R: It is possible. Of course such attempts took place.

I: Has this happened to you personally?

R: Yes. But I tried to settle in the same place, as it is less of a headache.

I: But in principle, is it [re-sale] considered acceptable from your experience?

R: Of course.

Case 2: A 16-year old girl from Kazakhstan was sold by her parents. Her documents were forged and she was subsequently a victim of fraud, physical and sexual coercion, physical restraint and threats. The interview took place in Omsk.

There were six children in our family. I am the second. There [in Kazakhstan] people live in poverty, lacking electricity and water. Sometimes we didn't even have bread at home. My mother made ends meet by occasional earnings, and my father spent everything on drink. I was thinking about how to get out of this situation, to help my brothers and sisters and do something for myself. And I met a man by chance. He proposed that I could earn money at market. He came to my parents – I am

underage – and proposed that I work at a market in Smara. He paid money to my parents so that they would let me go to Samara.

I: How much did he pay them [your parents]?

R: I can't say exactly the sum. Approximately US\$300, it was quite a sum, and they let me go. I agreed. After my parents gave their consent a problem arose: how to pass through the border? He [the trafficker] had taken care of all the problems himself and made up legal documents saying that I was his underage daughter. I do not know how he managed it, but I crossed the Kazakh-Russian border by train as his daughter. It is very easy to pass our border, practically nobody asked for documents and we calmly, without encountering any obstacle, passed through. During our journey he treated me well, as a daughter. Moreover, I myself was in a good mood, as I was going to the market to earn money. As soon as we arrived at a flat he immediately put a question to me. I was told that I had no documents and would work as a prostitute or they would kill me. If I worked voluntarily, everything would be normal and they would pay me. If not, they threatened me with physical punishment. I did not give my consent. They just began beating me. They tied me up. They kept me tied for five days without food. I wasn't even allowed to drink water. They evidently wanted to break my will.

I: And in the meantime, did any sexual activity take place?

R: Yes.

I: Meaning that they also raped you?

R: Yes.

I: And then you agreed

R: I had no choice. I had to agree. They took me to another apartment, where other girls like me were held. They took me there with guards. Another guard was in the apartment; there were bars on the windows and an iron door, like a prison. It was impossible to escape, not even worth contemplating. It lasted two months, they took me to clients and brought me back. Always under guard.

I: Did they pay you anything for what you did?

R: No, I was paid nothing, and not even always fed.

R: Once when we were driving to a client, our car was involved in an accident. Our guard and the driver went to settle the matter. While they were having it out, a quarrel took place and I just ran away. I ran to a main road and stopped a car that was going to Omsk. A driver took me there.

I: Did you explain the situation to him?

R.: Yes, I did. And he agreed to bring me to Omsk.

I.: And what are you going to do now?

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R.: I do not know, I'd like to get home somehow. I am thinking about it right now.

Case 3: An 18-year old woman from Kazakhstan was trafficked to Russia where she was subjected to physical and sexual violence, coercion to perform sexual services, physical restraint and threats. The interview took place in Omsk.

I lived in Kazakhstan in a big family of 12 children. We lived in poverty. We were even happy to drink water with bread. My mother worked at a grocery and earned little. My father drank all the time, and beat my younger sisters and brothers. My youngest brother, who is eight, collected bottles for money. It was a horrifying situation.

I: How old are you now?

R: 18. A man came to my parents. He was about 47 years of age, not Russian. I had not known him before. He proposed work in a locality near Moscow. And he promised money to my father. After this conversation my father told me that I should go to these localities near Moscow to work. Nobody asked me [whether I wanted to go]. I had always dreamed to earn money myself, to buy clothes and help my family. This news made me happy. [The man] promised to pay much money.

I.: To your father or to you?

R.: To both of us for the fact that I would go to work.

I.: Had you concluded any sort of written agreement?

R.: [The man] said that he had agreed with my father and that I had to do nothing, just work and I would be paid. I did work. I worked not alone, but with three other girls there. We worked in two shifts. The first two or three days we worked as shop assistants. But we not only sold things, we also cleared up, washed dishes and floors and moved furniture. We were promised an apartment, but received none. We lived in an annex to the shop – it was like a storeroom, very dirty. There were mattresses on the floor. We were locked up there and they seldom brought food. Afterwards they began beating us, forcing us to work. Later, they took us to the home of this man. They were drinking there. They raped us and beat us.

I: Did they pay you money?

R: No. Our bosses sold us for a night.

I: So you worked for them as prostitutes?

R: Yes. They cut our skin and put out cigarettes on us.

I: But why did they cut you?

R: I don't know. They did not explain.

I: May be in order not to let you escape?

R: Possibly. Some girls fainted, and were on their backs for weeks. Once a girl made an attempt to run away. She was caught. We have not seen her any more. They threatened us that if we decided to run away, we would share the same fate. We were afraid of everything.

I: How long did it last? Have you tried to contact the police, or simply other people?

R: It lasted five months. Once they took us to weed potatoes. There were policemen not far away and I ran to them. They took me back to my bosses. I was told: "do not run away, you will be taken back in any case". Everything was fixed by bribes. There was nobody to contact. Even the neighbours did not pay attention, saying "it's not our business, settle it yourselves".

I: And what happened afterwards?

R: Once some guests came around – it was a family celebration. They all drank and I ran away at night. I alone managed to escape, the other girls had been locked up. They trusted me more. There was no way out, so I hadn't tried anything. At night I ran away, a big lorry was standing there and I clung to it. Then the driver noticed me, and I told him everything. And that's how I reached Omsk. I asked people at the market who live in Kazakhstan, they refused to help me, saying "only for money". As I had no money, I found a job. At first I swept, then began selling things at the market. I have saved money, and already collected a certain sum, but I need more, I have to work one more month, maybe more, to earn more money. Then they will take me to Kazakhstan for money.

I: Do you intend to apply to any law-enforcement agencies here or are you afraid?

R: I am afraid. I have no documents. I have nothing.

I: Are you not afraid that your parents are looking for you, together with the man they sold you to?

R: Yes, I am afraid, for that reason I did not contact the police.

Case 4: A 15-year old girl from Kazakhstan was trafficked after being sold by her parents. Her story involves fraud, forging of documents, physical and sexual coercion, physical restraint and threats. The interview took place in Omsk.

I lived in a village in Kazakhstan. Now I am 15. Before, I lived with my family. We were five children. My father drank all the time and practically did no work. He had no permanent job. He just worked occasionally. My mother did not work at all, and also drank constantly. She used to disappear for a week, forgetting about us. I was the eldest. My youngest brother is two

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years old. As you can understand, we had no money. People were giving us second-hand clothes, to enable us to wear something, everybody laughed at us. I didn't go to school every day because I had to look after the children when my mother left and my father drank. Because my mother left us all the time, my father beat her and us. Once my younger brother even found himself in a hospital with a concussion of the brain. A year ago, a middle-aged man came to us.

I: Why did he come? Had someone prompted him?

R: I do not know, maybe somebody told him about our family condition, that we were living very poorly. And he decided to make a profit out of it. When he came, my father was tipsy. He told my father: "Do you want money, a good life?" "Who doesn't?" [the father replied.] And he [the trafficker] said, "Let me take your eldest daughter. I will look after her, I will take her with me to Russia, she will work there and earn good money, then she will come back and look after you." My father probably decided to take this chance. The man had made a good impression".

I: How old was he?

R: I do not know, in my view about 30–35.

I: Was he Slavic?

R: Yes, he was Slavic. And my father agreed. I begged him not to let me go.

I: Did they sign any papers or was everything discussed orally?

R: There were no papers, they agreed orally. The man gave my father money, not much, about 200 dollars. For my father this sum appeared large and he agreed. The man took away my birth certificate. I think he had fabricated documents needed for my trip to Russia. I didn't know, he did everything. He also said that if somebody asked me, I should say that I was his daughter. While on the train, he treated me well. I even began thinking that he was really a good man and that he really would give me work and my dreams would come true and I could help my brothers and sisters to stand on their own feet. When we arrived in Moscow I was taken aback, everything seemed so beautiful to me. I had never seen such a large city. He took me to a big house. The furniture was very nice there. At first I lived well there. He would leave and lock me up, but I paid no attention to it. I was thinking about how everything was well. Then he came back and said: "We found work for you, let's go". And we went, at first on the metro, then by train. It was rather long. We left the city. When we left the train, an expensive car was waiting for us. We drove to some village, like mine in Kazakhstan. Although when we arrived in the middle of the village, all the buildings were two-storied and looked expensive. We approached one of them and entered. There were many men and women there, they were well

dressed. He [the trafficker] approached a man. I watched with interest. He began counting money, then came to me and said, "This is your boss, you will work for him". At first I was afraid. The new boss, whose name was Mikhail, introduced me with another man who was required to watch me. He was called Vasilisa.

I: Was he a boy?

R: Yes, he was a warden, he watched workers at home. We were servants, perhaps. He constantly watched me while I worked. I washed dishes there. At the beginning work was easy. But later the boss began to treat me somewhat differently. He began inviting me to his room, making advances on me, and then raped me. At first it occurred seldom, then he began coming each day. And he constantly made advances.

I: In other words, in addition to household tasks he forced you to work sexually?

R: Yes.

I: Were you paid?

R: No. I began asking them, why am I working and not being paid? He [the boss] said: "We spent a lot on your travel, here you live and eat, you have everything. It turns out that you are our debtor." At that moment I understood that I would be kept here until the end of my days. And they would go on using me. I had a girl friend there. She said that they also kept her for a long time and was also told that she was in debt. She was in the same position as me. And the boss made advances on her in the same way. It was impossible to escape. I didn't live in the house, but in a little shed, it was my room, there was nothing in it but a mattress. I came into the house only to clean and wash dishes. But I lived in the shed. I ate what was left by the owners [of the house]. When guests came the food was better. Once when guests came I decided to run away. The guests had all become drunk and paid no attention to the servants. The gates were open. I did not know the locality, as I had never been to Russia before. I left the house, ran to the highway and some good people, lorry drivers, helped me. I did not know where to go. I wanted to go to Kazakhstan, but I had no documents, nothing. The driver said that he would only drive to Omsk. We agreed that if he drove me there I would sleep with him. I even agreed to it. I just wanted to go far away and then somehow to reach home.

I: Are you not afraid to return home? What are your plans for the future?

R: I do not even know. I've decided to make the same sacrifice in order to get home.

I: And did you intend to contact the police?

R: No, when I was working in the house one friend of mine told me that she

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had an opportunity to run away and to contact the police. But when she did, a policeman took her back to her boss. And the boss beat her cruelly. And she was told that if she ran away once more, he would find her wherever she was and kill her. I do not know what to do.

I: You mean, you are afraid to apply to the police?

R: Yes.

I: Are you planning to return home by any means?

R: Yes. Although it was bad there. But I now believe that it was much better at home than here.

I: Might you call this condition a form of slavery?

R.: I think that there is no other word for this situation other than slavery. I would be most grateful if you can help, if not me, maybe others like me who find themselves in the same situation.

Case 5: A 23-year old woman from the Ukraine was involved in voluntary prostitution and subsequent sex-exploitation. The interview took place in Stavropol.

I came [to Russia] two and a half years ago. I was born in Zhitomir city. I finished school, then secondary school. My profession is as a cook, but I worked at a local market. Three years ago I became acquainted with a man called Vladimir. I began living with him in a common law marriage. Vladimir is a builder, a parquet floor layer. In 2001, he and his friends decided to work on house construction for a “new Russian” in Stavropol. My mother has brought me up alone, as my father abandoned her when I was three years old, and then he drank himself to ruin. The family was constantly lacking money. In 2001, I came together with Vladimir and his friends, and we all lived in a temporary shelter. Vladimir began drinking with his friends. We became short of money. He even began proposing that I sleep with his friends for money. Once when we were sitting on the premises of a company and were drinking, one of his friends came with a girl – a prostitute who worked at the hotel “Caucasus” in Stavropol. I made friends with her, left Vladimir and moved to her apartment, I began to live and work together with her.

I work five days a week. My working day begins in the evening. An hour costs 300 Roubles. Out of this I pay 50 roubles to a driver, 150 to a pimp and I keep 100 Roubles for myself. I have my passport with me. I had a temporary registration, but in the last two months I haven't had time to re-register. I can freely go shopping, or to the market during the day. We have a driver, he drives us to clients.

I: Are you free to leave your employer, move on to another job?

R: So far I haven't been in that situation. But I know a girl who wanted to leave. They beat her cruelly. It all depends on who you work for.

I: Are there any cases of exploitation, coercion?

R.: Yes, about once a month a company of policemen arrives and the girls have to work free of charge, it is called "subbotnik". Due to this, there are no problems with the police. If problems arise, the pimp somehow manages to settle them; everything runs smoothly. Pimps often force girls to work for certain people free of charge. Sometimes you have to sleep with a pimp, for free of course. Sometimes they bring a client to your flat and you dislike them, they're drunk or ugly, but they tell you to do whatever they want or they insult you or raise their hand against you. If you refuse, they might just beat you, it's as simple as that. There were cases like that. Once, for example, they told us they were bringing us two clients, but eight men appeared.

I: During recruitment, were you free to choose work or were there no other options?

R: I am a cook, but I have no experience in this field. In reality I can receive here 1,500 [Roubles] as a maximum. But you have also to pay rent and for food. There are not so many options for those without experience. A couple of times I contacted restaurants for a job but they did not take me on. They said that they needed experienced cooks. Market traders here receive little as well, there is no possibility to rent an apartment. I now receive enough money for food and clothing. Of course I would prefer a normal profession, not so dirty. But I see no real opportunities to obtain a good job. If somebody would propose it to me, of course, I would abandon [my current job].

I: What is your perception of the situation?

R.: Of course, it is difficult psychologically. You feel dirty and that nobody needs you. Just you feel that they are constantly using you. But I think that it will not last forever, I will earn money and go back to Ukraine. And nobody will know. Maybe, before that, I'll go to Moscow to work, girls are earning not bad money there.

I.: Have you applied for medical aid, and if yes, at which organizations and institutions?

R.: A couple of times I have received treatment for venereal diseases. We have our contact person at the skin and venereal disease clinic.

Case 6: A 17-year old man from Novosibirsk in Russia was kidnapped and coerced into construction work. The interview took place in Omsk.

I am from Novosibirsk. At present I live in Omsk because I do not want to

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be traced. I am seventeen. Half a year ago they kidnapped me. It happened as follows: I was going home, a foreign car approached me, and they put a sack on my head, drew me into the car and then injected me with something. I remember nothing. I do not even remember how they took me away. It seemed as if we were flying or if it was a car, it was shaking. It was dark, like a bunker – they covered me up with something. I only came to when we were somewhere in the East.

I: And how did you know that you were crossing a border?

R: The car stopped. I heard a foreign language, not Russian. But there was no check of the box [that I was in].

I: Did they give you food during the trip, or did you go to the toilet?

R: No, I was locked up in the box all the time. When we arrived they kept me for three days in a pit. They took away my passport. They set dogs on me, I was beaten on a couple of days and fed with slops. Then, on the fourth day, I was forced to work – to build something, mainly hard work, lugging bricks. But not one by one, in big quantities at once, they loaded the bricks on me themselves, as many as they wanted.

I: How long did you work?

R: Half a year.

I: I mean during a day.

R: They woke me at 6 in the morning with a glass of water and a dried crust. Then they drove me to work. In the afternoon they gave me something to eat. At dinner they gave practically nothing. In the evening they drove me back.

I: Did they watch, or beat you while you were working?

R: They watched. There were no hand-cuffs, but guards with guns were present, and a supervisor with a stick was there. If somebody fell, he beat them until they stood up and collected the things that they had dropped. There were ten of us. We were not allowed to speak. They kept us in pairs, even at night we weren't allowed to speak. The supervisors walked around to check that nobody was speaking.

I: Did you attempt to run away?

R: Two men tried to run away, but the punishment was cruel. They beat them with whips. They were hanged up on hand-cuffs, so high that they stood only on tip-toes. It was not possible to bear for more than 10 to 15 minutes: Either their hand joints broke or they could stand no longer. I couldn't bear it any longer. Once they were celebrating something, they got drunk and they forgot to close the lock. I was in that dugout with another boy, also kidnapped. He was from Perm. Somebody knocked at his door and said that they were friends of his parents, and asked permission to

come in. When the boy opened the door they put a bag on his head and took him away. We two ran away from there. We were running for a very long time.

I: In your view, where was it?

R: There was sand, mountains. Mainly bushes, stones. The Far East or South Caucasus. We had been running very long, until we dropped off to sleep. It was night. When we got up we did not know which way to go and carried on at random. We saw a road and walked along it, there were no cars. We approached a small village, where we then worked a bit at the market – loading boxes to earn money for the bus.

I: Did you not try to contact the authorities, to tell them that you had experienced exploitation and that you had run away from slavery?

R: No. There was a case where one man ran away, went to the police and the following day the police themselves took him back, because he had neither a passport nor anything. We came to a city by bus, where even the names of cities were written in foreign languages. And then we managed to reach Omsk in a container wagon. The boy with whom I had run away, parted to go home to Perm. As for me, I am still afraid to go home. Maybe they are looking for me, my place of residence is marked in my passport. I am even afraid to let my relatives know. If the police takes back fugitives [to their exploiters] and easily cross borders, maybe they have connections even here and they will look for me. So far I am working here in Omsk at different places, chiefly in a wholesale market, carrying boxes.

I: Are you afraid to contact any state structures, maybe an international or public organization? Have you ever tried to get in contact with one, or even heard of them?

R: I heard nothing about public organizations. Why would I apply to an international [organization]? I am in Russia. If I had been somewhere in Poland or Germany, I might have applied to the embassy.

I: What are your future plans?

R: I will hide for two to three years more. Then, probably, I will go home.

I: And while you were there, the place where you were forced to work, did you feel any kind of support from the local population?

R: No. We were dressed very badly, only torn trousers with a belt. We had no shirts or T-shirts. Many of us had short trousers. The local children threw stones and sticks at us while we had dinner.

Case 7: A 17-year old man from Uzbekistan worked on construction in a locality near Moscow. He was subjected to physical coercion, and restriction of movement. The interview took place in Omsk.

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Before I came to Russia I lived in Uzbekistan with my wife and a child. We lived OK. I worked at a market. They began treating [ethnic] Russians not so well, and didn't employ them. A man approached me at the market and proposed a job. He was unknown to me. He proposed good money and we discussed conditions. I agreed. They needed workers to build roofs in the localities near Moscow. They would pay good money, supply transport, food – everything. He asked me to buy a ticket and said that they would reimburse all travel expenses and gave me his word of honour. He found five more people. He promised to pay 100,000 Roubles between the five of us. He drove us away to a house where we lived. After some time I began asking him about reimbursement of our transport costs, the tickets that we had bought with our money. "All right, all right, tomorrow..." he would say. I: Did you have documents with you?

R: Yes, I had them. Then he asked for my documents, saying that he needed to register something. We gave him our documents. The money was still, "tomorrow, tomorrow". We began asking for our documents – "Never mind, they are being registered." At the beginning, the work was quite normal. We began breaking the roof, doing all the preparatory work for the construction of a new roof. Then he asked if we had money. We answered affirmatively. He said: "Just now I can not pay you, maybe you can buy your own food? And he promised to pay us the following week. We worked and ate at our own expense. And then it turned out that he disappeared and new bosses came to this construction site. We met them for the first time, and they said that this site belonged to them. We demanded our payment for the work we had done, but they did not give us our money.

I: Did they come to an agreement with you, were there any papers?

R.: No, nothing was written, it was only oral discussion. He gave the impression of being a serious man, but it appeared that he was not. We even lived in a kind of stable. And then we became short of money and had nothing to go home with. I began earning money differently: making boxes and selling them. It was just to cover telephone calls to my wife, to say "I am OK, they've promised to pay". I lied in order not to let her worry. Then they began watching us. In the morning we went to work. Work finished and we went in a car to the place where we lived. They still held our documents. They beat us on our heels, fastened us to posts and caned us. They had rubber sticks. To eat, they only gave us a couple of loaves of bread and that was all. Then we managed to run away. At night I asked to go to the lavatory. I had learnt judo recently and I used it on the guard... I unlocked the door for the boys. Two of them ran with me. Two replied, "We won't go". I said: "Do you intend to suffer?" And they joined us. We ran towards a high-

way. A lorry was driving by. We asked to get into the back and concealed ourselves under sacks and in that way reached Omsk. We thought that in Omsk we would meet Uzbeks at markets and together with them we would reach Uzbekistan. We found out where a market was situated and approached some Uzbeks at the market. We asked them who was going to Uzbekistan. One Uzbek told us, "If you want to go to Uzbekistan, it will cost you big money – 1,000 dollars. We explained to him that we had no documents. He answered that it was not a problem and that they would conceal us in the back of a lorry. We thought it over and began haggling with them. He insisted on 1,000 dollars. And I realized that the Uzbeks had similar groups of dealers. They could easily re-sell us somewhere during the trip. They spoke between themselves, but I understand their language a bit, and it made me suspicious.

I: You are currently in Siberia, you were taken to the vicinities of Moscow, but you are a citizen of Uzbekistan... And what happens now? What are your plans?

R: Plans for the future...? We have no documents. We have chosen a thermal track³⁶, we will live there. It seems a calm and quiet place.

I: Have you tried to contact any law-enforcement agencies?

R: No. You cannot believe them either. If you contact them, they will immediately return you and that's all. They all are tied up in the same business. As for work, nobody is employing, especially migrants without documents, without anything.

I: Did you have plans to find another job in construction?

R: No, I gave up with building. Everyone is a fraud.

I: How long have you been in this situation?

R: Since last summer. By the end of the summer it will be a whole year.

Case 8: A 38-year old man from Azerbaijan works as a loader in construction. He has been subjected to fraud, threats, incomplete payment and labour bondage. The interview took place at the Stavropol city market.

I came from Azerbaijan, Kurdamir. I have higher education as a graduate of the Baku Institute of oil and gas. I didn't work in this field. I recently worked as a trainer at a sports centre. I am married with three children. Before leaving for Russian, my financial situation was satisfactory – I had enough money for the essentials. I constantly thought about how to make

³⁶ In the republics of the former Soviet Union the homeless live next to the pipes providing the city with hot water in order to stay warm.

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more money. As my wife does not work, it is difficult to cope with all financial eventualities. It depressed me greatly. I came to Russia in order to improve my standard of living, to gain money. I wanted to make sure that my family had everything it needed and could make some savings.

I arrived in January 2003. I read a recruitment announcement in a newspaper. I decided to give it a go. For US\$135 an intermediary promised to take me to Russia and place me in a job. I borrowed money at a rate of interest from friends to pay for his services. The intermediary did not keep his promise to place me in a job. I asked for a job at several places. Everywhere I was refused. Then I got a contract, but a month and a half later I was dismissed without grounds or explanation. I looked for any other job. I fixed up a job as a loader at the local market.

I: Do you have to do anything under pressure?

R: Yes. We unload on a fixed schedule. If you don't manage to complete the work in time the pay is less. The work turned out to be physically demanding, even for me. My health became worse, I felt giddy and developed a pain in my back. But I can see no sense in stopping working. I have my documents. But in order to prevent me from leaving, I am compelled to leave 70 per cent of my wages with the employer. I have no days off, and seldom ask for leave. On average I work 10 hours a day, it depends on the volume of goods to be unloaded, the weather, the clients. I often take material to building sites. For this work I receive food and cigarettes. I receive 30 per cent of my wage in cash, which isn't reflected in a register. I can leave my employer, but I might be deprived of 70 per cent of the money I have accumulated. The average wage is about 3,100 roubles. There is no paid vacation or sick leave. A written agreement with the employer doesn't exist. Our employer is Armenian. He is constantly trying to threaten us, keep under control, make us work more and quicker. If it comes to a conflict force might be involved. Bearing this in mind one has to agree to work overtime without complaint.

I have no registration. I do not believe in laws or rules – nobody respects them. I have no official permission to work – it is waste of time and money. I do not know of any new laws, they don't interest me. But I would like migrants to be treated better in Russia and their rights to be protected. I'd like to acquire Russian citizenship for myself and my family and have a good job.

Case 9: A 38-year old man from Byelorussia works as a builder. He has been subjected to withholding of wages. The interview took place in Stavropol.

I have higher education and worked as a teacher on labour issues. I'm married, with no children. I lived well, but had no home of my own. Recently I hadn't worked using my education, I did some decoration work. I had difficulties getting work and had few contracts. Because I wanted my own home, I came to Russia in 2002, together with my wife. She is diabetic. I plan to spend two more years here. I came to the North Caucasus region, as some relatives live here. With the help of an intermediary at a cost of 5,000 Roubles I found work. I agreed to work for an employer for three years. If I change the place of work, I will lose 50 per cent of my earnings, which is being kept by the employer until the end of the contract. But this clause was not agreed upon before. My documents have not been withdrawn. I earn about 4,000 [Roubles]. Another 4,000 is kept by the employer as a guarantee that the contract will not be violated. I receive money in cash, which isn't registered and is sometimes delayed. The work is unhealthy (my eyes become inflamed from the ceiling dust), we work without individual [social] protection, as it would be an additional expense. Sick periods are not paid, so I go to work while ill. At any moment I might be called to work. My employer is an Armenian. Our relations are not very good. I am anxious about the 50 per cent that the employer is keeping, they might not pay me that money at the end of my contract.

Case 10: A 46-year old man from Kazakhstan works building cottages and datchas. He performs work for which he did not give consent and is in debt to his employer, on whom he is dependent. The interview took place in Stavropol.

I came from the village of Bastan (Kazakhstan). I have secondary technical education in communication. I have never worked using my profession. I have had occasional work. My last work was as a watchman at a granary. I am a widower with three children. I came to Russia in 1997 in order to gain money for the higher education of my eldest son. I learnt from newspapers about work in Russia, an acquaintance recommended an intermediary to me, who demanded US\$200 for his services and persuaded me that I would earn enough in Russia. Six more people came with me. In Russia a person responsible for placing us in jobs was waiting for us. They sent us to work at different places. I never saw them any more. They took away my passport, allegedly for registration. I got it back after a year and eight months. The next day I began working. I build houses and cottages. I live "on site" – in a truck. We work without holidays, without a schedule, often at night. I work as a bricklayer but in addition I have to do a lot of other work. Earnings are on average about 2,500 Roubles, without a pay-slip, with a

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portion going against my debt.

I: Can you change your job?

R: No, I am afraid even to think about it. I am not sure that another job will bring more profit.

I: Who is your employer?

R.: He seems to be a Greek. We seldom see him. Some others keep an eye on us. The situation is bad, as I am dependent, in debt to the employer – I see no way out. I have neither registration, nor the permission to work. I have not gained anything, and I am afraid to bear additional costs and have problems with the employer. But there were times when the police demanded money from me, as I had no passport with me. My plans for the future are to pay off my debts and return back without risking my life. Prior to arrival I felt enthusiastic about earning money in Russia, but upon arrival initially it was a disappointment, and then – depression and a feeling of hopelessness.

Case 11: A 31-year old man from Ukraine works as an unskilled labourer. He has been subjected to fraud, debt, restricted mobility, threats and dependence on his employer. The interview took place in Stavropol.

I arrived at the beginning of 2000 from Poltava. I graduated from the Building Institute, an engineer. I worked using my profession. I am married with a daughter. Before coming to Russia my family was well off. I hoped to earn money in Russia for a new flat. But after arrival my dreams vanished. I learnt from my friends about recruitment in Russia and decided to go. A recruiter accompanied me, settled me and got me work, but not the one initially discussed. He said while taking away my documents that I had to wait until another place would be vacant. I gave him a receipt for the US\$200 I owed for the arrangement of transport, work and housing and gave him my passport and that was all. Anyhow, I had no choice. This “credit” cost me a great deal – I found myself in debt bondage to the employer.

I: Could you refuse and leave him?

R: Yes, but I would have to immediately cover all the expenses of my travel and additionally for a “new” person in my place, plus pay a fine – 50 per cent of the total sum for the damage that I would caused.

I: Was there coercion?

I: What else could you call it? Of course it was. It was a fraud. I am working as an unskilled labourer, build dachas and cottages. 12 to 14 hours daily, with one day off – Sunday. I begin work at 7 a.m. and finish at 9 or 10. I was promised that I would be made a work superintendent, but I work as a

bricklayer, carpenter, slab-layer, parquet floor layer, electrician, and so on. Each time they give me 1,000 Roubles for clothing, cigarettes and drinks and say that the rest of the money is being taken for the debt, which is not diminishing but mounting.

I: Are you exploited?

R.: I cannot change work, I cannot leave, I receive very little, have no money, my debt is increasing – I do not know why. Because of that it is complete exploitation. If you refuse to work, they might beat me, I can go nowhere without a passport, besides, they might “come down hard” on my family. I am lucky that I am not ill, otherwise I could not even imagine what to do. They did not allow me off the site. The situation is desperate. Only once a month can I go to the city – like today. Because of that I agreed to talk with you. We live in a van, which is not equipped with facilities. There is no water supply, in winter time we stoke a stove and cook dishes at the same place. I wish to go back as soon as possible, but do not know how to deal with my debts.

Case 12: A 33-year old man from Uzbekistan does odd jobs. He has been subjected to fraud, debt, restricted movement, and threats. The interview took place in Stavropol.

I came from Nukus city, Uzbekistan. I have Uzbek citizenship. In 1990, I served in the armed forces of Uzbekistan. I am a graduate of a metalwork college, and worked as a metalworker in Nukus. I earned little. I tried to create my own business (selling goods from Russia) but it failed. I worked in construction. But in Uzbekistan, this is not in demand as there are not many rich persons. In addition, nationalism and discrimination against foreigners is widespread in both soft and more aggressive forms. In soft forms, Uzbeks give more or less good jobs only to their relatives or persons belonging to their group. More aggressively – [ethnic] Russians are subjected to direct threats, constant oppression and are pushed out from the country. But the main reason for coming to Russia is the absence of work (full-time unemployment) and extremely low wages. I learnt about the possibility of earning money in Russia from friends. I also learnt that although it is possible to earn more in Russia, the living conditions and degree of safety there are much worse. So I went directly to the North Caucasus, together with other acquaintances (10 to 15 persons). We drove in a bus, the trip lasted two to three weeks. We paid US\$100 to leave – it is a very big sum in Uzbekistan. Having arrived, our documents were taken away for temporary registration. We couldn't move independently – without documents, in an unknown city. I basically had no choice of place of work.

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Perhaps, one could leave an employer, but it might appear even worse from the point of view of possible problems with authorities. I partially work without payment (for example, tile laying in bathrooms and swimming pools), as I work for persons who legalize my status and status of other migrants. Usually registration is arranged for 3-6 months. My boss has a man who is doing it. But it is not always possible to get registration. Without it I practically cannot go to the city. Two years ago they arrested me and I spent a night at Leninsky police station. The boss came and bailed me out, then I had to work off the debt.

Case 13: A 20-year old man from Kazakhstan practiced fighting sport for a living. He was bought as a child and trafficked, then subjected to deception, coercion, debt bondage and restricted mobility. The interview took place in Omsk.

I lived in Kazakhstan, in Petropavlovsk. My family (my mother, father, two sisters and a brother) was poor, and had money for food and little else. I wanted to earn more. My father did not work, he was usually drunk. It was my mother who provided for the family, she worked at two places. During the day – at market, in the evening – as a cleaner. I got into sports, from childhood I did hand-to-hand fighting and individual combat sports. I trained myself and people noticed that I performed well. There were fights on the streets and I tried to earn money, but received little. At these fights there were small stakes. A man of 35 came up to me, and learnt that my family was poor. He met with my parents and told them that there could be a better way to earn money through this sport. He promised to help and to assist my studies. And he proposed a deal where I went with him. We came to Sverdlovsk. He gave money to my parents and promised to cure my father of alcoholism if I went with him – they had no objections. I became his son or a close relative.

I: Was this registered officially?

R: No, there were no documents registered. It was just agreed and we parted. Everything was at his expense. But I was in debt to him. He promised that I would earn money, go to university, receive higher education and manage to find a well-paid job. When we came to Sverdlovsk, at the beginning everything was all right, I trained by myself a little, then he proposed that I would fight at a ring late at night.

I: Was it an official contest?

R: No, I learnt later. Just some rich men arrived, who had much money and entertained themselves by making stakes on fighters.

I: Meaning that this was illegal boxing?

R: Yes, there was just an ordinary ring there; we had thin gloves and that was all.

I: How were your results?

R: I had to lose one game, and win another. It depended upon the stakes.

I: So you were told how the fight would go?

R: Yes.

I: Were there many spectators?

R: Yes, it had been organized before my arrival.

I: Were there other fighters?

R: Yes.

I: How many?

R: They kept changing. If a person was injured - he was out. They just left. I do not know what happened to them later.

I: Did [the trafficker] provide you with any housing?

R: There was a tiny room, very damp, without any facilities. There was food, which in general wasn't bad. He gave me money to buy some essentials.

I: Could you call it a wage?

R: No, it was a very small sum. He had promised much more, but did not fulfil his promise.

I: Did you speak to him about it?

R: I have tried to make hints, but each time he escaped the discussion and got away with it. He would say, "The time will come and you will go to some institution, then I will help you." But these were mere promises - I received nothing. In the end he just said: "You have to fight because I paid your family". It turned out that it was I who was in debt to him. And I had to work off my debt - for the money given to my parents, for the trip here, for my food, for my living expenses - all this had been adding up. I could not leave, I didn't have enough money for a ticket. He had my documents. I was "tied" to him because of that.

I.: Were you exposed to any cruelty when you were fighting, have you been injured?

R: Of course, there were injuries, fractures. And not very skilled medical aid.

I: Meaning that you suffered?

R: Yes. I was not a sportsman, more a slave. When stakes were made on a fighter, he had to win. Sometimes it turned out that his rival appeared to be stronger. It meant a great loss of money which the fighter had to pay back, to work off and win the fights that followed.

I: That is to say, you would call it slavery?

R: Yes, that's what it comes down to. I wanted something much better, but

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it turned out much worse.

I.: And you started looking for ways out?

R: I decided to abandon everything, collected my things, and after fighting, when everybody had left, I went to my room, where I lived.

I: Did he restrict your movement?

R: Yes. He drove me home, I had some time before the next fights, and realized that I could try my luck. But I did not go home, I came to Omsk. Firstly, there was no sense in going home, as my family lived in poverty. Secondly, he knew my address and could come after me.

I: But why Omsk in particular?

R: Because in Omsk the same fights go on, only they are legal.

I: So you still want to participate in this type of sport?

R: Yes. I came to Omsk in order to earn real money without any intermediaries. I would like to settle a contract, where everything is legally registered. I want to earn money to take my family away from where they are. And to prevent this man from finding them and blackmailing them.

I: Did you try to contact the law-enforcement authorities, as you understood that you were a slave and entered into labour bondage with that man?

R: There was no point. Everything works by bribes there. The cops themselves were coming to see the fights. If I had contacted them, they would call this man and tell him that I had come to them.

I.: Did such cases occur?

R.: Of course they did. People have already tried to do it, and they have been returned back.

Case 14: A 47-year old man from Uzbekistan was kidnapped and subjected to coercion, fraud, debt bondage and restricted mobility. The interview took place in Omsk.

I lived and spent my childhood in a village near Tashkent, in Uzbekistan. I am 47. I have a family, with four children and wife. After the collapse of the [Soviet] Union I did not manage to get a new green passport, as there were long queues. Without a passport I was often refused things. Previously I had worked, but the enterprise was closed and they stopped paying me. Then I went to Russia. In Kazakhstan some people took us off the bus. They were camouflaged, six of them. They told us that it was a document check. They took us to a cattle-shed. It was already dark, and under the pretext of a document check they took away my passport. We ended up living in this cattle-shed. We slept on mats that we made ourselves. There was a lake there, we were forced to cut down cane and make mats from it. They then

sold them. They did not allow us to go anywhere.

I: How many persons were you?

R: Perhaps 14 persons, all from different places, even Koreans.

I: And how did they feed you?

R: We fished and made soup.

I: What about coercion? Did they threaten you physically?

R: They beat us if we made mistakes.

I: What were the conditions like?

R: Very difficult. There were snakes there which bit me several times. I was there under the sun and heat for a year and a half.

I: How long was your working day?

R: From sunrise until darkness. Without holiday. An old man died because of a heart attack.

I.: Did anyone try to run away?

R: The guards watched us with dogs.

I: The people who kept you – who were they – all Kazakhs?

R: No, different nationalities. Kazakhs, Slavs, Tatars. Then their organization became weaker and we managed to escape and reach Russia by freight train. I had no documents. Because of that I could not go home. I haven't managed to find much work here either. I just earn some money at the vegetable market, unloading fruit and vegetables. There are plenty of us with similar stories – lack of documents, lack of registration.

I: And what about your former exploiters who captured you in Kazakhstan?

R.: I heard talk that they had been burned.

APPENDIX II

DISTRIBUTION OF SURVEY RESULTS ACCORDING TO REGION³⁷

VARIABLES³⁸

	Moscow	Omsk	Stavropol	Total
Sex				
Female	40	19	25	28
Male	60	81	75	72
Age				
Average	30.5	33.8	37.8	32.9
Minimum	14	19	14	14
Maximum	65	66	68	68
Marital status				
Married	35	51	50	46
Live together/cohabiting	9	1	6	8
Unmarried, divorced, widow(er)	56	38	44	46
Children under 16 year of age				
Yes	42	49	50	48
No	58	51	50	52

³⁷ The tables follow the same order as the data presented in the 'Results' section. Tables that were used as the basis for graphs have been indicated.

³⁸ The sum of the figures in this table may not total 100 per cent because of missing values. All values are percentages, unless otherwise indicated.

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	Moscow	Omsk	Stavropol	Total
Education (Graph 1)				
University	13	9	18	13
University not complete	7	4	4	5
Secondary vocational	36	39	37	39
Secondary general	29	30	21	26
Secondary not complete	15	11	18	14
Elementary/without education	–	4	3	2
Citizenship (Graph 2)				
Ukraine	30	4	12	15
Belarus	6	1	2	3
Moldova	16	1	4	8
Azerbaijan	3	4	9	5
Armenia	7	6	18	11
Georgia	1	2	8	3
Uzbekistan	10	24	21	17
Tajikistan	11	11	8	10
Kazakhstan	3	13	1	5
Kyrgyzstan	8	10	2	6
Turkmenistan	2	1	2	2
Russia	–	13	1	4
Other	3	9	4	4

Appendix

	Moscow	Omsk	Stavropol	Total
Ethnic origin (Graph3)				
Ukrainians	22	4	7	11
Belarusians	2	1	1	1
Moldavians	10	–	2	5
Azerbaijanis	3	9	9	7
Armenians	6	11	19	13
Georgians	1	3	5	3
Uzbekis	11	19	8	12
Tajiks	12	18	7	12
Kazaks	2	12	1	5
Kyrgyzs	6	8	2	5
Turkmen	2	–	2	1
Russians	17	6	29	17
Other	6	9	–	7
Knowledge of Russian (Graph 4)				
Mother tongue	22	8	23	17
Fluent	41	21	24	28
Good knowlege	23	42	43	37
Basic/no knowledge	13	29	10	17
Migrants' origin (Graph 5)				
Capital city	18	1	3	8
City	19	22	18	20
Town	38	39	39	39
Village	23	33	39	31

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	Moscow	Omsk	Stavropol	Total
Work in native country (Graph 6)				
Permanent work	34	26	30	31
Temporary work	17	33	18	22
Occasional work	11	19	27	18
Own business	4	6	1	4
Students	9	4	2	5
Unemployed	13	6	15	11
Housework	5	2	4	4
Other	6	4	3	4
Number of dependants				
None	39	37	29	34
One	21	12	15	16
Two	30	29	37	33
Three or more	8	19	19	15
Push factors (Graph 7)				
Low earnings in home country	86	59	72	74
Lack of employment	51	36	56	48
Low living standards/problems with housing	32	13	33	28
Personal/family problems	22	7	21	17
Inter-ethnic conflicts	1	4	22	10
Lack of prospects in home country	35	13	38	31
Other	11	6	1	6

Appendix

	Moscow	Omsk	Stavropol	Total
Pull factors (Graph 8)				
Earn money	87	78	88	83
Live in Russia (permanent residence)	34	29	50	40
Family reunification	13	6	9	10
Education	13	5	4	8
Transit	3	–	1	1
Other	6	3	2	4
Information sources on employment abroad (Graph 10)				
Relatives	42	30	49	40
Social connections – friends and acquaintances)	54	63	55	58
Intermediary	11	9	8	9
Official (migration authorities, employment agencies, etc.)	6	1	1	3
Media	6	6	10	7
Internet	–	2	–	1
Other	4	1	2	3
Ways of obtaining a job abroad (Graph 11)				
Social connections (relatives, friends, acquaintances)	63	63	68	64
Independently	24	26	28	26
Intermediary	15	6	15	12
Official channels (employment services, etc.)	8	3	5	5
Media (newspaper, Internet, etc.)	9	6	12	9
Other	1	–	–	–

Forced Labour in the Russian Federation Today

	Moscow	Omsk	Stavropol	Total
Were the working conditions same as those to which you consented? (Graph 12)				
Yes	29	39	29	33
No	15	14	18	15
Partially	35	42	40	39
No answer	21	5	13	13
Coercion/pressure during organization of travel (Graph 13)				
No, it was my free choice	79	91	81	83
Persuasion	18	9	13	13
Physical coercion	–	–	3	1 (4)*
Threats/blackmail	–	1	2	1 (4)*
Psychological pressure	1	–	8	3 (12)*
Other pressure	1	–	1	1 (3)*
Difficult to answer	4	–	1	3
* Number of cases in brackets are absolute figures.				
Deception/misinformation during organization of travel (Graph 14)				
Yes	11	–	4	5
No	55	79	56	63
Difficult to answer	18	14	22	18
No answer	16	7	18	14
Violence or pressure during placement in Russia				
No, it was my free choice	65	87	70	74
I was persuaded to go	27	6	17	17
Physical violence was used	1	–	1	1 (3)*
I was threatened, blackmailed	1	–	1	1 (4)*
I was under psychological pressure	4	–	6	3 (14)*
Difficult to answer	7	1	7	
* Number of cases in brackets.				

	Moscow	Omsk	Stavropol	Total
Deception during job placement in Russia				
Yes	13	–	6	7 (29)*
No	62	85	65	70
Difficult to answer/no answer	25	15	29	23
* bracket shows the number of cases.				
Average duration of stay of migrants in Russia in 2000–2003 (Graph 15)				
Average number of months spent in Russia in 2000	7.9	7.8	9.2	8.5
Average number of months spent in Russia in 2001	7.7	8.2	9.3	8.7
Average number of months spent in Russia in 2002	8.4	7.7	9.8	8.7
Average number of months spent in Russia in 2003 ³⁹	5.3	4.5	4.8	5.2
Average duration of stay in Russia in the current trip (months)	16.3	27.0	31.4	24.6
Type of work (Graph 16)				
Temporary	68	46	47	55
Permanent	17	24	20	20
Occasional	8	9	20	13
Own business	3	15	11	9
Other/no answer	4	6	2	3
Sectors of employment (Graph 17)				
Construction	37	36	42	38
Trade	26	23	26	25
Public service	6	6	6	6
Transport	4	8	2	4
Industry	4	3	5	4
Auxiliary work	6	3	5	5
Finance, business	1	1	–	1
Medical	1	1	1	1
Domestic work	10	1	2	5
Entertainment	4	2	2	3
Agriculture	–	1	7	3
Other/no answer	1	15	2	5

³⁹ The survey was conducted in June 2003.

Forced Labour in the Russian Federation Today

	Moscow	Omsk	Stavropol	Total
Competition with local workers				
No	53	35	31	40
Yes (local workers also aspire this job)	29	26	37	31
Hesitate to answer/no answer	18	30	32	29
Perception of working conditions⁴⁰ (Graph 18)				
Normal	13	52	10	24
Too many working days/hours	75	24	83	61
Physically hard "wear and tear" labour	45	10	58	39
Bad (Organization, cleanliness, equipment, etc.)	40	11	42	33
Dangerous (gangs, other criminals, etc.)	15	1	10	10
Unhealthy labour conditions (chemicals, cold etc.)	23	1	23	16
Other	10	1	3	5
Registration according to a place of stay				
Yes	46	79	31	51
No	46	16	61	42
No answer/hesitate to answer	8	5	8	7
Work permit				
Yes	18	49	12	25
No	61	31	73	57
No answer/hesitate to answer	21	10	15	18
Conflicts with public authorities and criminal organizations (Graph 19)				
Police	64	51	80	65
Migration authority	4	15	22	13
Tax authority	1	4	17	8
Other State authorities	3	1	9	5
Russian criminals/blackmailers	17	3	18	14
Other criminals/blackmailers	14	3	3	7
Other	8	1	1	3

⁴⁰ There are several potential reasons behind the difference between the figures about migrants in Omsk and the other two regions. The Omsk figures are in general much lower which could be due to the fact that the standard of living in Omsk is lower than in the other regions, therefore exploitation is less likely to stand out. In addition, migration to Omsk is less dynamic than migration flows to Moscow and Stavropol. Because of this, exploitation mechanisms are probably less developed here and therefore less prevalent. S. Shamkov, regional coordinator on Omsk also stressed the existence of subjective reasons for such systematic difference in figures. Omsk belongs to a region called the 'Red Belt', i.e. territories with a traditionally strong communist influence, which encompasses not only the economic sphere, but also social relations and behaviour. Public discussion of exploitation and violation of human rights remains taboo in this area. Because of this migrants may have been more reluctant to answer questions on exploitation. Finally, victims may feel more comfortable expressing themselves on sensitive topics in the anonymous environment of a big city.

Appendix

	Moscow	Omsk	Stavropol	Total
Migrants' experience of anti-irregular migration and illegal work measures (Graph 20)				
Checking of documents	63	86	81	77
Fine for stay without registration	29	20	50	34
Fine for illegal work	11	3	20	13
Detention	17	6	29	17
Deportation	1	–	6	2
Other	4	–	1	2
No measures applied	20	7	10	13
Accommodation in Russia (Graph 21)				
Rent apartment individually	11	25	23	20
Rent apartment with other migrants	19	26	13	19
Relatives/friends	15	17	15	15
Hostel	13	8	9	10
“Construction caravan”	12	6	12	10
Worksite	27	14	26	23
Other/no answer	3	4	2	3
Treatment by local population (Graph 22)				
Good	35	34	18	30
Neutral	37	51	50	45
Bad	11	1	19	10
Hostile	4	–	8	4
Difficult to answer	13	14	5	11
The importance of remittances to relatives back home (Graph 23)				
Covers all living costs	25	17	29	23
Covers half of living costs	50	35	36	41
Covers 1/4 living costs	11	26	23	19
covers a little of living costs	11	21	9	14
No answer	3	1	3	3

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	Moscow	Omsk	Stavropol	Total
Future migration projects (Graph 24)				
Obtain Russian citizenship and stay in Russia indefinitely	38	36	52	44
To live 1+ year in Russia, then return home	27	21	12	20
Earn money for several months to 1 year and return home	24	37	29	29
Move to a third country	4	—	4	3
No answer/other	7	7	3	4
Prevalence of different forms of coercion (Graph 27 & 28)				
None	—	27	—	9
Overtime without days off, etc. (no additional payment)	84	6	92	62
Work harder (burn out)	56	1	71	44
Bad conditions	30	1	39	24
No wages	25	1	47	24
Delay in paying wages	42	9	65	39
Involuntary work/services	53	3	57	38
Restriction of freedom	31	—	26	20
Coercion to perform sexual services*	12 (30)	2 (11)	4 (15)	6 (22)*
Physical violence (beating, etc.)	13	1	6	7
Psychological coercion (threats, blackmail, deceit)	27	1	35	21
Other	1	—	1	1
* Figures based on data obtained from women				

Forms of coercion experienced by migrant workers (Graph 29)					
per cent	Debt bondage	No pay	Involuntary work	Limited freedom of movement	Coercion to Perform Sex services*
Total	12	24	38	20	22
Entertainment	23	50	83	67	92
Domestic service	20	40	75	50	—
Trade	—	—	—	—	19
Industry	—	39	44	28	—
Construction	—	—	43	22	—
* Figures based solely on women					

Appendix

	Moscow	Omsk	Stavropol	Total
Reasons for not being able to leave employment (Graph 30)				
Passport confiscation	23	12	23	20
Debt to employer, mediator	18	7	15	12
Work permit tied to employer	12	–	6	6
Contract obliges to work agreed term	34	11	22	23
Threats of violence, revenge, etc.	16	1	8	8
Threats of arrest, deportation	16	–	17	11
No other work (everywhere is the same)	54	14	48	40
Other	6	1	1	3

	Moscow	Omsk	Stavropol	Total
If you have a debt to work off, how much is it? (Average in US\$)				
Initial debt	246	155	375	276
Current debt	106	146	133	122
Number of cases	23	10	12	45
Do you consider that your rights are being violated in Russia?				
Yes	25	4	21	17
There are some violations	57	53	61	57
No, there are no violation of rights	16	41	17	24
No answer	2	2	1	2
Performing work without consent (Graph 31)				
All work is voluntarily	31	71	26	42
Partly involuntary	51	11	59	41
Mostly involuntary	6	2	4	4
Difficult to answer/no answer	12	16	11	13
Awareness of compatriots in forced labour (Graph 32)				
Yes, there are many	29	7	25	21
Yes, there are some	32	24	40	32
No	17	44	18	26
Difficult to answer/no answer	22	25	17	21
Awareness of cases where people have been bought and/or sold (Graph 33)				
Yes, there are many	19	3	3	9
Yes, there are some	23	20	17	20
No	25	53	46	41
Difficult to answer/no answer	33	24	34	30

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	Moscow	Omsk	Stavropol	Total
Where would you go if you needed assistance? (Graph 34)				
Police	8	70	29	34
Consulate	35	11	22	23
NGOs (migrants' organizations)	4	2	18	8
Nowhere	18	3	6	10
Other	13	5	11	10
No answer	22	9	14	15
Type of assistance needed (Graph 35)				
Finding new job	60	48	66	58
Labour rights (payment and working conditions)	55	34	48	46
Residence and work permit	53	31	56	46
Russian citizenship	51	26	63	47
Accommodation, health service, etc.	46	36	52	45
Legal assistance (court cases)	35	16	25	26
Leaving employer	22	11	24	19
Repatriation	11	5	2	6
Other	6	1	3	3

Prevalence of elements of forced labour and exploitation according to sector (Graph 29)						
	Debt bondage			No pay		Involuntary
	Moscow	Total	Moscow	Total	Moscow	Total
TOTAL	18	12	25	24	53	38
Entertainment	57	23	57	50	100	83
Domestic service	27	20	27	40	87	75
Trade	-	-	-	-	-	-
Industry	-	-	43	39	-	44
Construction	-	-	-	-	-	43
Limitation of freedom of movement						
	Limitation of freedom of movement			Coercion to perform sex-services*		
	Moscow	Total	Moscow	Total	Moscow	Total
TOTAL	31	20	20	30	22	22
Entertainment	86	67	67	100	92	92
Domestic Service	60	50	50	-	-	-
Trade	-	-	-	29	19	19
Industry	57	28	28	-	-	-
Construction	-	-	22	-	-	-

* Figures based solely on data obtained from women

APPENDIX III

LIST OF EXPERTS PARTICIPATING IN SURVEY

Name	Town	Organization	Position
Barabanov Grigory Ivanovitch	Moscow	FMS MVD of Russia	Head of Department
Batourkin Anatoly Petrovitch	Moscow	Department of Migration, GUV of Moscow	Head of Department
Blanter Svetlana Viktorovna	Moscow	Moscow State Social University	Senior lecturer
Grafova Lydia Ivanovna	Moscow	“Forum of Forced Migrants”	Head
Demin Igor Valentinovitch	Moscow	Department of Exposure of Grave Crimes against Personality GUUR CKM MVD	Deputy Head
Zailin Valery Yurievitch	Moscow	Department of Work with Bodies of Executive Power in the Field of Migration, Moscow Government	

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Name	Town	Organization	Position
Korounova Marina Olegovna	Moscow	Ministry of Foreign Affairs Department of International Human. Cooperation and Human Rights	Deputy Head
Makarova Lylya Vladimirovna	Moscow (Tchekhov city)	GO "Svet" (Light)	Director
Melnikova Tatiana Alexandrovna	Moscow	Ministry of Labour, Department of Socio-Economic Position of Women	Head of Department
Poshchin Sergey Yurievitch	Moscow	Moscow State University Department of Economy	Assistant professor Chair of Economy of Labour and Staff
Popsouev Vicktor Borisovitch	Moscow	Department of Struggle against Crimes in the Field of Migration GUUR CKM MVD	Deputy head
Roudik Alexandr Fedorovitch	Moscow	Ministry of Labour and Social Development, Department of Employment of Population	
Snytkin Evgeny Vladimirovitch	Moscow	Department of Exposure of Grave Crimes against Personality GUUR CKM MVD	

Appendix

Name	Town	Organization	Position
Tikhonova Ludmila Viatcheslavovna	Moscow	Federation of Independent Trade Unions	Deputy Head of Branch of Social and Labour Relations
Yakovlev Evgeny Alexeevitch	Moscow	GUUR CKM MVD	Deputy Head
Ivashina Tatiana Alexeevna	Omsk		
Kozshoukharenko Tatiana Valentinovna	Omsk	Department of Migration	Specialist of the 1st category, Branch of Labour & Immigration Control
Shabounina Marina Vladimirovna	Omsk	Department of Passport and Visa Service UVD, Omsk region	Senior inspector
-	Omsk	Militia of Public Security	District militia officer
-	Omsk	Department of Internal Affairs of Omsk region	Head of Militia Department
-	Omsk	Militia of Public Security “Omsk Supply”	Chief of Security Service
-	Omsk	Department of Struggle against Drug Circulation, UVD	Senior operational commissioner for especially impor- tant affairs
-	Omsk	Department of Struggle against Organized Criminality UVD Omsk region	Senior operational commissioner for especially impor- tant affairs

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Name	Town	Organization	Position
-	Omsk	Transport militia	Deputy Head of Branch OOOB MOB
-	Omsk	Department of Federal Security Service, Omsk region	Chief of Investigation Branch
Avdeev Evgeny Nickolaevitch	Stavropol	Stavropol State University	Post-graduate student, Deputy Head of Chair of work with students about curriculum
Vlassenko Tamara Grigorievna	Stavropol	Passport Office, Leninsky District	Passport officer
Zoubkov M.N.	Boudenovsk	Association of Forced Migrants, Oudenovsk region	President
Tselovalnikov Vassiliy Petrovitch	Stavropol	Association of Forced Migrants' Organizations of Stavropol kray "Solidarity"	Chairman of Council
-	Stavropol	Housing Department	Psychologist
-	Stavropol	Department of Visas and Permissions	Inspector
-	Stavropol	Department of Migration, City Administration	Specialist
-	Stavropol	Stavropol State University	Post-graduate student
-	Boudenovsk	Criminal Investigation Department	Operational officer

Appendix

Name	Town	Organization	Position
-	village Krasnogvar deiskoe	OVD, Passport Office	Head of Passport Office
-	village Krasnogvar deiskoe	District State Administration	Head of Branch
-	village Krasnogvar deiskoe	OVD Krasnogvardeisk District	Deputy Head, senior lieutenant
-	village Krasnogvar deiskoe	-	Chief of Inter-agency Security
Dorokhov Igor Vladimirovitch	Smolensk	Smolensk Regional Charitable Fund “Vozvrazhenie” (Return)	President
-	Tashkent	Tashkent State Economic University	Post-graduate student
-	Barnaul	Altay State University	Lecturer
-	Novosibirsk	IAET Siberian Branch Russian Academy of Sciences	Researcher
-	Minsk	Byelorussian State University	Post-graduate student
-	Koursk	Koursk State University	Senior researcher
-	Kishinev	Moldavian State University	Lecturer

The Russian Federation consists of 89 federal units and seven federal districts (okrug)					
Russia	Moscow region		Omsk region	Stavropol region	
	Moscow	Moscow oblast			
Territory (in th.sq. km)	47	140			66
Population as of 1 Jan 2002 (in th.)	8539	6410	2127		2643
Share of urban population (%)	80%	67%			55%
Increase/decrease in population for 2002 (th.)	-6.9	-26.1	-20.5		-11.6
Net migration for 2002 (th.)	48.181	52.311	10.2		-7800
Total migrants arrived from CIS and Baltic states, 2002 (for permanent residence)	9554	13266	5381		3375
Number of foreign workers in Russia (registered with Federal Migration Service)	359,509				

Forced Labour in the Russian Federation Today

The Russian Federation consists of 89 federal units and seven federal districts (okrug)				
	Russia	Moscow region Moscow	Omsk region	Stavropol region
		Moscow oblast		
Population – working age, as of 1 January, 2002, 1, 000 persons (per cent of whole population in the region)	87.329 (61%)	5112 (60%)	3903 (61%)	1544 (58%)
Economically active population, 2001, (1000 persons)	70,816	4378	3443	979
Working population, 2001 (1000)	64,400	4285	3255	882
Unemployed 2001, (1000), (% of economically active population)	6416 (9.1%)	93 (2.1%)	188 (5.5%)	97 (9.9%)
Unemployed registered with employment services, 2001, (1000), (% of economically active population)	1123 (1.6%)	25 (0.8%)	34 (1%)	11 (0.9%)

The Russian Federation consists of 89 federal units and seven federal districts (okrug)					
	Russia	Moscow region		Omsk region	Stavropol region
		Moscow	Moscow oblast		
Demand for labour, as declared by organizations (1000 persons)	887	175	50	13	11
Number of registered unemployed per one declared vacancy	1.3	0.2	0.7	1.5	1.0
Monthly living wage in 4th quarter of 2,001 roubles	1574	2385	1653	1439	1389
Average monetary income per person per month, 2,001 roubles, (% of volume of living wage)	3060 (194%)	12136 (509%)	2684 (162%)	2309 (160%)	1807 (130%)
Average nominal calculated wage per month (2,000 roubles)	2223	3239	2269	1466	1438
Indices of industrial production (2001, %)	105	109	114	112	123

Forced Labour in the Russian Federation Today

The Russian Federation consists of 89 federal units and seven federal districts (okrug)

	Russia	Moscow region Moscow	Moscow oblast	Omsk region	Stavropol region
Volume of work, performed according to [A1]contracts in construction (2001, billion Roubles)	776900	110031	31811	3804	8956
Investments into the main capital, 2001, million Roubles, % compared to 2000)	1599469 (137%)	188258 (120%)	54965 (108%)	8713 (169%)	15175 (96%)

NEW ARTICLES IN THE RUSSIAN CRIMINAL CODE

By ratifying the Palermo Protocol, Russia imposed on itself the obligation to introduce its basic provisions in its national legislation. First of all, trafficking and using slave labour is designated as criminal. *The federal law of December 8, 2003 “On introducing changes and additions to the Criminal Code of the Russian Federation”* (with changes of March 11, 2004) introduces article 127.1 (trafficking in human beings). The article contains the definition of trafficking for exploitation and specifies the notion of exploitation. The law also introduced article 127.2 (using slave labour).

The most cynical forms of labour exploitation, particularly, forced labour exploitation, are related to *trafficking in humans*, which is becoming more and more active with the globalization process.

CC RF – Article 127.1. Trafficking in human beings

1. Trafficking in human beings, that is buying and selling a person, or his/her recruitment, transportation, transfer, hiding or receiving with a purpose of exploitation, –
is punished with imprisonment for up to five years.
2. The same action, committed:
 - a) towards two or more persons
 - b) towards a known minor,
 - c) by using the official status
 - d) with transportation of a victim across the state border of the Russian Federation or illegal confinement the person abroad,
 - e) with using false documents, and equally with expropriating, hiding or destroying the victim’s identity documents,
 - f) with using violence or threatening to use violence,
 - g) with a purpose to withdraw organs and tissues from the victim, is punished with imprisonment for three to ten years.

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3. Actions stipulated in parts 1 and 2 of this article:
 - a) that caused accidental death, severe health damage or other severe consequences,
 - b) committed in a way dangerous for life and health of many people
 - c) or committed by an organized group, –
are punished with imprisonment for eight to fifteen years.

Note. 1. The person committing the crime for the first time, when the crime is covered by part 1 or item a) of part 2 of this article, who voluntarily freed the victim and contributed to exposure of the crime, is freed from criminal responsibility if his/her actions do not imply any other criminal activity.

2. In this article, exploitation means using prostitution of other people and other forms of sexual exploitation, slave labour (services), bondage, and equally withdrawal of organs or tissues.

The definitions of trafficking and exploitation introduced in the CC RF, mostly comply with the definitions stipulated in the Palermo Protocol. However, there are significant discrepancies and gaps, and experience shows the need for more work on the document. The law has practically no word on the means by which trafficking was executed, and the person was put in the exploitation conditions (in the Protocol, using or threatening to use force, other forms of coercion, kidnapping, deceit, fraud, abuse of power or vulnerability of the victim, bribes in money or other benefits to obtain consent of a person with control over another person). These provisions in a shorter version are listed in the qualifying signs (items 2 and 3 or article 127.1 CC RF)

Many difficulties in enforcing this article are related to the definition of “*human exploitation*”. This notion needs additional explanations and a scientific comment. When defining “*exploitation*” in Notes to article 127.1, the legislator gave a complete list of deeds that constitute exploitation: “using prostitution of other people, and other forms of sexual exploitation, slave labour (services), bondage and equally withdrawal of organs or tissues”. The Palermo Protocol suggests this list be “open” by using such wording; “exploitation includes **as a minimum**”, and this allows a prompter reaction to the new forms of exploitation⁴¹.

Even though using slave labour is included in the term “exploita-

⁴¹ Report by E. B. Mizulina at the scientific conference “New criminal legislation of Russia: cooperation between law enforcement and NGOs in combating trafficking in humans”, Nizhny Novgorod, April 6–7, 2005.

tion“ given in article 127.1 of the CC RF, the same law introduced a separate article designating it as criminal.

CC RF Article 127.2. Using slave labour

1. Using labour of a person, towards whom the authority of a property right is executed, in the case when this person for reasons beyond his/her control cannot refuse to do this works (services), – is punished with imprisonment for up to five years.
2. the same deed committed:
 - a) towards two or more people,
 - b) towards a known minor,
 - c) by using official status,
 - d) by using blackmail, violence, or threatening to use it,
 - e) with expropriating, hiding or destroying the identity documents of the victim,is punished with imprisonment for three to ten years.
3. Actions stipulated in parts 1 and 2 of this article that caused accidental death, severe health damage or other severe consequences or committed by an organized group, – are punished by imprisonment of eight to fifteen years.

In 2005, the article against organizing illegal migration was also added to the Criminal Code of the Russian Federation, but this article is limited only to organizing illegal entry, stay and transit of migrants, and it does not deal with their illegal employment.

Article 322.1. Organizing illegal migration

1. Organizing illegal entry into the Russian Federation of foreign citizens or persons without citizenship, their illegal stay in the Russian Federation or transit through the Russian Federation – is punished with a fine of up to two hundred thousand Roubles or of the salary or other income of the convicted for the period of up to eighteen months, or compulsory works for up to one hundred and eighty hours, or correctional works for six to twelve months, or imprisonment for up to two years.
2. The same action, committed:
 - a) by an organized group;
 - б) with a purpose of committing a crime in the Russian Federation, – is punished by imprisonment for two to five years with or without the fine of up to five hundred Roubles or of the salary or other income of the convicted for the period of up to three years.

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It should be noted that this article defines the criminal responsibility of those who contribute to and organize illegal migration, but not of the migrants themselves.

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 Roubles or by a fine equalling 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 three 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 border 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 six 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 three to eight 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 roubles or by a fine equalling 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 five 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 six 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 three to 10 years.

Article 242(1) Manufacture and Distribution of Materials or Objects with Pornographic Depictions of Minors

1. The manufacture, storage, or movement across the state border of the Russian Federation for the purpose of distribution, public demonstration, or advertisement, or the distribution, public demonstration, or advertisement of materials or objects with pornographic depictions of persons known to be minors, or the involvement of persons known to be minors as performers in shows of pornographic nature by a person under the age of 18, —

shall be punishable by a term of imprisonment of up to six years.

2. The same acts committed:

(a) by a parent or other person charged with legal responsibility for raising a minor, or by a teacher or other employee of an educational, developmental, medical or other institution responsible for the oversight of a minor;

(b) with regard to a person known to be under the age of 14;

(c) by a group of persons through prior agreement or by an organized group, —

shall be punishable by a term of imprisonment of three to eight years.

FOR NOTES