

## Section I: Introduction & Summary

1. This submission has been prepared for the fourth cycle review of Russia in the framework of the UPR. In *Section II* of the submission, we detail our concerns about the laws and practices related to trafficking in persons, its root causes and discriminatory nature. In *Section III*, we address the issue of forced labor in Russian prisons. *Section IV* contains key recommendations for action to better address these areas of concern.

### **Authors of the report**

2. *Memorial Human Rights Defence Centre* (main submitting organization) is a non-governmental organization founded in June 2022 by supporters of Memorial Human Rights Centre (dissolved on 29 December 2021) to continue the work of the latter NGO. It was founded in 1993 in Moscow and became one of the first human rights NGOs in modern Russia. It worked with grave human rights violations in (post-)conflict areas, civil and political rights and vulnerable groups as migrants. It represented hundreds of victims both domestically and before the European Court of Human Rights (the ECtHR).
3. *SafeHouse Foundation* is a Russia-based NGO working against human trafficking, forced labor and other forms of exploitation and modern slavery in Russia. SafeHouse provides direct complex assistance to victims of any citizenships who suffered in different regions of Russia as well as for Russian citizens exploited abroad. SafeHouse also trains specialists, implements preventive activities for vulnerable groups and raises awareness about the problem. Its specialists have international experience since 2003 including work in international organizations and projects.
4. *Russia Behind Bars Foundation (RBB)* was established in 2008 to support families of convicted people in difficult life situations and provide them legal, psychological and social assistance. In 2015, the Foundation was officially registered with the Ministry of Justice of the Russian Federation. Among other things, the Foundation conducts analytical work in the field of penitentiary policy and prisoners' rights. RBB also provides legal assistance to victims of unlawful prosecution and political repression.

## Section II: Human Trafficking & Forced Labor

5. During the third review cycle, numerous states pointed to Russia's obligations to strengthen its response to trafficking in human beings, develop a relevant action plan and enhance efforts to provide assistance to the victims and survivors.<sup>[1]</sup> Some of the states stressed the disproportionate effects of trafficking on women and children.<sup>[2]</sup> Following up on the third review cycle, the UN High Commissioner for Human Rights also urged Russia to take "additional measures, including the adoption of specific policies and strategies, to fight against human trafficking" and "pursue efforts to promote tolerance and equality, and combat discrimination, in particular racial discrimination, xenophobia and hate speech."<sup>[3]</sup>
6. Russia responded that the "Russian legislation already contains effective means to combat human trafficking; the adoption of a national action plan is not required".<sup>[4]</sup> Below we will show that both legislation and practice fall short of that statement.

### **A. Trafficking as an inherently gendered and discriminatory phenomenon**

7. In its last UPR report, the Government wrote that "the law enforcement agencies respond appropriately to all acts of violence, irrespective of the social and other groups against whose members they are committed" (para. 49) and that "reports of any acts of violence against women are reviewed by the law enforcement agencies" (para. 84). The Government referred to the State nationalities policy strategy for the period up to 2025, ratified by Presidential Decree No. 1666 of 19 December 2012 (para. 60). The strategy, however, does not provide for any concrete measures beyond stating that "measures to prevent discrimination" should be taken (para. 21(1)(b)). At the same time, the document identifies "illegal migration" as one of the key problems in the field of inter-ethnic relations (para. 14).
8. In its last UPR report, the Government wrote that "the law enforcement agencies respond appropriately to all acts of violence, irrespective of the social and other groups against whose members they are committed" (para. 49) and that "reports of any acts of violence against women are reviewed by the law enforcement agencies" (para. 84). The Government referred to the State nationalities policy strategy for the period up to 2025, ratified by Presidential Decree No. 1666 of 19 December 2012 (para. 60). The strategy, however, does not provide for any concrete measures beyond stating that "measures to prevent discrimination" should be taken (para. 21(1)(b)). At the same time, the document identifies "illegal migration" as one of the key problems in the field of inter-ethnic relations (para. 14).
9. Within the 3rd review cycle, more than 30% of recommendations made to Russia addressed racial and gender-based discrimination and violence. The

UN High Commissioner of Human Rights also stressed the importance of "efforts for the promotion and protection of the rights of migrants, including policies and measures to ensure social support and inclusion". However, the situation only got worse.

10. Trafficking of women and girls occurs in the structural framework of gender inequality<sup>[5]</sup>. Hence, only a gender-sensitive approach makes it possible to address its underlying causes<sup>[6]</sup>. Gender stereotyping — the practice of ascribing characteristics, or roles to individuals based on their membership in the social group of women or men — has been identified as a "significant challenge to the practical realization of women's human rights".<sup>[7]</sup> One especially vulnerable group is persons belonging to ethnic minorities and migrants.
11. Indeed, in 2022, the Russian Prosecutor General conceded that typical trafficking victims are women, children and migrants without a legal status.<sup>[8]</sup> In the report to the UN CAT, the authorities confirmed that vulnerable young women are most likely to become trafficking victims.<sup>[9]</sup> This being said, violence against women<sup>[10]</sup> and migrant workers are endemic in Russia.<sup>[11]</sup>
12. Hence, lack of state response to trafficking is a result of gender-based and intersectional discrimination and should be reviewed as such. *First*, the State has not adopted any comprehensive anti-discrimination legislation. It also lacks gender-sensitive laws and policies on violence against women and children. *Second*, the authorities are unable to identify the victims. They routinely refuse to investigate allegations of human trafficking and related crimes on formalistic and fictitious grounds (see paras. 49-53 below).
13. In the high-impact "Golyanovo slavery" case (Memorial represents the victims)<sup>[12]</sup> authorities successfully downgraded the women's complaints due to the stereotypical view of female migrant workers from Central Asian States, stressing that they chose foreign employment in defiance of the countries' traditions.
14. Thus, each aspect of Russia's non-compliance with its human rights obligations outlined below would be viewed through the lenses of gender-based and intersectional discrimination.

## **B. Defects in criminal legislation ensuring impunity for perpetrators**

15. Russian legislation contains prohibition of human trafficking and use of slave labor in Articles 127.1 and 127.2 of the Russian Criminal Code (RCC). Both provisions fall short of basic international standards.
16. *Firstly*, none of those provisions refers to means (the use of threats, force or other forms of coercion) as a constituent element of trafficking, contrary to international requirements outlined in the Palermo Protocol, ratified by Russia in 2004. They only view means such as violence or blackmail as aggravating

factors. Consequently, law enforcement deals with the issue as primarily a street crime and struggles to accurately identify and address human trafficking and modern slavery cases.<sup>[13]</sup>

17. *Secondly*, the RCC is silent on the issue of victim consent in trafficking cases, which is always associated with physical coercion<sup>[14]</sup>. As a result, invalid consent (given by minor and/or under duress) is systematically considered a factor absolving the perpetrators of responsibility.
18. In the "Golyanovo slavery" case, the authorities refused to investigate allegations of trafficking, exploitation and violence towards young migrant women, at least three of them minors at the time of the recruitment. They referred to them "consenting" to travelling to Russia to work in the grocery stores where they were not chained or otherwise physically restricted from leaving the premises and entered "relationships" with men who raped them. Authorities regarded the violence allegations and various forms of deceit and control exercised by the shop owners over these victims irrelevant. The fact that the victims, including minors, were forcibly impregnated was used as proof of their consent to the situation rather than of violence against them.
19. *Third*, trafficking victims with irregular migration status are not exempt from responsibility for migration violations (see paras. 38-40 below). They are deported before any investigative steps could be taken, making any effective investigation into the crimes committed against them virtually impossible.

### **C. Absence of regulatory measures for prevention of trafficking**

20. Chapter III of the Palermo Protocol names key measures required to ensure adequate prevention mechanisms. Russia has not adopted any of them. *First*, Russia never adopted a framework law on prevention of human trafficking that would consolidate all necessary measures and policies. Any specific regulation in this context is plainly absent.
21. *Second*, the Russian authorities ignored the recommendations to establish a comprehensive policy to prevent human trafficking.
22. *Third*, there are no national coordination mechanisms among authorities responsible for trafficking prevention.
23. *Fourth*, there is no adequate research and data collection or awareness raising activities on human trafficking. The Government fails to provide basic statistical data, and no single agency is responsible for maintaining statistics.
24. *Fifth*, the Russian Government does not conduct regular and relevant training for law enforcement authorities engaged in the combat against human trafficking, in particular, on the irrelevance of consent and abuse of the position of vulnerability.

25. *Sixth*, the authorities never involved specialized NGOs or other civil society representatives into trafficking prevention activities. On the contrary, the authorities make such work harder. The broad laws protecting children from "harmful information" hinders civil society actors from organizing preventive classes for children under 18. For instance, it is prohibited to spread information that is contrary to the "traditional values", "encourages disrespect to parents and (or) other family members" or information "produced by foreign agents".<sup>[15]</sup>
26. Furthermore, the Russian authorities essentially criminalized assistance to foreigners with illegal migration status. Persons providing preventive support for irregular migrants, one the most vulnerable risk groups, also risk administrative and criminal prosecution.
27. For example, Article 322.1 of the RCC penalizes arrangement of illegal entry of foreign nationals to the Russian Federation as well as of their illegal stay and passage through the Russian territory. This makes it a crime to provide shelter or material assistance to persons considered to be in Russia illegally.<sup>[16]</sup>
28. Articles 322.2 and 322.3 of the RCC penalize free "fictitious registration" "without the intention of providing them with accommodation". The registration is often only obtained through paying a fee to companies<sup>[17]</sup>. Without it, one becomes illegal. For example, Ms. Tatiana Kotlyar, chair of the Kaluga Movement for Human Rights, is currently facing her sixth criminal charges for registering migrants and refugees to guarantee their access to state support.<sup>[18]</sup>
29. Thus, it is virtually impossible to take preventive measures or provide support to the victims without violating the law and putting oneself at risk of criminal prosecution.
30. Moreover, the Government limits or bans activities of civil society groups, including some dedicated to anti-trafficking activities. For example, in the case of *Ecodefence and others v. Russia*<sup>[19]</sup> the ECtHR established a variety of restrictions imposed by the Russian government on NGOs engaged in the combat against human trafficking, such as the Civic Assistance Committee, Migration XXI Century and the Human Rights Centre Memorial. In the "Golyanovo slavery" case mentioned above, the investigative authorities went as far as assuming that the Civic Assistance Committee provided support to female trafficking victims for ulterior motives.
31. *Finally*, the authorities failed to create national referral mechanisms aimed at identifying, protecting and assisting victims or involve relevant state bodies and civil society.

#### **D. Inadequate protection of the victims**

32. The Russian authorities do not provide any legislative and administrative framework in order to afford protection to trafficking victims. On the contrary, they make their situation worse.

- *identification of victims*

33. Russian legislation lacks a definition of the term "victim" which poses significant obstacles to their subsequent protection. The OSCE Special Representative noted that it can have serious implications for the identification process, as well as the overall assistance and protection measures that the trafficked person should be entitled to.<sup>[20]</sup> Moreover, there is virtually no training for officials on trafficking victim identification, and no relevant collaboration between the Government and the civil society.

34. Under Article 42 of the Criminal Procedure Code, a person is recognised as a "victim" only after the investigators decide to open an investigation. The majority of situations never get to that point exactly because the victims are not identified from the start (see also paras. 15-19 above). As a result, trafficking remains invisible.

35. Even the victim status does not provide sufficient protection as it does not entail support, assistance or substantial security measures. In the "Golyanovo slavery" case, the authorities tried expelling the victims, B.K. and Z.A., for illegal stay even after the criminal case was initiated and the women had an official victim status, although not for long as the decision to open the investigation was soon reversed. As for the victim state protection,<sup>[21]</sup> authors of this report are aware of only one case where it was granted. The victim was transferred to another region where he was locked up in an apartment for almost a year and later expelled from the country.

- *Victims' assistance*

36. Russian law provides for no medical, psychological, or material assistance for trafficking victims. Shelter services are unregulated and have been mostly provided through limited under-resourced non-governmental organizations. At the moment, there is only one specialized NGO providing full, complex and long-term assistance to the trafficking victims, that is, SafeHouse Foundation, one of the co-authors of the report. There is no official program of victim protection and referral.<sup>[22]</sup>

37. The few existing state and non-governmental crisis centers and shelters are not tailored for human trafficking victims and lack the capacity to assist most of the victims. In addition, state-run facilities apply strict requirements that many victims cannot satisfy: to have a valid ID, regular migration status; negative disease tests, etc.<sup>[23]</sup> Not being able to speak Russian constitutes another obstacle to receiving help.

- *Non-punishment of trafficking victims*

38. Illegal stay on the Russian territory is punishable under Article 18.8 of the Russian Code of Administrative Offences (RCAO). That provision does not contain any exclusion of responsibility for human trafficking victims. Undoubtedly, it impedes the victims' identification and provision of necessary assistance and protection.<sup>[24]</sup> What Article 18.8 of the RCAO does provide for is the power to expel a foreigner for the most minor migration violations.
39. Persons subjected to deportation are placed in special temporary detention centers for migrants. They can be detained for years.<sup>[25]</sup> Representatives of civil society are normally not allowed to these facilities. It makes it almost impossible to identify and provide assistance to human trafficking victims located there.
40. The authorities also routinely penalize the victims for unlawful acts the perpetrators forced them to commit. They are routinely charged with, among others, prostitution-related offenses, unlawful presence in the country or drug dealing, especially acting as "drug couriers".<sup>[26]</sup> Many victims are detained or deported without being screened for trafficking indicators.<sup>[27]</sup> Naturally, that turns victim identification into an impossible mission. As Ms. B.K. testified in the Golyanovo case, "I was afraid of the police not less than of [the shop owners]".

**E. Violence against the trafficking victims**

41. During the third review cycle, Russia received more than 20 recommendations on gender-based and other discriminatory forms of violence. The UN High Commissioner on Human Rights urged Russia to take additional measures, including adopting "a comprehensive law against gender-based violence" and taking "further measures to eliminate all forms of violence against children and adolescents, including sexual abuses of minors, and the sale and trafficking of children".
42. Violence is an indispensable element of trafficking, as perpetrators use force, threats, intimidation, and other forms of coercion to control and exploit their victims. Sexual and reproductive violence are forms of exploitation but also means of control. Through it, the victims lose control over the most intimate aspects of their lives.<sup>[29]</sup> The Government itself admits that 99% of trafficking cases are accompanied by "sexual exploitation".<sup>[30]</sup>
43. Paras. 7-40 above illustrate that the State did not establish a legal framework providing for even minimum protection of the victims against violence. To the contrary, the Russian authorities take a discriminately passive approach in that regard.
44. *Firstly*, the very features that make the victims vulnerable – their gender, age, migration status – are used to discredit their allegations of violence. In the

"Golyanovo slavery" case, the victims had irregular migration status, language barriers, did not possess IDs and were mostly poor young single women – shop owners and police used all that to further discredit the victims as "offenders", "unreliable" and "ill-mannered women acting in defiance of national traditions". Even with forensic evidence, the authorities rejected the victims' complaints implying that they couldn't have been subjected to violence as they were free to leave the shop premises. However, this violence was used exactly as means of control over the victims.

45. Some of the trafficking victims also testified that they were forced to explain their bruises away by saying that they were having arguments with their "husbands". It was apparently assumed that, this way, the bruises on the women's bodies would be taken as "normal" and not as something requiring the intervention of the criminal justice system.
46. *Secondly*, children of trafficked women are likely to suffer from physical and psychological violence resulting in long-term health consequences.<sup>[31]</sup> The State does not offer them any protection. They may witness or be subjected to violence and abuse inflicted on their mothers. They may also suffer from neglect and deprivation, as their exploited mothers may be unable to provide for their basic needs. In addition, children of trafficked women are at increased risk of being trafficked themselves.
47. In the abovementioned "Golyanovo slavery" case multiple victims gave birth to children while in captivity. All children were separated from their mothers. Some of them were allegedly trafficked to Kazakhstan by the perpetrators who would later tell the victims that the child died. Others were kept as hostages. Victims testified that they stopped trying to run away because their children were with the shop owners. When some of the victims and their children were freed in 2012, it turned out that all children were mistreated. For example, Ms. B.K.'s son had a broken leg that healed wrong and rickets. At 15, he is 2-3 years behind in mental development and is only one meter tall. He is diagnosed with moderate mental retardation with behavioral disorders. He requires constant medical attention and is hospitalized every six months.
48. Another victim, L.A., gave birth to three children while she lived in the food shop. The shop owners registered one of her sons as their own. When the authorities learned that the boy was indeed Ms. LA.'s son, they did not act on her complaint as they thought that she, being an unmarried muslim woman, "misbehaved" and should have given up the child herself.

#### **F. Inability to conduct effective investigations**

49. The above defects do not allow for effective countering of trafficking and protection of its victims. *Firstly*, officials take discriminative and dismissive attitudes towards the potential victims. The reasoning behind the refusal to open investigation into "Golyanovo slavery" case is symptomatic:



*... [the women] stayed in the public populous place, the saleroom of the shop, for many days and years... They conceived children with men they chose. They gave birth in public hospitals...*

*There is no objective evidence that [the perpetrator] threatened with violence to allegedly deprive the female workers' freedom. Considering that the number of shop employees amounted to 10 people, including men, and considering that all female workers, having children, had unmarried partners, the fears of [the shop owner's] beatings cannot be considered real and substantive.*

50. Summing up, police do not attach importance to the means of control exercised by perpetrators over the victims, do not assess the validity of their consent and fail to take into account the victims' perceptions of danger. Clearly, the Russian authorities ignore that not only chains but also other means of control could be used to gain control over the victims.
51. *Secondly*, cases of trafficking or forced labor are often misqualified as other crimes, among others, involvement into prostitution, organization of prostitution, sexual violence, illegal deprivation of liberty or kidnapping. The estimates on the scale of human trafficking in Russia range from almost 794,000 to over one million people in situations of exploitation.<sup>[32]</sup> From 2018 to mid-2022, an average of 16 people were convicted for human trafficking and two for extracting forced labor yearly.<sup>[33]</sup> Most convictions do not concern cases of migrant and/or labor exploitation which are almost never qualified as trafficking.<sup>[34]</sup>
52. During the same period, there were an average of 328 convictions for prostitution-related offenses, 398 for production and distribution of pornography, including 164 for child pornography.<sup>[35]</sup>
53. *Finally*, authorities often collide with perpetrators and, in some instances, *are* the perpetrators.<sup>[36]</sup> Police officers regularly receive bribes for turning a blind eye to the crimes. Authors of the report are aware of instances where police officers sexually exploited the victims as "payment". Such conduct is almost never punished. For example, police officers of Moscow's Golyanovo district got away with covering up the crimes for decades. Despite multiple victim statements pointing to particular officers, media reports, proof of police returning the victims, paying friendly visits to the shops and despite the existence of one obviously forged Russian passport in the case file, no steps were taken to investigate any of the officers.
54. There are also testimonies of military personnel exploiting female and inferior personnel with the Russian-Ukrainian armed conflict. Some women reported sexual slavery-like practices of entering sexual relationships with officers against their will.<sup>[37]</sup> There are also multiple reports of officers forcing soldiers (some of them recently drafted) to participate in the armed activities by, *i.a.*,

locking them up in torturous conditions in the abandoned building basements, violence or threat of violence.<sup>[38]</sup>

## Section III: Exploitation of Prisoners

### A. Forced Labour in Prisons

55. During the third review cycle, no recommendations were given concerning forced labour in Russian prisons. Although the GULAG system of labor camps was abolished after the fall of the Soviet Union, many GULAG practices are still in place in modern Russia under the supervision of the Federal Penitentiary Service (FPS).
56. As of January 2023, the prison population amounts to 433,006 inmates. Some of them are used as labor force in 650 penitentiary institutions (more than half of the total amount). There has yet to be official data on how many prisoners will be employed in 2023. In 2018 the figure was 36%<sup>[39]</sup>, in 2020 – 57.5% (128 058 people).<sup>[40]</sup> By 2030, the government plans to increase the share of working prisoners to 85%.<sup>[41]</sup>
57. Prisons serve as profit-making businesses, producing goods and services worth 36,3 billion RUB (457.380.726,00 USD) and generating a net income of 3.3 billion RUB (41.580.066,00 USD).<sup>[42]</sup> These revenues result from the forced labor of incarcerated workers, provided for by the Russian Penal Code. Under Article 103§1, every person sentenced to imprisonment is obliged to work in jobs determined by the administration of correctional institutions.
58. Incarcerated workers are under total control of their employer – the local prison administration. Prisoners have no protection against labor exploitation and cannot refuse to work under the threat of official or informal punishment.
59. For instance, Article 103§6 of the Penal Code provides that refusal to work and termination of work constitute "a malicious violation of the established order of serving the sentence" and may result in disciplinary measures and material liability.
60. In these cases, prison administration can use such punishments as a reprimand", a fine from 1.000 to 2.000 thousand RUB (12,58 to 25,16 USD), a placement to "SHIZO" (a punishment cell) or solitary confinement under 115 § 1 of the Penal Code. These penalties imply a subsequent denial of parole or commutation of sentence, as well as loss of family visits, reduction of the allowed number of food parcels and restriction of money a prisoner can spend in a prison shop. Since the daily ration of a prisoner is extremely poor,<sup>[43]</sup> it can lead to starvation and be an additional form of punishment.
61. According to information often received by RBB,<sup>[44]</sup> in addition to statutory disciplinary measures, prison administrations widely use informal methods of influence, ranging from compulsory physical exercise<sup>[45]</sup> and deprivation of free time to beatings by cellmates collaborating with the administration.<sup>[46]</sup>

## **B. Work Conditions**

62. Prisoners are engaged in a very diverse range of production. In a large number of colonies, clothing manufacturing is the primary industry. Prisoners sew uniforms for police officers, rescue workers, medical personnel, Russian Railways staff, and military personnel. During the COVID-19 pandemic, they also made protective masks. Others manufacture foods, toys, and caskets, paint pictures, forge fireplace sets and other metal goods, make bus stops and playground equipment, cut timber and make furniture and wooden goods.<sup>[47]</sup>
63. Mandatory work in Russian prisons often implies harsh exploitation in degrading conditions.
64. Under Article 104 § 1 prisoner's workday cannot exceed 8 hours, which is equal to standards set by labor legislation for free workers. However, this guarantee rarely applies. Inmates can work six days a week for 12-16 hours daily at prison production facilities ("promzona"). According to correspondence and consultation requests constantly received by RBB, prisoners are forced, under the threat of disciplinary action, to sign a "voluntary consent" for working additional hours and waiving annual paid leave. Such cases have been repeatedly discussed in the media as well.<sup>[48]</sup>
65. These violations are challenging to trace, as prison officials usually turn off cameras after 5 p.m. to make prisoners continue their work.<sup>[49]</sup>
66. In 2018, the Accounts Chamber noted that FPS often provides outdated equipment (the share of equipment older than ten years was 49.8%, older than 20 years – 26.2%).<sup>[50]</sup> There has not been any sign of FPS investing in renovation and modernizing its production facilities.
67. Above all, the regime of work is very stressful for prisoners. To keep up with the "norms of production" (see below), they must work with one 10-15 minute break to have meals or use restrooms.<sup>[51]</sup>

## **C. Paltry Wages**

68. Besides degrading work conditions, incarcerated workers receive miserable wages. RBB has been repeatedly contacted by inmates receiving salaries of 50-300 RUB (0,64- 3,81 USD) per month. Such low figures are explained by legislative regulation, which leave prison administrations with limitless abuse possibilities.
- *Official Payments Below the Minimum Wage*
69. Article 105§2 of the Penal Code establishes that prisoners' wages may not be lower than the minimum wage if the prisoner is employed full-time and "meets the established norm [of production]", which means producing a certain amount of goods.

70. "The norm" is set by the administration at its discretion based on a prison's contractual obligations. It is often overstated and impossible to achieve by a prisoner working regular hours. It allows FPS to reduce wages legally. For example, according to official FPS statistics, the average monthly wage of inmates in 2020 was half the minimum wage of free workers: 5,616.8 RUB (71,42 USD) per month (before deductions, *see below – "Wage Deductions"*).<sup>[52]</sup> In that year, the minimum wage was 12,130 RUB (154,23 USD) per month,<sup>[53]</sup> and the average wage in the country was 51,344 RUB (652,84 USD).<sup>[54]</sup>
71. The authorities are well aware of this problem. For instance, in 2018, the General Prosecutor's Office acknowledged that prisoners' wages are "generally below the minimum wage".<sup>[55]</sup> The Accounts Chamber also emphasized that "this situation casts doubt on the objectivity of setting norms of production, which cannot be reached by prisoners given their professional qualifications, outdated equipment and imperfect organization of production processes."<sup>[56]</sup>
- *Artificial Wage Reduction*
72. Furthermore, Article 105 § 3 of the Penal Code allows calculating the wage based on the time worked and the output. Based on this, administrations can formally "divide" one minimum wage rate among inmates, which allows more inmates to be officially employed but significantly reduces their ultimate wage.<sup>[57]</sup> This way, prison administrations can make money by forcing inmates to work on "unofficial" orders after their working hours.<sup>[58]</sup> According to official documents, prisoners work part-time, but they overwork and are underpaid in reality.
- *Wage deductions*
73. According to Article 107§3 of the Penal Code, the administration deducts up to 75 % of prisoners' wages. An exception is provided for pensioners, several categories of disabled persons, minors, pregnant women and women who have children in children's homes of the penitentiary institution. They must receive at least 50 % of their wages, pensions or other income.
74. In addition to taxes, fines, restitution and family support, under Article 99§4 of the Penal Code, prison administrations deduct the cost of food, clothing, utilities, and personal hygiene products.
75. These wage deductions leave incarcerated workers with 3/4 less money than the FPS officially claims in its statistics. For instance, if a monthly wage is 5 616,8 RUB (71,42 USD), a prisoner can only receive 1404,2 RUB (17,85 USD) after deductions. If work is divided between prisoners under Article 105§3 of the Penal Code (*see above – "Artificial Wage Reduction"*), this amount can barely reach 50-300 RUB (0,64- 3,81 USD) per month.<sup>[59]</sup>
76. Therefore, the prisoners' remuneration is not simply disproportionate to their work but completely unable to cover even their basic needs, let alone provide

support for their families or save money for release.

#### **D. Other forms of exploitation**

##### *- Military exploitation*

77. According to RBB estimates, after the start of Russian aggression in Ukraine in 2022, Wagner paramilitary company (Wagner PMC) conscripted around 40 thousand prisoners to fight in Ukraine.<sup>[60]</sup> European Prison Litigation Network (EPLN) and RBB have filed a joint submission to several UN bodies arguing that this conscription was in breach of Russian law and a number of international instruments.<sup>[61]</sup> Recently, the Ministry of Defense also started recruiting prisoners into their special forces.<sup>[62]</sup>

##### *- Post-release exploitation*

78. According to the RBB's data, it is very common that imprisonment destroys family and other social ties, people lose their housing and lack professional and life skills. Their identity documents expire or get lost. After prisoners serve their sentence, they are usually released without any savings to start their regular life. Thus, they become an easy target for further exploitation and involuntary servitude promoted as a good work opportunity by human traffickers. Such advertisements are widespread in prison areas, attracting people with offers to restore their documents and provide housing and meals.

#### **E. Ineffectiveness of protection and supervision mechanisms**

79. Although all the methods of labor abuse in prisons are widely discussed, it is difficult to prevent or investigate the violations for several reasons:

- *No effective complaint mechanisms.* Often, all the complaints sent by prisoners are referred back to prisons. Therefore, prison administrations have no motivation to quit violations and improve the work conditions of prisoners.
- *Lack of independent control mechanisms.* Today, the penal system is entirely unsupervised. Public monitoring commissions have been stripped of many powers (such as videotaping and private consultations with prisoners) and now heavily consist of former law enforcement officials instead of activists and experts.
- *Resistance of prison administration.* When a complaint is finally filed, the administration has a range of tools to resist investigation: loss of surveillance tapes, amending documents, frightening witnesses, etc.
- *Retaliation for complaints.* Usually, a prisoner who files a complaint is isolated and denied access to lawyers. The administration can also use disciplinary measures and threats to make a prisoner withdraw a complaint.
- *Prohibition of unionizing and strikes to improve work conditions.* The law explicitly forbids prisoners to refuse to work under the threat of disciplinary measures and join labor unions to negotiate improved working conditions.

## Section IV: Recommendations

80. In the light of the foregoing, we propose the following recommendations to the Government.

### **Human trafficking**

- Bring legislation in line with the Palermo Protocol and other relevant international instruments. In particular, include means as a constituent element of human trafficking; establish irrelevance of trafficking victims' consent; adopt a definition of a trafficking victims that would not depend on criminal proceedings.
- Adopt anti-trafficking law and national action plan that provided for, i.a., a national coordination and national referral mechanisms and data gathering.
- Develop and implement sufficient specialized training for state officials, including law enforcement officials who are likely to come into contact with trafficking victims, on key indicators of human trafficking;
- Set up a sufficient framework for protection and assistance of trafficking victims. In particular, secure unconditional shelters, financial, medical, psychological and legal assistance to all trafficking victims regardless of their status, in a language that they can understand.
- Adopt a comprehensive anti-discrimination law and ensure that it covers and criminalizes discrimination on all grounds.
- Abolish foreign agents legislation and decriminalize assistance to foreigners with irregular migration status.
- Amend Article 18.8 of the RCAO to exempt trafficking victims from responsibility for migration violations.

### **Prisoners exploitation**

- Repeal legislation allowing forced labor in prisons and imposing disciplinary measures on prisoners refusing to work.
- Ensure that incarcerated workers are paid no less than the federal minimum wage.
- Limit wage deductions and repeal deductions for costs of incarceration.
- Ensure that prisoners have free and prompt access to effective complaint mechanisms and redress while not being subject to retaliation.
- Permit incarcerated workers to join labor unions.
- Protect prisoners from recruitment by private or state military agents.
- Provide education programs for securing prisoners' employment after release.

## Section V: Endnotes

[1] See: Report of the Working Group on the Universal Periodic Review (Russian Federation). 3 September 2018 (A/HRC/39/13/Add.1). For instance, Qatar, Bahrain, Sri Lanka, Belarus, Armenia, Bosnia and Herzegovina, Poland, Turkmenistan, Maldives, Kyrgyzstan, paras. 14, 16.

[2] *Ibid.* E.g., Poland or Bosnia and Herzegovina (*ibid.*).

[3] See: Letter of the UN High Commissioner for Human Rights. 2 November 2018. URL: [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/RU/HC\\_LetterRussianFederation\\_30Session.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/RU/HC_LetterRussianFederation_30Session.pdf) (accessed 16 March 2023).

[4] See: Position on the Recommendations Presented to the Russian Federation by Foreign Delegations during the Third Cycle of the Universal Periodic Review (UN doc. no. A/HRC/39/13). 12 June 2018.

[5] See, for example: Jacqui True. *The Political Economy of Violence against Women*. Oxford University Press (2012).

[6] *Ibid.*

[7] See: Commission on the Status of Women. *Commemorating 30 Years of the Convention on the Elimination of All Forms of Discrimination against Women: Moderator's Summary* (UN Doc. E/CN.6/2010/CRP.12). 29 March 2010, paras. 10–11.

[8] See: Anti-Trafficking Platform of Armenia. *Migrants who break the law often become victims of trafficking*. URL: <http://antitrafficking.am/eng/armeniasputnik-am-migrants-who-break-the-law-often-become-victims-of-trafficking-prosecutor-general-of-the-russian-federation/#more-2942> > (accessed on 15 December 2022);

Izvestiya. *Krasnov spoke on the human trafficking situation in Russia*. 29 October 2021. URL: <https://iz.ru/1242821/2021-10-29/krasnov-rasskazal-o-situacii-s-torgovlei-liudmi-na-territorii> (accessed on 15 December 2022);

Radio Liberty. 8 March 2012. *Central Asian Women's Shattered "Russian Dreams"*. URL: <https://www.rferl.org/a/central-asia-women-shattered-russian-dreams/24509262.html> (accessed on 15 December 2022).

[9] See: The Seventh Periodic Report of the Russian Federation (CAT/C/RUS/7), 7 December 2022, para. 71.

[10] See: ECtHR. *Volodina v. Russia*, no. 41261/17, § 132, 9 July 2019; and *Tunikova and Others v. Russia*, no. 55974 and 3 others § 129, 14 December 2021.

[11] See, CEACR Observation in response to the observations of the Confederation of Labour of Russia. 2020. URL: [https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID,P13100\\_COUNTRY\\_ID:4046649,102884](https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4046649,102884) (accessed on 1 April 2023); In addition, in



its General Recommendation No. 35 (on gender-based violence against women, updating general recommendation No. 19) (2017), the UN CEDAW Committee acknowledges that discrimination against women is linked to various factors, such as ethnicity and socioeconomic status. General Recommendation No. 35 calls on states to consider intersectional discrimination and address gender-based violence in a way that takes into account the particular situation of affected women.

[12] See the facts description at URL: <https://hudoc.echr.coe.int/eng?i=001-213182> (accessed on 28 March 2023); Civic Assistance Committee. "Golyanovo slaves" case reached Strasbourg. URL: <https://refugee.ru/en/news/delo-golyanovskih-rabov-doshlo-do-strasburga/> (accessed on 4 April 2023).

[13] This regulatory flaw was deplored, for example, in the report on Russia by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (2018). She noted that the definition provided under the Criminal Code limits the scope of human trafficking to the "trade of human beings", while excluding the "means" provided in the Palermo Protocol. As a result, the police deal with the issue as primarily a street crime and fail to identify acts and means that are constitutive elements of the offense of human trafficking beyond the sale and purchase of a person (para. 17).

[14] In the abovementioned report the OSCE Special Representative highlighted this irregularity and urged the Russian authorities to include a reference to a victim's consent in the criminal legislation (para. 15).

[15] See: Federal Law of 29 December 2010 No. 436-FZ "On the protection of children from the information that harms their health and development", Article 5(2)(4)-(9).

[16] See, for example, Mediazona. *Founder of the movement "Against slavery" detained on suspicion of organizing illegal migration*. 22 February 2017. URL: <https://zona.media/news/2017/22/02/melnikov> (accessed on 4 April 2023).

[17] See: Eurasianet. *Russia: New migrant registration rules threaten tenuous livelihoods*. 17 July 2018. URL: <https://eurasianet.org/russia-new-migrant-registration-rules-threaten-tenuous-livelihoods> (accessed on 4 April 2023); and Communication of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on the human rights of migrants to the Russian Federation. 5 November 2015. URL: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=17482> (accessed on 4 April 2023).

[18] See, for example, OVD-News. *New criminal case opened against Tatiana Kotlyar, a human rights defender providing assistance to migrants. Her office was searched*. 27 March 2023. URL: <https://ovd.news/express-news/2023/03/27/na-pravozashchitnicu-tatyanu-kotlyar-pomogayushchuyu-migrantam-zaveli-novoe> (accessed on 4 April 2023).

[19] ECtHR. *Ecodefence and others v. Russia*, no. 9988/13 and 60 other applications, 14 June 2023. URL: <https://hudoc.echr.coe.int/eng?i=001-217751> (accessed on 17 March 2023).

[20] See: OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, para. 17.

[21] See: Federal Law of 20 August 2004 No. 119-FZ "On state protection of the victims, victims and other parties to the criminal proceedings".

[22] See: OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, para. 21.

[23] See, e.g., rules of the Moscow crisis center. URL: <https://krisis-centr.ru/services/statsionaroe-obluzhivanie> (accessed on 22 March 2023).

[24] See, i.a., Principle 7 of the Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1), 20 May 2002.

[25] See, e.g., Izvestiya. "*Worse than pre-trial detention centers*": human rights defenders visited a foreigners detention center. 22 November 2019. URL:

<https://iz.ru/940763/boris-klin/khuzhe-chem-v-sizo-pravozashchitniki-posetili-tcentr-soderzhaniia-migrantov> (accessed on 4 April 2023);

Advokatskaya gazeta. *The problem of extensive detention at migrant temporary detention centers needs to be addressed in a systemic manner*. 19 December 2018. URL:

<https://www.advgazeta.ru/mneniya/problema-dlitelnogo-soderzhaniya-v-tsvsig-trebuetsistemnogo-podkhoda/> (accessed on 4 April 2023);

Radio Svoboda. "*It's Russia, you can be kept in detention your whole life*". *How migrants are deprived of liberty*. 10 November 2020. URL: <https://www.svoboda.org/a/30938640.html>

(accessed on 4 April 2023).

[26] See: RIA Novosti. *MVD and FSB put an end to the functioning of the international drug syndicate*. 10 February 2017. URL: <https://ria.ru/20170210/1487687548.html> (accessed on 4 April 2023).

[27] See: Walk free. Russia country study. URL:

<https://www.globallslaveryindex.org/2018/findings/country-studies/russia/> (accessed on 17 March 2023).

[29] ICtHR, *Case of Women victims of sexual torture in Atenco v. Mexico*. Preliminary objections, merits, reparation and costs, 28 November 2018. Series C No. 371, § 179.

See also the case of *J. v. Peru*. Preliminary objection, merits, reparations and costs.

Judgment of 27 November 2013. Series C No. 275 and *Case of Espinoza Gonzales v. Peru*. Preliminary objections, merits, reparations and costs, 20 November 2014. Series C No. 289, § 197.

[30] See: Seventh Periodic Report on the implementation by the Russian Federation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Para. 71.

[31] See: Hestia. *Forgotten Children: The Intergenerational Impact of Modern Slavery*. October 2021. URL: <https://www.hestia.org/Handlers/Download.ashx?IDMF=9e80d4ef-5910-470d-b46a-968facba852d> (accessed on 4 April 2023).

[32] Walk free, Russia country study. URL: <https://www.globallslaveryindex.org/2018/findings/country-studies/russia/> (accessed on 17 March 2023).

[33] See: Judicial department at the Supreme Court of the Russian Federation. Report on the number of convictions for all crimes listed in the RCC for the first half of 2022. Form no. 10-a. URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-1-2022.xls> (accessed on 4 April 2023); Judicial department at the Supreme Court of the Russian Federation. Report on the number of convictions for all crimes listed in the RCC for 2021. Form no. 10-a. URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-2021.xls> (accessed on 4 April 2023); Judicial department at the Supreme Court of the Russian Federation. Report on the number of convictions for all crimes listed in the RCC for 2020. Form no. 10-a. URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-2020.xls> (accessed on 4 April 2023); Judicial department at the Supreme Court of the Russian Federation. Report on the number of convictions for all crimes listed in the RCC for 2019. Form no. 10-a. URL: <http://www.cdep.ru/userimages/10-a/10-a-svod-2019.xls> (accessed on 4 April 2023); Judicial department at the Supreme Court of the Russian Federation. Report on the number of convictions for all crimes listed in the RCC for 2018. Form no. 10-a. URL: <http://www.cdep.ru/userimages/10-a-svod-2018.xls> (accessed on 4 April 2023).

[34] See: *Human trafficking in the Russian Federation. Review and analysis of the current situation* (2006), p. 94. URL: [https://www.un.org/ru/rights/trafficking/human\\_trafficking\\_russia.pdf](https://www.un.org/ru/rights/trafficking/human_trafficking_russia.pdf). (accessed on 5 April 2023).

[35] *Ibid.*

[36] See: Lenta.ru. *Two former police officers and 20 more are convicted for organization of prostitution*. 28 December 2022. URL: <https://lenta.ru/news/2022/12/28/prostit/> (accessed on 5 April 2023); Tvtomsk. *Former Tomsk police officer convicted for 3,5 years imprisonment for organizing of prostitution*. 21 November 2023. URL: <https://www.tvtomsk.ru/news/81562-byvshij-sotrudnik-tomskoj-policii-osuzhden-na-35-goda-kolonii-za-organizaciju-zanjatija-prostitutciej.html> (accessed on 5 April 2023).

[37] See: Sever.Realii. *"You will be a combat zone wife". Women are "distributed" at war to pleasure the officers*. 28 March 2023. URL: <https://www.severreal.org/a/zhenschina-voynе-raspredelyayut-dlya-uteh-ofitserov/32333303.html> (accessed on 5 April 2023).

[38] *Ibid*; BBC News. "You either end up at war or in a dungeon". How Russian conscripts are forced to withdraw refusals to serve in the army. 21 November 2022. URL: <https://www.bbc.com/russian/features-63705004> (accessed on 5 April 2023); Astra. Telegram post of 26 November 2022. URL: <https://t.me/astrapress/16432> (accessed on 5 April 2023).

[39] See: Report of Prosecutor General at a meeting of the Federation Council. 18 April 2018. URL: <https://procrf.ru/news/624894-doklad-generalnogo-prokurora-rf.html> (accessed on 4 April 2023).

[40] See: Information of the FPS on the results achieved in 2020. 16 April 2021. URL: <https://fsin.gov.ru/budget/info.php> (accessed on 4 April 2023).

[41] See: Decree of the Government of the Russian Federation No. 1138-r of 29 April 2021 "On Approval of the Concept of Development of the Penal and Correctional System of the Russian Federation until 2030". URL: <https://www.garant.ru/products/ipo/prime/doc/400639567/> (accessed on 4 April 2023).

[42] The last available official data refers to 2020. See: Information of the FPS on the results achieved in 2020.

[43] Usually, prison administration spends up to 100 RUB (1,26 USD) per day for prisoners' food. See: Takiye Dela. *Without support from the outside, it is impossible to survive in our prison: how much is spent on food in prisons in Russia and Europe*. 13 February 2018. URL: <https://takiedela.ru/news/2018/02/13/tyuremnoe-menyu/> (accessed on 4 April 2023).

[44] RBB provides legal advice and represents prisoners in cases concerning labour rights violations. The information given in this section is based on requests and documents processed by RBB, followed by additional sources.

[45] See: Center for Eastern Studies. *Russia behind bars: the peculiarities of the Russian prison system*. 7 February 2019. URL: <https://www.osw.waw.pl/en/publikacje/osw-commentary/2019-02-07/russia-behind-bars-peculiarities-russian-prison-system> (accessed on 4 April 2023).

[46] See: Insider. *Slaves are dumb. How the modern Russian penal system works and why prisoners do not complain about inhumane conditions*. 19 November 2021. URL: <https://theins.ru/obshestvo/246132> (accessed on 4 April 2023).

[47] See: Lenta.ru. *Incarcerated Business. How much does Russia earn from its prisons?* 21 May 2021. URL: <https://lenta.ru/articles/2021/05/02/zakluchrabota/> (accessed on 4 April 2023).

[48] See: Radio Liberty. *Slavery or the GULAG? Prisoners will be sent to factories and construction sites*. 21 January 2020. URL: <https://www.svoboda.org/a/30387207.html> (accessed on 4 April 2023); Antidiscrimination Center "Memorial". *The country is big, but there are not enough workers: working conditions for prisoners in Russia are worse*

than for migrant workers. 9 June 2021. URL: <https://adcmemorial.org/statyi/strana-bolshaya-a-rabochih-ruk-ne-hvataet/> (accessed on 4 April 2023).

[49] See: Kommersant. *Colony of servitude regime*. 11 January 2021. URL: <https://www.kommersant.ru/doc/4639677> (accessed on 4 April 2023).

[50] See: Accounts Chamber of the Russian Federation. *Press release concerning the results of audit "Verification of the effectiveness of prisoners' employment"*. 23 January 2018. URL: <https://ach.gov.ru/news/v-ugolovno-ispolnitelnoj-sisteme-ne-privlekaetsya-k-trudu-bolee-60-trudosposobnyh-osuzhdennyh-32329> (accessed on 4 April 2023).

[51] Alexey Navalny described his working regime as follows: "At work, you sit for seven hours at the sewing machine on a stool below knee height. There is a 15-minute lunch break at 10-20." See: Deutsche Welle. *Navalny described his life in a maximum-security prison*. 1 July 2022. URL: <https://www.dw.com/ru/navalnyj-opisal-svoj-byt-v-kolonii-strogogo-rezhima/a-62326492> (accessed on 4 April 2023); *Kommersant*. 11 January 2021. "Colony of servitude regime".

[52] See: Information of the FPS on the results achieved in 2020.

[53] See: Data on the minimum wages in 2020. URL: <http://www.consultant.ru/law/ref/mrot/2020/> (accessed on 4 April 2023).

[54] See: Average monthly wage in the Russian Federation according to Rosstat. URL: [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_326052/](http://www.consultant.ru/document/cons_doc_LAW_326052/) (accessed on 4 April 2023).

[55] See: Report of Prosecutor General at a meeting of the Federation Council. 18 April 2018.

[56] See: Accounts Chamber of the Russian Federation. *Press release concerning the results of audit "Verification of the effectiveness of prisoners' employment"*. 23 January 2018.

[57] Ural Democratic Foundation (2014). *Slave Labour of Prisoners in Contemporary Russia*. P. 19. URL: <http://uraldem.ru/wp-content/uploads/2017/04/RabTrud.pdf> (accessed on 4 April 2023); See: Insider. *Slaves are dumb. How the modern Russian penal system works and why prisoners do not complain about inhumane conditions*. 19 November 2021.

[58] A former prisoner of IK-14 on Mordovia noted: "People from the administration would bring us fabric, tell us how much, what, and what size they needed. And they took it all away themselves, not as usual when we gave the sewn products to the warehouse. We were also given the tightest possible deadlines for such orders". See: *Meduza*. 2 September 2019. "It was very much like a concentration camp". URL: <https://meduza.io/feature/2019/09/02/eto-bylo-ochen-pohozhe-na-kontslager> (accessed on 4 April 2023).

<sup>[59]</sup> RBB has been repeatedly contacted by inmates who received salaries of 50-300 rubles per month while working much more than eight hours a day, six days a week. Similar cases are widely covered by the media. See: Meduza. *It was very much like a concentration camp*. 2 September 2019.

<sup>[60]</sup> See: Mediazona. *The second circle. Recruiters of the "Wagner PMC" again travel around the colonies, where they have already taken the convicts – but now they are hardly trusted*. 6 February 2023. URL: <https://zona.media/article/2023/02/06/verbovka> (accessed on 4 April 2023).

<sup>[61]</sup> See: EPLN and RBB. *Prisons in wartime: the report on Wagner Group's recruitments in Russian prisons*. 21 September 2022. URL: <https://www.prisonlitigation.org/wagner/> (accessed on 4 April 2023).

<sup>[62]</sup> See: Meduza. *The Russian Defense Ministry formed the "Storm" assault unit from prisoners*. 14 February 2023. URL: <https://meduza.io/feature/2023/02/14/minoborony-rossii-sformirovalo-iz-zaklyuchennyh-shturmovoe-podrazdelenie-shtorm-ono-neset-v-ukraine-katastroficheskie-poteri-v-tom-chisle-popadaya-pod-ogon-po-svoim> (accessed on 4 April 2023).