

Manual on prevention of human trafficking for embassies and consular sections

Saint-Petersburg
2009

With support by:



The Government of Belgium:



European Union



Общественная благотворительная организация
САНКТ-ПЕТЕРБУРГСКИЙ ЦЕНТР МЕЖДУНАРОДНОГО
СОТРУДНИЧЕСТВА КРАСНОГО КРЕСТА
ST.PETERSBURG CENTER FOR INTERNATIONAL
COOPERATION OF THE RED CROSS
Public charity organization



Международная организация по миграции
International Organization for Migration

This is a compilation of information and analytical materials for the personnel of Consulates and Embassies on prevention of human trafficking, victim detection and comprehensive assistance.

Manual on Prevention of Human Trafficking for the Personnel of Embassies and Consular sections.

The development of this Manual was initiated by the Bureau of the International Organization for Migration in Moscow (IOM Moscow) within the framework of the following projects:

Project Information Campaign on Prevention of Trafficking in Human Beings in the Russian Federation with a Special Focus on St. Petersburg Region funded by the Government of Kingdom of Belgium;

Prevention of Human Trafficking in the Russian Federation funded by the European Union, the Bureau of International Narcotics and Law Enforcement Affairs of the US State Department and Swiss Agency for Development and Cooperation

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Published by the Bureau of the International Organization for Migration (IOM) in Moscow jointly with the Public Charitable Organization Saint-Petersburg Center for International Cooperation of the Red Cross.

Publisher:

Bureau of the International Organization for Migration (Bureau of IOM) in Moscow
12, 2nd Zvenigorodskaya ul., Moscow 123100

Public Charitable Organization Saint-Petersburg Center for International Cooperation of the Red Cross: 19-D, Goncharnaya St., 191036, Saint-Petersburg, Russian Federation

Computer-aided makeup and proofreading: Printing house "Butterfly"

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2009 Bureau of the International Organization for Migration (IOM) in Moscow

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Подписано в печать 28.10.2009 Формат 60x90/16
Тираж 150 экз. Бумага офсетная
Отпечатано в типографии

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This publication is the result of shared efforts of the project “Information Campaign on Prevention of Human Trafficking in the Russian Federation focused on the region of Saint Petersburg”, financed by the Kingdom of Belgium, and of the project “Prevention of Human Trafficking in the Russian Federation” funded by the European Commission, and co-financed by the U.S. State Department, and the government of Switzerland.

The project “Information Campaign on the Prevention of Human Trafficking in the Russian Federation” was launched in November 2008 for the period of one year. The project has aimed to widen the scope of preventive actions dealing with the problem of human trafficking by targeting risk groups and civil society, and by providing them with the most up to date information on its dangers. The newly created Information Consulting Centre (ICC) in the city of Saint-Petersburg, carries out this task and works specifically with labour migrants, victims of human trafficking, and potential risk groups. The ICC pays special attention to questions of prevention of human trafficking and forced labour by providing access and assistance in employment, integration and reintegration.

Another aim of the project is to provide support for Russian Diplomatic and Consular establishments based in the countries of the European Union. The project aims to provide these establishments and their staff with effective methodologies and legal instruments for prevention of human trafficking as well as assistance to victims.

The Project “Prevention of Human Trafficking in the Russian Federation” was launched in 2006. It was the first project of this kind, implemented by IOM in Russia, targeting the problem of human trafficking with a comprehensive approach. The Russian Federation is a country of origin, transit and destination for trafficking victims. IOM approaches this problem through a consultation process that aims to perfect the legislative base and government policy on this subject, and to put into use existing national means capable of providing necessary assistance and support. Prevention, of this type of problem, implies increasing the role of law enforcement establishments that deal with human trafficking, informing at-risk groups, civil society, as well as government structures, NGOs, and Diplomatic missions of foreign countries on the risks of human trafficking.

Protection of victims of human trafficking can only improve if national authorities, as well NGO networks, increase their means to actively work on victim reintegration. An important step in that direction was taken when the first rehabilitation centre for victims of human trafficking in the Russian Federation opened in April of 2007 within the framework of the EU funded project. This centre provides medical and psychological assistance to human trafficking victims. Additionally, three Information Consultation Centres (ICCs) opened in Moscow, Astrakhan, and Petrozavodsk. These centres provide legal and social assistance, especially to at-risk groups that include migrants, victims as well as the local population.

The International Organization for Migration (IOM)

Established in 1951, IOM is an intergovernmental organization specialised in

migration management in Europe. Its headquarters are located in Geneva, Switzerland. As the leading international organization dealing with migration issues, IOM acts with its partners in the international community to:

- Assist in meeting the growing operational challenges of migration management
- Advance understanding of migration issues
- Encourage social and economic development through migration
- Uphold the human dignity and well-being of migrants
 - Membership increased from 67 States in 1998 to 127 States in 2009 and continues to grow
 - Total Expenditure increased from US\$ 242.2 million in 1998 and exceeded US\$ 1 billion in 2008
 - Field locations increased from 119 in 1998 to more than 450 at present
 - Active projects increased from 686 in 1998 to more than 2,000 at present
 - □ Operational staff increased from approximately 1,100 in 1998 to approximately 6,690 at present, almost entirely in the field

IOM is committed to the principle that humane and orderly migration benefits migrants and society.

IOM Strategic Focus

With offices and operations on every continent, IOM helps governments and civil society through:

- rapid humanitarian responses to sudden migration flows
- post emergency return and reintegration programmes
- facilitation of labour migration
- assistance to migrants in difficult situations
- developing and conducting projects dealing with the prevention of human trafficking
- projects dealing with migrant health issues
- migrant education projects
- conducting studies on questions of migrant management

The Moscow IOM offices opened in 1992

The International Organization for Migration and the Russian Federation have concluded an agreement on cooperation on questions of migration, and are specifically cooperating on the following issues:

- direct migration and integration assistance for migrants at new location
- technical and expert migration assistance and policy development
- improvement of border and immigration control
- prevention of human trafficking especially for women and children
- organisation of information campaigns to prevent illegal migration
- return of migrants who are in a state of extreme poverty in Russia, back to their home country

- study of existing programs aiming to solve migration problems
- medical assistance to migrants
- other programs

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Saint-Petersburg Red Cross

The Saint-Petersburg international cooperation center of the Red Cross was established in 1996 aiming to provide assistance to vulnerable groups of people. Since its establishment the Center has been cooperating with representatives of local authorities, with international organizations including EC, UNHCR, UNICEF, Soros foundation, IFRC, etc. The Center implements a range of various projects, providing assistance to refugees, migrants and other vulnerable groups.

The Saint-Petersburg international cooperation center of the Red Cross implements charitable activities aiming at:

- Providing social assistance and protection to citizens;
- Preparing citizens to face with nature disasters and catastrophes;
- Providing assistance to victims;
- Strengthening peace, friendship and understanding between nations;
- Supporting activities in spheres of education, science, culture, art, etc.;
- Solving the most actual issues in Saint-Petersburg.

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“Men are born and remain free and equal in rights. Social distinctions may be founded only upon common utility.” Article 1, of the Declaration of Rights of Man and Citizen 1789.

1. Author's Note

Address to the Employees of Consular Offices

Honourable Employees of Consular offices,
Today, slavery and human trafficking have become as commonplace on an international and national level as the crossing of borders and as legal labour migration. One would think that modern human rights standards, the universality and harmonization of legal practices and the collective human rights consciousness among civil society, would protect against these violations. Unfortunately, the occurrence of this phenomenon is observed more and more often. The transnational nature of human trafficking usually presupposes different routes that contribute to the difficulty in combating it. These varied routes may include territories of economically developed as well as developing countries.

The Director General of the International Organization for Migration, William Lacy Swing, stated that preventing trafficking in persons undoubtedly requires a sustained investment of time and resources, and it may be the biggest challenge of the millennium, "Surely, it is better to prevent trafficking from occurring in the first place than it is to be forced to react to its horrific consequences".[1]

Specialists from the International Labour Organization have remarked that human trafficking "represents a global problem for the majority of countries. While some of these countries are suppliers of trafficked human beings, some are the receivers while others are the transit routes. Some countries carry out all of these functions". [2] The economic driving force that motivates the use of slave labour and services is in contradiction with one of the founding international principles of the United Nations Charter: respect and encouragement of cooperation between nation states in the sphere human rights and liberties. Russian legal experts point out "At some point in history, a false idea about human slavery was perceived by the international civil society as well as by modern Russia. According to this misconception, slavery, servitude and human trafficking were "rudimentary occurrences of the past" which could absolutely not return, in a substantial manner, to play a role in the everyday lives of people and governments...".[3] Nevertheless, governments and civil society are once again obliged to actively use defence mechanisms and to return to human rights priorities in the sphere of prevention of servitude and exploitation.

Today we are calling to your attention, the problems of those people, who based on concrete circumstances, are likely to ask for support and protection from Consulates. It is important to remember that sometimes, simply paying attention to, or actually participating in their difficult situation, could save them. According to specialist opinion, the general quantity of victims of human trafficking is up to

[1] William Lacy Swing. Statement by the IOM DDG to the United Nations General Assembly Thematic Dialogue 'Taking Collective Action to End Human Trafficking', 13th May 2009, p.5.

[2] Forced Labour in Modern Russia: unregulated migration and human trafficking. ILO, 2004, p.6.

[3] Golotov S. A. , Salnikov S. V. Prevention of Human Trafficking: Legal regulations, foreign and national practise, Moscow, 2009, p. 15.

600,000 - 800,000 people per year. If we include in these numbers the national (internal) cases of human trafficking, the numbers go up to as high as 2 - 4 million people.[4] There is a chance that Consular establishments of your country, and you personally, could protect someone from the risks of trade or commerce of people, and thus contribute directly to reducing the large cited numbers of victims of this crime.

[4] Risks of Human Trafficking in Russia. Routes and Prevention, Manual for employees in Education, Moscow, IOM, 2008, p. 6

2. The Definition of Human Trafficking, the Main Signs of, and Instruments of International Law to Combat it.

2.1 The Evolution of International Legal Norms Combating Human Trafficking

The Universal Declaration of Human Rights 1948:

“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms”. As we all know, international declarations have the force of recommendation and do not force the government to abide by the rules they lay out. These types of obligations for participating countries are carried out through international agreements, which undergo a two-step ratification process. The first step of the ratification is of the content (text) and the second step concerns the recognition of these norms as obligatory for the signatories (signature and ratification).[5] Article 8, of the International Covenant for Civil and Political Rights (1966) points out that no one should be held in servitude (paragraph 2) and that no one shall be required to perform forced or compulsory labour (paragraph 3 a.).

The first steps, to define the specific meaning of slavery were taken within the framework of the League of Nations in 1926, when its member countries ratified the Slavery Convention, accompanying a period of active colonial policy. Article 1, of the Convention sees slavery as, “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”, and “The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves.” Here, we see for the first time, explanations of the different steps or components of international crime with characteristics linked to human trafficking. (Additional information: the USSR participated in the Slavery Convention in 1956).

The Convention of the International Organization of Labour No. 29 on Forced or Compulsory Labour, (1930) provided the terminology of “forced or compulsory labour” in order to distinguish “all work or service, asked from some individual under the threat of some punishment, for which this individual did not offer voluntarily their services.” (Paragraph 1, Article 2). (Additional information: the USSR – participant of Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of the ILO, No. 29 from 1956).

ILO Convention No. 105 on Abolition of Forced Labour, 1957 supplements the previous document with a duty of the participant countries to abstain from application of any form of forced or compulsory labour:

- as a means of political coercion or education or as a punishment for holding or

expressing political views or views ideologically opposed to the established political, social or economic system;

- as a method of mobilising and using labour for purposes of economic development;
- as a means of labour discipline;
- as a punishment for having participated in strikes;
- as a means of racial, social, national or religious discrimination,(Article 1).

(Additional information: The Russian Federation ratified the ILO Convention No.105 in 1998).

In 1956 the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of the ILO was passed. The convention widened the definition of slavery by including terms such as debt bondage and serfdom, and traditions linked to servile marriage and child servitude (i.e.: “family” slavery) The actual process of slave trafficking is defined with wider terms. Among the crimes included are the transportation of people (or the attempt thereof) from one state to another using any means of transport or participating in this action in anyway.

Paragraph 1, Art. 6, of the Convention of 1956, specifies the list of criminal actions connected with slavery, and includes in it “The act of enslaving another person or of inducing another person to give himself or a person dependent upon him into slavery, or of attempting these acts, or being accessory thereto, or being a party to a conspiracy to accomplish any such acts”. The incorporation of the given terminology in the national criminal legislation and realisation of punishment of guilty persons in the participant countries is required. (Additional information: the USSR participated in the Additional Convention of 1856 from 1957).

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, approved in 1949, aims to combat prostitution, and the accompanying human trafficking, actions not compatible with merit and value of an individual. The participants of the Convention have sworn to punish the person who procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that (Article 1). The crimes outlined in this Convention are the following: Keeps or manages, or knowingly finances or takes part in the financing of a brothel; knowingly lets or rents a building or other place or any part thereof for the purpose of the prostitution of others. (Article 2) (For reference: the USSR joins this Convention in 1954).

In the conditions of 1950's and 60's, the position of the USSR as a member of multiple accords, represented a recognition of the international value of the struggle against such crimes. Following the elimination of the social conditions of the past, today, the situation looks much different.

Human Trafficking and forced labour often owe their existence to the contradictions existing within civil society, the State, and finally within the differing levels of prosperity of different countries. Russian experts remark, “Mankind is constructed in a specific way and, not one single social, political, or economic crisis in history, has ever passed without a criminal explosion, or at least, a criminal resurgence of some kind. Conditions such as a galloping economic recession, or the crash of national financial systems, can occur in parallel with the same type of drastic

[5] More information can be found at: International Law, Volume 1, Meaning of and the Subject of International Law, ed. P.A. Mullersona, G.I. Tunkina, Moscow 1989; Ulyin U.D. International Public Law, lectures, Moscow 2005.

growth rate in social inequality, poverty and misery.”[6]

2.2 Slavery and Servitude and Modern International Legal Terms to Describe Human Trafficking.

The state of slavery or servitude according to existing, applicable international law documents is characterized as having the following attributes:

- The infringement on natural rights and fundamental freedoms of an individual, which are inherent to him at a birth and are the foundations of his personality;
- Restriction of freedom of an individual and a non-legal control of his behaviour, including with the use of direct violence and methods accompanying it (threats, blackmail, intimidation);
- Absence of due compensation for labour activity of the person and forced heavy and dangerous labour, without its consent;
- Keeping an individual bound to a certain place, forcing the individual in question to be transported and compulsory execution of an imposed activity;
- Taking advantage of an unprotected group of people (illegal migrants, women who are dependent on rigid family traditions, and underage children).

The Protocol of 2000, to Prevent, Suppress and Punish Human Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime, has been accepted for the purpose “of a universal international application in countries of origin, transit and appointment”. (For reference: The Russian Federation has adhered to this Protocol on the 26th of April 2004).

The main aims of the Protocol are:

- To prevent and combat trafficking in persons, paying particular attention to women and children
- To protect and assist the victims of such trafficking, with full respect for their human rights” (Article 2).

The Protocol puts into place a universal definition of human trafficking which logically comes from the precedent block of international accords. It is formulated in the following manner:

“Trafficking in persons” shall mean 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. (Paragraph A, Article 3). Also taken into account are the cases of family pressure that could be a factor in exploiting women and children. Paragraph B, Article 3, on the consent of the victim of human trafficking for a planned exploitation, does not take into account if any means of coercion were used. Under the term

[6] Prevention of Human Trafficking in the Russian Federation. Scientific Presentation, ed., V.S. Ovchinkogo, U.G. Torbina, Moscow., 2009, p.7.

exploitation, it is meant “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.” (Paragraph a, Article 3). In this manner, the Protocol has reunited all of the definitions of human trafficking, servitude and the use of forced labour.

The Council of Europe Convention on Action against Trafficking in Human Beings, (2005) contains an identical form of criminal activity for human trafficking (Paragraph a), Article 4: “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.” The exact same norm is set forth in article 1 of the Agreement on Cooperation Between participant-states in the Fight against the Trafficking of Human Beings, Human Organs and Tissues in 2005. According to experts, from 200 to 500 thousand people are annually sent just to European countries. About 700 thousand people annually end up in a situation of being bought and sold and are moved across national boundaries. All in all, internationally about 27 million people are in a state of slavery or forced servitude.[7]

2.3. The National Criminal Legislation of the Russian Federation in the Field of Prosecution of Human Trafficking Crimes and its Application of International Legal Norms.

The Criminal Code (CC) of the Russian Federation connected to criminal acts against freedom, honour and dignity of a person.

Article 127.1 Human Trafficking

1. Trade or commerce in people, and actions connected to it like the recruitment, transport, transfer, harbouring and receipt of a person or a group of people, that are carried out in order to exploit the person in question, are all actions punishable for a period of up to 6 years.

2. The same actions as mentioned above, that are carried out:

- a) against two or more people
- b) against an underage individual
- c) by a person on duty who uses his/her power to commit act
- d) involving the transfer of the victim through the borders of the Russian Federation or by unlawfully detaining them abroad
- e) by using fake documents, or equally with confiscation, hiding or destruction of identity documents of the victim
- f) by using violence or by threatening to use violence
- g) with the purpose of confiscating the victims body organs or body tissue
- h) by keeping the victim in a helpless and dependent state (material or other)
- i) premeditated targeting of pregnant women

[7] Specifics of Prevention and investigation of crimes linked to human trafficking. Text Book, Moscow 2008, p.III.

will be punishable by a prison sentence of three to ten years.

3. Actions mentioned by the first or second articles, which

- a) have brought on accidental death, serious health problems or other serious consequences for the victim
- b) are carried out by means that are dangerous to life and health of multiple victims
- c) are carried out by an organized group

Are punishable by a sentence of eight to fifteen years.

Note 1. A person, who has committed an act, described in Part 1, article a) of part two, for the first time, but has voluntarily released the victim and contributed to the investigation of the criminal act will not be prosecuted if his actions did not involve other kinds of criminal offences.

Note 2. Exploitation of a person is defined here as using a person in acts of prostitution, as well as other forms of sexual exploitation, slave labour (services), servitude and extraction of organs and tissues from the victim.

Article 127.2 Use of Slave Labour

1. Forced use of labour, that involves the use of the victims private property, and valuables, for various tasks that the person in question can not refuse.

Is punishable by a sentence of up to 5 years.

2. The same act carried out:

- a) against two or more people
- b) against an underage individual
- c) person on duty who uses his power to commit this act
- d) by using blackmail, violence or threats thereof
- e) by confiscation, hiding or destruction of identity documents of the victim -]

is punishable by a sentence from eight to fifteen years.

It is evident that while drafting these given articles, it was important for the Russian Federation to incorporate the norms which it ratified in the Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially of Women and Children, which was already referred to earlier.

In the Russian CC, the actual definition of term the “human trafficking” is very complex since it includes almost all forms and states of this type of trafficking: trade or commerce, recruitment, transportation, exchange, harbouring and reception. In this sense, the actual process of human trafficking is more largely defined than it has been in the Protocol.

On the other hand, the term 'exploitation of a person' in part 2, article 127.1, includes, the use of prostitution by other people and other forms of sexual exploitation, slave labour (services), servitude and the confiscation of their organs and skin tissues. In contrast, the Protocol has a widening function when it addresses exploitation since listing specific acts, makes them considered as components of “exploitation”, which leads to a limitation. In other words, forms of exploitation are not limited and their list cannot be considered as closed. Additionally, according to the opinion of Russian experts, the parties of the transaction of purchase and sale of the person can operate in such a manner that the purpose of the operation, exploitation of the person, will not be obvious. For example, it is difficult to qualify in legal terms the activity of the intermediary actors of selling underage children (in many cases – members of family) . There are often the individuals that receive payment upon the

transfer of the child to those who will no doubt be the ones to exploit him. E. Mizulina brings to light practical examples in connection with this situation for example, victims of prostitution who give their agreement to exploitation, or mothers who suffer from severe alcoholism who sell their child for the basic cost of a bottle of alcohol.[8]

A variety of modern approaches to the improvement of national legislation standards on combating human trafficking exist. Countries should implement the international norms that they have subscribed to through International Protocols, Conventions etc., and make sure, at the same time, that this is also carried out in practise.

[8] Mizulina E.B. Human Trafficking and slavery in Russia. Moscow, 2006, p. 178-179.

3. Basic Assessment of the State of Human Trafficking in the Russian Federation and Coordination of International and National Measures to Combating it.

3.1 Factors Influencing the State of Modern Human Trafficking

International and Russian practical experience has shown that modern forms of enslavement and human trafficking are defined by the following phenomena:

- complex problems of illegal migration, the main problem being the hidden nature of criminal activity targeting illegal migrants, and the lack of needed immigration control
- prevalence of such labour migrants, who are ready to accept any job for a minimal salary abroad, due to very difficult economic and social conditions in their country, region or family, and due to extreme poverty;
- the vulnerable position of women and children in connection with their dependency on their families and family traditions.

3.2 Labour Migration and Exploitation of Illegal Migrants in the Russian Federation

3.2.1 Main Routes for Trafficking and Conditions Allowing for Illegal Migration

E. Turukanova and I. Dzialoshinsky state that: "Russia, uses to its advantage its geographical location and its geopolitical role in the Eurasian region. However, for the same above mentioned reasons, it is also a state that serves as the origin, transit and destination for illegal migration. The main trafficking routes are: the European route (from Russia to European countries), the Middle Eastern route (from Russia into oil producing countries of the Middle East and Israel), and the South-Asian route (into Japan and China). Human Trafficking into Russia is carried out from CIS countries: from Ukraine, Moldova and Belarus – with the main purpose of sexual exploitation; from countries of Central Asia - for slave labour".[9] Of course, Russia's economic attractiveness to the population of certain CIS countries, often make it a receiving state. Russian experts write "the causes of the slave-trade are predetermined by the gap in the social status of different levels of population when it comes to their income level among different regions in Russia. This difference forces people to leave their permanent place of residence in order to search for a better life some times to just find employment. The same reason pushes fellow citizens and citizens of other CIS countries to go abroad."[10]

When it comes to human trafficking, the accompanying aspects of immigration

[9] Dzialoshinky I. M., Turkanova I. V. Human Trafficking: Mass Media and Prevention of Modern Slavery, Moscow IOM, 2008, p 12.

[10] Prevention of Human Trafficking. Specifics of the role of Offices. Rostov-on-Don, 2005, p. 10. of the Interior.

are legal crossing of international boundaries, particularities of legal statuses of labour migrants, the arrangements made during trade, because the main object remains earning money from the commercial transaction and the exploitation of the person which follows it.

It is possible to offer a number of existing examples of those migratory corridors which carriers use to transport people. It is important to keep in mind however, that this type of information is in flux, and demands constant updating.

According to a study carried out by the World Bank, the routes of human trafficking are : Mexico – United States, Bangladesh- India, Turkey- Germany, Ukraine- Russia and Kazakhstan- Russia. In the direction of Mexico – USA about 10.3 million people get transported annually. The corridors of the CIS countries for a given period bring to and from about 12.8 million migrants.[11] Illegal migrant transit is also possible through stable and organized routes. Experts often wonder, why migrants from African and Asian countries (Ethiopia, Somalia, Iraq, China, Vietnam, and Afghanistan) prefer the transit routes into the European Union, which goes through the Russian Federation. At the same time, the character of this type of migration can be forced (individuals looking for refuge), as it can be voluntary (individuals looking for an employment opportunity). The main reasons that make this migration possible were to be found the following:

- the existence of porous boundaries between the majority of CIS countries
- insufficient levels of immigration control on the Russian Territory
- the existence of a large black market for labour
- existence of well organized ethnic diasporas and even networks which select and retain potential "candidates" for conditions of migrant exploitation
- possibility of using a territory of the Russian Federation as a temporary area for waiting for the next shipment, the provision of fake documents, formation of groups for immediate departure from the Russian Federation.[12]

At the round table organized by the Committee for Security of the Russian State Duma in (December, 2006), the Director of the Russian Federal Migration Services (FMS) K. Romodanosvkiy stated that "Today, migration control on the frontier and inside of the country, is, in fact, selective and doesn't seriously discourage internationally organized groups that carry out illegal transport of citizens from Asian countries into the countries of Western Europe. They are using the territory of the Russian Federation as the intermediary step".[13] Based on information gathered for the first quarter of 2009, the Director of FMS cites these numbers, "the number of detected foreign nations who are residing illegally in the Russian Federation, has grown by more than two times or 54,600 people... The certificate of administrative exclusion is applied to 4,100 migrants...About 350,000 reports were made based on the facts of revealed infringements of immigration legislation of the Russian Federation.[14]

[11] M. Sergeev. Russia-A Magnet for Migrants. Nezavisimaya Gazeta (Newspaper), 21 March 2008.

[12] Transit Migration and transit countries: Theory, Practice and Politics of Regulation. Ed. I. Molodikova, F. Duvel, Moscow 2009, p. 106-107.

[13] Problems of legislation aimed at illegal migration, Moscow, 2007, p.17.

[14] Romonadovskiy K.O. Role of Russian FMS in regulating external labour migration under crisis conditions; Migration in Modern Russia: state of, problems, tendencies, Moscow, FMS of Russia, p. 10.

3.2.2 *Transnational Criminal Acts in the Sphere of Illegal Migration, Rights of Migrants and Regional Cooperation Between CIS Countries*

The U.N. Convention against Transnational Organized Crime, (2000) was created with the aim of providing inter-governmental cooperation on a universal and bilateral level and also for mutual legislative assistance of national law enforcement organs, connected to combating such crime. (For reference: The Russian Federation participates in the Convention from the 26th of April 2004).

The Protocol against the Smuggling of Migrants by Land, Sea and Air (2000), supplementing the United Nations Convention Against Transnational Organized Crime, identifies legal terminology in the sphere of illegal migration. (For reference: The Russian Federation ratified this protocol on the 26th of April 2004).

The term, "Illegal entry" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State" (paragraph b), article 3). "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident; (paragraph a) article 2). Article 6. of the Protocol establishes that list of structures of crimes of transnational level in the sphere of illegal migration. These structures should be present in or be specifically incorporated in the national criminal legislation of the state-participants:

- The smuggling of migrants;
- When committed for the purpose of enabling the smuggling of migrants:
 - (i) Producing a fraudulent travel or identity document;
 - (ii) Procuring, providing or possessing such a document;
- Enabling a person who is not a national or a permanent resident to remain in the State concerned without complying with the necessary requirements for legally remaining in the State by the means mentioned in subparagraph (b) of this paragraph or any other illegal means.
- The attempt to carry out the listed actions, participation in them or organizing or directing other persons to commit an offence established in this document

The listed acts are recognized as criminal when they are carried out after being planned with the aim of receiving directly or indirectly financial or other means of compensation (paragraph 1, article 6).

Actions which threaten a life or safety of migrants or actions with the aim of brutal or humiliating treatment should also be qualified as an aggravating circumstance. A very important norm is described in Article 5 of the Protocol Smuggling of Migrants by Land, Sea or Air.

Article 5, Criminal Prosecution of Migrants

The present Protocol is not applied to criminal prosecution of migrant victims, due to their circumstance, since they became an object of the acts specified in article 6 of the present report.

A cooperation between government services without this legal aspect would have been impossible, when dealing with victims of smuggling and exploitation. This is an important detail which gives the opportunity for involuntarily illegal migrants, to solicit

law enforcement bodies and consulate offices, from states participants of the Protocol, with the provision of corresponding guarantees of their own safety.

Article 16 of the Protocol binds the obligations of its participants and their obligations set out in various international legal documents. It is necessary to provide within the framework of the combat against illegal migration the rights of the migrants themselves to life, the right to not be exposed to torture, cruel and inhuman kinds of treatment or punishment, as well as, protection from violence and security. The particular needs of women and children are also brought to light.

Articles 11 and 12 of the Protocol Against Smuggling of Migrants by Land, Sea and Air, (2000) puts before its signatories the importance of providing measures of boundary control and verification of documents upon entrance/departure. This is necessary to prevent and reveal smuggling of migrants into these countries.

Article 10 of the Protocol implies an exchange of information between participants for the following functions consistent with their respective domestic legal and administrative systems, relevant information on matters such as:

- (a) embarkation and destination points, as well as routes, carriers and means of transportation, known to be or suspected of being used by an organized criminal group engaged in conduct set forth in article 6 of this Protocol;
- (b) the identity and methods of organizations or organized criminal groups known to be or suspected of being engaged in conduct set forth in article 6 of this Protocol;
- (c) the authenticity and proper form of travel documents issued by a State party and the theft or related misuse of blank travel or identity documents;
- (d) means and methods of harbouring and transportation of persons, the unlawful alteration, reproduction or acquisition or other misuse of travel or identity documents used in conduct set forth in article 6 of this Protocol and ways of detecting them;
- (e) legislative experiences and practices and measures to prevent and combat the conduct set forth in article 6 of this Protocol; and
- (f) scientific and technological information useful to law enforcement, so as to enhance each other's ability to prevent, detect and investigate the conduct set forth in article 6 of this Protocol and to prosecute those involved.

These forms of cooperation can take place on a regional level. For example, on the 30th of November, (2000) in Minsk, an Accord was signed between the government of Belarus, Kazakhstan and Kyrgyzstan, the Russian Federation and Tajikistan (Eurasian Economic Community) on mutual, visa-free travel for citizens. Today, this agreement is in effect with additions, since the 24th of March 2005, which are a group of documents applicable to the movement of nationals of each participant state. Evidently, the identification of migration documents of the entering party is much easier, when the international agreement establishes the standards of the country of exit.

The problem of smuggling of migrants is resolved in Article 18 of the Protocol with the voluntary repatriation mechanism.

Article 18, The return of Smuggled Individuals

1. Each State Party agrees to facilitate and accept, without undue or unreasonable delay, the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who is its national or who has the right of permanent residence in its territory at the time of return.

2. Each State Party shall consider the possibility of facilitating and accepting the return of a person who has been the object of conduct set forth in article 6 of this Protocol and who had the right of permanent residence in its territory at the time of entry into the receiving State in accordance with its domestic law.

These statements do not contradict the general principles of creating Consular protection already in existence in international legislation.

3.2.3 Principles of International Law Protecting Labour Migrants and Addressing Problems of Labour Migration in the Russian Federation.

We can also consider another Universal International Law Agreement when addressing the issues of combating human trafficking: The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, (1990). (For reference, the Convention entered into force in 2003 and the Russian Federation is not a participant state). Article 7 of the Convention obligates the participant countries to respect and guarantee the rights of all migrant workers, and the members of their families, that are found on their territory or under their jurisdiction, without any sort of discrimination. Article 11 has a prohibitive character in its content. Article 11 (segment)

1. No migrant worker or member of his or her family shall be held in slavery or servitude.

2. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.

Article 24 determines that the migrant worker themselves, and any member of their family has legal rights in the receiving state.

A dynamically high level of labour migration on the territory of the Russian Federation is predetermined by difficult economic and social situations in those countries of the CIS like Kyrgyzstan, Uzbekistan, Tajikistan, Georgia and Moldova. According to the governmental regulation No. 982, of the Russian Federation (29/12/ 2007), in 2008 the quota on delivery of work permits of foreign citizens was 1,828,245. The specialists of the Centre of Migration Studies judge the stream of labour migration to Russia for the beginning of 2008 from 6 - 7 million people with the general number of migrants from 7 - 8 million people. Among them, up to 5 million migrants carry out their labour activity on an unofficial level, meaning, illegally.”[15]

It can be assumed that the process of human trafficking is encouraged by lack of motivation of a potential employer to correctly fill out paper work required of them when hiring a foreign national as an employee. From 2007, there is rigorous immigration control in place in general, as well as, control of work permits for foreign migrants workers that have arrived under a visa-less regime to Russia. These norms are laid out by Federal legislation “ On migration counts of foreign nationals and individuals without Russian citizenship” No 109- FZ and Federal legislation No 110- FZ, that brought in changes into the actual Federal legislation on the legal status of foreign nationals of 2002. Now, the problems in connection with job searching, and the legal procedures to register a worker, is the foreign migrant's responsibility

[15] Post-Soviet Transformations: reflections on migration, Ed J.A. Zaiionchkovskoy, G.S. Vitkovskoy, Moscow, 2009, p. 13.

directly. A big number of documents and the difficulty of the paperwork procedure are often too laborious in comparison to its economic return, which is especially true for seasonal workers and in line production. These types of jobs have a high turnover rate and those workers that leave, are replaced easily. Therefore, often, the functions of intermediaries between labour migrants, the state structures and employers are carried out by so-called "foremen" who, at their own discretion, can dispose of the received documents and arrangements for the people who entrusted them with this function.

The principle of non-discrimination declared in Article 3 of the Labour codex (TK) RF, means, that working migrants take advantage of the national regime in the domain of labour protection and their social support. Article 4 TK forbids forced labour in the following formulation: “Carrying out of work under the threat of application of any punishment (manipulation through violence)”. Also included in the definition of forced labour, the work that a person has to carryout under threat of any punishment (violent manipulation), at the time as he retains the right to refuse it.

3.2.4 Application of Norms of the Administrative Legislation of the Russian Federation

Chapter 18 of the Codex of the Russian Federation of Administrative Crimes (KoAP RF) establishes a list of punishable offences in the field of defence of frontiers of the Russian Federation and provision of a regime of stay of foreign citizens on its territory. Such offences, in particular, are:

- violation of the national border regime of the Russian Federation as well as the violation of regulations in entry and exit check-points at the border;
- infringement by a foreign citizen of the visa regime in the Russian Federation;
- illegally carrying out a working activity by a foreign citizen;
- infringement of immigration rules;
- illegal recruitment for a labour activity;
- illegal activity of employment of citizens of the Russian Federation abroad;
- illegal transportation of persons through the borders of the Russian Federation.

Measures of administrative responsibility are applied to officials who are put in charge of the reception and employment of foreign citizens in the Russian Federation, to citizens of the Russian Federation inviting foreign citizens privately, and also to the actual foreign citizens or persons without citizenship. The sanction may take the form of an administrative fine, administrative arrest or administrative expulsion from the territory of the Russian Federation.

Article 3.10 Administrative expulsion from the Russian Federation of a foreign citizen or individual without citizenship (abstract).

1. Administrative expulsion from the Russian Territory of foreign nationals or individuals without citizenship calls for obligated and controlled exit of indicated nationals and individuals beyond the national frontiers of the Russian Federation, and in some cases, that were previewed in the legislation of the Russian Federation, as a controlled voluntary exit of a foreign national or individual without citizenship from the Russian Federation.

2. Administrative expulsion (requiring individual to exit the territory of the Russian Federation) as a means of administrative punishment, is established with relation to a foreign national or individual without citizenship, is given by the Judge. If the administrative crime was committed by a foreign national or individual without citizenship when entering into the Russian Federation, his administrative punishment will be handled by other competent officials.

Consulate establishments need to keep information about decisions taken by officials in charge following a trial on the administrative expulsion targeting a citizen of a state, which they represent.

To conclude, we can say that prevention of modern forms of human trafficking, in relation to migrants, demands from governments the use of immigration control in the case of entry of these individuals, during their stay, as well as, employment seeking on the territory of the receiving state.

3.3 Protection of Children and Women from Human Trafficking and Slavery: International Legislative Bases and Russian Practical Experience.

3.3.1 General Positions

We are specifically addressing problems of women and children in a separate paragraph, because they represent the most difficult category of people that easily fall victim to human commerce (buying and selling of human beings). International Law has conceived a special protection of children and women.

T. Kholshchikova, when speaking about the problem of women and children, sees it as “an enormous loss...of human capital and future potential of a country. According to UN data, the quantity of women and children, who are transported out of their native countries and sold into slavery all over the world is about 1,000,000 people”. [16] E. Mizulina, when describing the means to recruit victims of human trafficking point out that : “ While the recruitment of children is carried out quite easily through offering food, shelter and toys, criminal actions in recruitment of young women in order to then sell them, carried out by more sophisticated means. The most basic example – multitude of offers of well paid jobs as waitresses, child nannies, and in small numbers dancers in Europe, Asia and Middle East”. [17]

3.3.2 International Legislation Specifics on Protection of Children from Exploitation and Human Trafficking

The Convention on the Rights of the Child of 1989 lays out basic principles of child protection (For reference: The Russian Federation participates from 1990):

[16] Kholshchikova, T.V. Migration, special look at protection of victims of human trafficking, especially women and children; National Security and Migration. Russian Aspect, Moscow 2008, p.39.

[17] Mizulina E.B. Human Trafficking and Slavery in Russia: Aspects of International Law. Moscow, 2006, p.171

Article 34 (excerpt)

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare. The ILO Convention No. 182 on the Prohibition and Immediate Action for Elimination of the Worst Forms of Child Labour, 1999. (The Russian Federation joins this Convention in 2003), linked to them (Article 3)

- for the purposes of this Convention, the term "the worst forms of child labour" comprises:

- all forms of slavery or practices similar to slavery
- the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The crisis in the family structure, loss of traditional values, as well as social misery, have all lead to a general failure of moral values. These values are vital for the very foundation of a persons' identity. A considerable percentage of children used in the sex industry in the territory of the CIS were those who were sold by their parents or near relations for the material compensation offered to the family. This is shown in the interview with victims of human trafficking, that were studied by the ILO “Forced Labour in modern Russia: irregular migration and human trafficking”. [18]

3.3.3. Mechanisms of Child Protection in Armed Conflict

Another form of exploitation is recruitment and attracting children and adolescents into the Armed Forces in situations of international armed conflicts and civil wars. Today, the problem of child soldiers is raised in connection with continuing armed conflicts and a critical economic crisis in countries on the African continent (Somalia, Chad, Kenya), and complicated conflicts in Afghanistan and Iraq. Often, child soldiers become the only financial means for their families. Political and armed events that have taken place in the Chechen Republic, in the Autonomous region of Kosovo, Tajikistan, Abkhazia, South Ossetia, demonstrated the protection of civilians and in particular of children during the armed conflicts. During a conflict, a strong psychological stress and departure from a traditional circle of values contributes to a different kind of behavioural development.

[18] Forced Labour in Modern Russia: unregulated migration and human trafficking, Moscow ILO p.76-90.

International Legislation principles concerning the protection of children in the period of international armed conflict are the following:[19]

- The parties to the conflict shall take all feasible measures in order to guarantee that children who are not fifteen years old, do not take a direct part in hostilities and, in particular, they will not be recruited into the armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the parties to the conflict will give priority to those who are oldest.

International Law Principles dealing with the protection of the Child during armed conflict are the following:

- The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the parties to the conflict shall give priority to those who are oldest.

- If, in exceptional cases, despite the provisions of paragraph 2, children who have not attained the age of fifteen, take a direct part in hostilities and fall into the power of an adverse party, then they shall continue to benefit from the special protection accorded by this Article, whether or not they are prisoners of war.

- If arrested, detained or interned for reasons related to the armed conflict, children shall be held in quarters separate from the quarters of adults, except where families are accommodated as family units as provided in Article 75, paragraph 5.

Optional Protocol of 2000 to the Convention of Rights of the Child, that has to do with children's rights in armed conflict (Russian Federation joined this protocol in 2008). It heightens the minimal age for individuals for voluntary conscription to the armed forces, and calls for those who have not reached the age of 18, the right to special protection (paragraph 1, article 3).

Article 2 of the Protocol forbids the obligatory conscription into the armed forces of minors under the age of 18.

Article 4 of the Optional Protocol spells out the obligation to not recruit or use in armed combat individuals, who have not reached the age of 18, to armed groups, that are not connected to the armed forces of the government, ie: opposition movements.

Federal Legislation of the Russian Federation from the 26th of June 2008. No101-FZ "On the ratification of the Optional Protocol of 2000 to the Convention of Rights of the Child, that has to do with children's rights in armed conflict" contains two statements from the Russian Federation:

- citizens who have not reached the age of 18, can not be conscripted, no contract can be signed with them dealing with military service;
- citizens of the Russian Federation, who have reached the age of 16, that have been enlisted in military education establishments, gain the status of military servicemen, and carry out their service when conscripted. Additionally, the legislation of the Russian Federation guarantees these individuals the right to

conclude a contract on carrying out military service once they have reached the age of 18.

3.3.4 Modern International Legislative Approaches to Child Protection from Sexual Exploitation

Optional Protocol, (2000) to the Convention of Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography (for reference, this Protocol came into force in 2002, and the Russian Federation is not a participant). "Sale of children" as " any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration".

Paragraph 1, Article 3 of the Protocol demands that each state ensures that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis (in the context of sale of children)

- Offering, delivering or accepting, by whatever means, a child for the purpose of: Sexual exploitation of the child; Transfer of organs of the child for profit; Engagement of the child in forced labour;
- Improperly inducing consent, as an intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption;
- Offering, obtaining, procuring or providing a child for child prostitution, as defined in article 2;
- Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2.

These types of crimes need to be seen as actions that are followed by a payment (article 5). If a bilateral agreement does not exist on transfer of the criminal between two countries, then the Protocol can be used as a legal basis for extradition of the criminal. Additionally, States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible (Article 9).

Experts of the Coalition against the Sale of Women and European Women's Lobby, after an intergovernmental study, came to the conclusion that in the case of using children, under the age of 12 in prostitution "it was undoubtedly a member of the family that exposes them to this, by putting or escorting them into conditions where they will be sexually exploited. For many adolescents, that have fallen into prostitution an important precondition is rape, carried out within the family, and or in community/social circle".[20]

A brief analysis of international legislation on prevention of the sale of children and to forcing them into the worst forms of labour, reveals that the child, like an adult, is a capable and fully fledged member of civil society and citizen of his country. This should counter his use as an object in the black economy and in the manipulative interests of his family or guardians. The dangers of the sale of children and their exploitation are evident, and children always have the right to a special treatment

[19] More information: Yastrebova A.U. Protection of children during an armed conflict; Almanah " Science and Law", Orel, OGU, 2008, p.217-221.

[20] M. O'Connor, G. Hilli. Connections between prostitution and human trafficking for the purpose of sexual exploitation, Informational Reference, 2006, p 7.

and assistance.

3.3.5 The Application of the Principle of Non-Discrimination in Relation to Women

The Convention on the Elimination of all forms of discrimination against women of 1979 identifies the term "discrimination against women". (for reference: the USSR ratified this Convention in 1980).

It means "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field"(Article 1).

Article 6: States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against the Transnational Organised Crime as it was already stated, has as main objective "to prevent and combat trafficking in persons, paying particular attention to women and children" and "to protect and assist the victims of such trafficking, with full respect for their human rights"(Article 2). Paragraph 4, Article 6 of the Protocol establishes for its States Participants the obligation to take into account the age, gender and special needs of the victim when providing assistance to them. Additionally, in Paragraph 1, article 7 calls for adopting legislative or other appropriate measures that permit victims of trafficking in persons to remain in its territory, temporarily or permanently, in appropriate cases.

The correlation between voluntary repatriation of victims of human trafficking (Article 8) and their stay in the territory of the receiving state holds that it is necessary to establish, in the state of residence, a shelter for women and children, that have become the object of human commerce or trade on the initiative or with the participation of their own families. Article 9 contains the principle of protection of women and children from revictimization (paragraph 1, b)) and States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity (paragraph 4). Paragraph 5 of this article speaks about the adoption and strengthening by States Parties legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.

3.3.6 Specifics of Exploitation of a Woman's Status and Occurrence of such Acts in the Russian Federation.

In general, the particularities of the position of the woman in a situation of human trafficking consist of the following:

- realizing themselves to be an object in the hands of their family, close relatives owed to dominant traditions or established order
- infringement international legislative principles of equal rights between women

and men on discrimination based on gender;

- difficulty in establishing their own place in the surrounding social sphere, considering such factors as: state of poverty; absence of working activity; unstable family situation; insufficient level of education; low level of information on risks to which they can be exposed to. Russian experts acknowledge the international trends in the crimes related to the trafficking in women in the RF, «Besides the internal sex trafficking, Russia is also a country of destination and transit as well as a country of origin. According to the information available in the law enforcement bodies, over the recent years Russia started broadly to export women for prostitution in foreign countries.

- . Specialists note the growing flow of women from Russia into European countries, countries of the Middle East and Asia (Israel, Turkey, United Arab Emirates, Thailand). Delivery of live merchandise is also carried out into Australia, countries of Africa, as well as the USA and Canada".[21] Recruitment of women, as a rule, happens in a secret, non-obvious way, when they are simply offered a sufficiently well paid job (according to their needs), that doesn't demand additional training or education. These tactics are used to render the process of using the victim as fast as possible. "Prevention of Human Trafficking in the Russian Federation", prepared by NII General Academy of the State Prosecutor of the Russian Federation gives us the following numbers:

- 96,5% of victims were women, that were in an instable family situation;
- 60,9% of victims were those who lacked sufficient financial means
- 64,5% of women, that went abroad, were reassured that they would received an honourable employment.[22]

To conclude, it is possible to state that today the principle of equal rights for women has to be applied, first of all, to the social-economic and family rights and liberties. A dependent status for a woman in a family, can become the reason for sexual exploitation, exhausting daily chores, and forced seclusion in the home.

Preventive methods need to be oriented towards heightening the educational and professional capacity of women, as well as the creation of more professional opportunities and the support of more legal channels of migration, with the aim of helping women improve their well-being and their self-esteem.

[21] Human Trafficking in the Russian Federation: overview, and analysis of current state of problem, Moscow, 2006, p.42.

[22] Prevention of human trafficking in the Russian Federation, ed. V.S. Ovchinskiy, U. G. Torbina, Moscow, 2009, p.120-121.

4. Overview of Official Duties of Consular Employees and Some Methodological Approaches

4.1 Main Functions of Consular Offices

The powers of Consular Offices are clearly established by the Vienna Convention on Consular Relations of 1963, the universal international legislative accord.

Article 5 of the Vienna Convention (abstract)

Consular Functions

a) protecting in the receiving State the interests of the sending State and of its nationals, both individuals and bodies corporate, within the limits permitted by international law;

b) furthering the development of commercial, economic, cultural and scientific relations between the sending State and the receiving State and otherwise promoting friendly relations between them in accordance with the provisions of the present Convention;

(c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural and scientific life of the receiving State, reporting thereon to the Government of the sending State and giving information to persons interested;

d) issuing passports and travel documents to nationals of the sending State, and visas or appropriate documents to persons wishing to travel to the sending State;

e) helping and assisting nationals, both individuals and corporate bodies, of the sending State;

f) acting as notary and civil registrar and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State;

g) safeguarding the interests of nationals, both individuals and corporate bodies, of the sending States in cases of succession mortis causa in the territory of the receiving State, in accordance with the laws and regulations of the receiving State;

h) safeguarding, within the limits imposed by the laws and regulations of the receiving State, the interests of minors and other persons lacking full capacity who are nationals of the sending State, particularly where any guardianship or trusteeship is required with respect to such persons;

i) subject to the practices and procedures obtained in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests;

j) transmitting judicial and extrajudicial documents, executing judicial decisions, or commissions for the courts of the sending State in accordance with international agreements in force, or in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;

k) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.

4.2 Classification of Consular Powers

From the point of view of our study, we can divide all Consular functions roughly into five groups:

1) Ensuring cooperation between the governments of the sending and receiving countries on questions of prevention of human trafficking. This is important because, only universal international support can resist to a criminal system of commerce or trade in people.

2) Protection and defence of interests, rights and freedoms of citizens of a the government of sending state, on the territory of the receiving state, based on established norms of international law and with the condition of respect of national legislation of the government of the receiving state and the absence of contradictions.

3) Execution of a line of notarial and administrative actions with relation to citizens of the government of receiving state which have a juridical importance

4) Special protection of interests of underage citizens of the government of the receiving state or individuals with limited capacity, especially in questions of establishment of support or guardianship over them;

5) Registration and issue of visas by the sending state for individuals that would like to enter its territory.

In this way, out of the five Consulate functions, four belong to the activities of Consulate offices inside the receiving state, and one is the so called "external" representation. We can see almost all of the functions in any bilateral consulate agreement between states.

4.3 Forms of Cooperation Between Sending and Receiving State.

The following section will establish which Consular function plays the most important role in the process of Prevention of Human Trafficking.

Cooperation between the sending state and receiving state may have different forms. First, this is the process of sharing information mutually by powers of the two states involved, when facts of human trafficking or actions somehow connected to it must become known to the police organs of the receiving state. Sharing information in the other direction will occur if the given police bodies notify the Consular establishment about the citizens of a sending state, that have either become victims of human trafficking or whom, there is reason to believe, have become the organizers of those carrying out criminal actions of such nature.

Consular establishments facilitate the questions of release and extradition of criminals, exchange of documentation on current criminal cases related to human trafficking and responses to requests of law enforcement agencies.

Second, this type of cooperation can have a universal, regional and bilateral legal

foundation.

For the purposes of this study, putting aside the rules and particularities of the coordination of law enforcement bodies of States Participants of international agreements, we will allow ourselves to address several positions of the UN Convention against Transnational Organized Crime, (2000).

Article 18, Mutual Legal Aid (excerpt)

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention... and shall reciprocally extend to one another similar assistance ...

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable ...

29. The requested State Party:

(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public; On a regional level, an obvious illustration of state cooperation, in which Consular offices also participate, is the Council of Europe Convention on Action against Trafficking in Human Beings (2005).

Article 7 – Border measure (abstract)

5. Each Party shall adopt such legislative or other measures as may be necessary to permit, in accordance with its internal law, the denial of entry or revocation of visas of persons implicated in the commission of offences established in accordance with this Convention.

Finally, bilateral cooperation of interested states can also imply specific responsibilities on Consular Offices. For example, the agreement between the Russian Federation and the Kyrgyzstan on Legal Aid and Legal Relations on Civil, Family and Criminal Affairs (1992), includes the following position:

Article 11.

Provision of documents and question and answer sessions with citizens at locations of Diplomatic Representation or Consular offices.

Contracting bodies have the right to hand over documents and to question their own citizens through their diplomatic representatives or Consular offices. At the same time, they cannot use coercive methods.

In this way, Consular offices, being the body of external relations of a state, along with other power structures, have a certain role in the larger system of human trafficking prevention. On the other hand, its activity represents a sphere of international cooperation of those interested in stopping these types of state activity, acting *bonae fidei* (in good faith). As it has been justly noticed by experts in the sphere of human rights, “international relations will fully reflect the real interests of the people and serve the cause of their mutual security only when the individual, his/her worries, rights and liberties will become central in the international sphere”. [23]

4.4 The Role the International Organization for Migration in International Cooperation.

The International Organization for Migration (IOM) has the goal of strengthening intergovernmental cooperation using those forms of actions that are given in its Charter.

Article 1 Constitution IOM (segment)

1.1. The purposes and functions of the Organization shall be:

(b) to concern itself with the organized transfer of refugees, displaced persons and other individuals in need of international migration services for whom arrangements may be made between the Organization and the States concerned, including those States undertaking to receive them;

(c) to provide, at the request of and in agreement with the States concerned, migration services such as recruitment, selection, processing, language training, orientation activities, medical examination, placement, activities facilitating reception and integration, advisory services on migration questions, and other assistance as is in accord with the aims of the Organization;

(d) to provide similar services as requested by States, or in co-operation with other interested international organizations, for voluntary return migration, including voluntary repatriation;

(e) to provide a forum to States as well as international and other organizations for the exchange of views and experiences, and the promotion of co-operation and co-ordination of efforts on international migration issues, including studies on such issues in order to develop practical solutions.

[23] Human Rights. Collection of International Documents, ed. G.M. Melkov, Moscow 1998, p.4.

5. Identifying Victims of Human Trafficking

It is necessary to separate the processes of the identification of a human trafficking victim for law enforcement agencies and for Consulates. The process of identification of human trafficking victims, when carried out by law enforcement officers, involves carrying out investigatory actions and establishing the circumstance of the affair, based on juridical facts and the qualification of the actual actions committed in the case. In the case of the procedure that is carried out by Consular Offices, it is assumed there will be no latency during their victim identification process, since the individuals would come forth voluntarily hoping to get assistance in at least some related problems.

It is necessary to recall that frequently, a crime connected to human trafficking and exploitation, goes hand in hand with the breach of other basic human rights, for example, the use of rape, force, severe or humiliating type of treatment of the victim.

5.1 Main Principles of Identification

The main principles of victim identifications are the following:

- it is necessary to carefully analyze the reasons why the potential victims has addressed the Consular offices, in order to understand, if human trafficking is a possibility;
- it is necessary to carefully look over the provided documents (if they are submitted), such as personal information on the victim as well as formal entry and stay documents in the receiving state. Illegal breach of border and illegally living in a foreign state is not automatically a sign of human trafficking, but is an indicator of the instable legal and material situation of the soliciting person.
- Depending on the situation, a Consular official can investigate the routes travelled and conditions under which the visa of the receiving state was acquired;
- It is necessary to study the risk factors of the soliciting person and see to what degree they correspond to the elements of the criminal act with international dimension, human trafficking. More precisely, a Consular officer can look into three aspects of this phenomenon: the act in relation to the individual in question, the means employed to carry it out, and the final purpose of such an activity;
- Strict legal guidelines exist, which separate victims of human trafficking from individuals with complicated family and financial problems (mixed marriages, lack of knowledge of national language and traditions of the receiving state, conflicts on the questions of discipline and education of children). Family pressure can be a contributing factor to certain actions and behaviour. However, social and family conflict should not be interpreted as automatically being signs of human trafficking.
- the age of the person in question will be important, especially if there is suspicion about falsified documents. Often, underage victims of the sex industry are moved by transporters through use of these types of documents, which elevate the monetary return for the victim if he or she is of a certain preferred age. As already mentioned, the protection of Children is a priority in all cases. In the majority of cases, the problem of non-valid documents will obligate the Consular officials to carry out further

action for registration of enquiries from powers of their country and the delivery of new identity documents;

- Especially important is the guarantee of confidentiality for the individual addressing the Consular authorities, if this person refuses further protection and has addressed the Consulate only for a consultation.

5.2 The Limits of Identification

Limits and boundaries of identification by Consular Officials are the following:

- the chosen form of communication with the presumed victim of human trafficking is an interview or discussion;
- individuals soliciting Consulate assistance have citizenship of represented state. It is this fact in particular that pushes them to solicit assistance. In some cases, this type of protection can be given to refugees, that have received their status on the territory of the receiving state (they, as it is known, are not beneficiaries of legal protection of their state of origin), or people who have permanent residency status, if they, for some reasons, can not or do not want to appeal to the Consulate of their own state;
- Consular offices, through their own status, located on the territory of the receiving state,, carry out strictly predetermined functions and recognize as primary the jurisdiction of this state, and provide its citizens with auxiliary legal services;
- Consular offices, located in the receiving state, will address the sending state in order to establish details and request replacement of documents of a victim of human trafficking and this may demand a long period of time;
- Consular offices can not replace the functions of law enforcement bodies, that have the administrative and criminal investigation functions;
- Frequently, victims of human trafficking are too afraid to ask for assistance from their governments because they associate Consular representation with powers structures of the sending state and fearing immediate deportation.

6. Offering Assistance to Victims of Human Trafficking

6.1 General Assessment of Current Situation

A study carried out by the IOM bureau in the Russian Federation on the project of "Prevention of Human Trafficking", revealed that 70% of questioned migrants, that had left the Russian Federation in search of employment, knew the risks linked to their departure, 76% were informed of the dangers of human trafficking. 46% of those questioned found this type of employment via informal channels like for example through relatives and friends, 10% found their employment through middlemen, 45% of the migrants knew the middlemen or "recruiters", who helped organize their departure. Only 5% from the general number of these people asked for protection of their infringed rights, mostly due to support from local inhabitants of the receiving region or state.[24] This IOM study was carried out from March 2006 until December 2009. For the stated above period, the IOM Rehabilitation Centre in Moscow assisted 423 victims of human trafficking, that were citizens of the Russian Federation, Uzbekistan, Moldova, Ukraine, Nigeria, Kyrgyzstan, Tajikistan, Belarus, Azerbaijan, Ghana, Vietnam, Kazakhstan, Armenia and Georgia (based on statistics of people who asked for assistance). 85% of mentioned victims were recruited by personal contact, 7% answered a listing of an agency, 5% were kidnapped, lied to or forced 3% were forced by their own family members to become human trafficking victims. The statistics show a certain pattern among those who fell victim to exploitation in the Russian Federation. For example, sexual exploitation was used in 53% of the cases mentioned, 44% forced labour and 3% forced begging. [25]

The given estimates underline that Consulate offices can not stay on the sidelines on the issue of protection of work, social, personal, family and political rights of their own citizens, when acting within the framework of their powers. As an example. the Vienna Convention on Consular Relations that was evoked earlier, is applied below,, to a hypothetical case of defence of a victim of human trafficking.

6.2 Application of International Legislative Principles of Consular Action for Victims of Human Trafficking.

6.2.1 Protection and Defence of Interests, Rights and Liberties of Citizens of Sending State on the Territory of Receiving State

A general formulation in Paragraph e), Article 5 of the Vienna Convention, allows Consular protection to a victim whose human rights have been violated, and who has asked for protection. The types of protection that can be carried applied are:

- carrying out of the appropriate background check and verification of identity of individual as being the citizen of the sending state, gathering all of the necessary

[24] Prevention and Combating the spread of slavery and human trafficking the Russian Federation, Speech and Study of EC funded Project, carried out by IOM in the Russian Federation " Prevention of Human Trafficking". Moscow, 2008, p 57-59.

[25] Statistics from website developed by IOM : www.no2slavery.ru

information to carry out the preceding step if the documents in question have been confiscated or stolen. Upon their recuperation, the Consular establishment uses its power to deliver a passport and travel documents for citizens of sending state.

- offering assistance to the victim of human trafficking if the victim has made the decision to cooperate with law enforcement bodies of the receiving state, in providing contact with them; carry out regular follow ups with these individuals to be up to date on their situation.
- Assist in communication between the victim of human trafficking and with federal services and law enforcement of sending state with aim to prevent the possibility of future exploitation;
- Assistance with maintaining family ties and finding information about the individuals' visiting or stay status in their state
- Special defence of interests of minors of the sending state or individuals with limited capacity, and assisting with feasible possibilities of establishing guardianship or assistance for them. As to children that have fallen victim to human trafficking, it is necessary to establish, first of all, communication with their families, or guardians or national organs of human rights for minors, that are authorized to assist them.
- Assistance in the organization of voluntary repatriation of their own citizens, that have become victims of human trafficking, and provision of necessary travel documents. Here it is necessary to refer to Article 8 of the Protocol of Prevention and Suppression of Human Trafficking, (2000)

Article 8. Repatriation of victims of trafficking in persons (excerpt).

1. The State party, of which the human trafficking victim is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State, shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

4. In order to facilitate the return of a victim of trafficking who is without proper documentation, the State Party of which that person is a national or in which he or she had the right of permanent residence at the time of entry into the territory of the receiving State Party shall agree to issue, at the request of the receiving State Party, such travel documents or other authorization as may be necessary to enable the person to travel to and re-enter its territory.

6.2.2 Acting as Notary and Representation of Interests of Citizens in Receiving State

Legislative individual acts of the Consular Establishment (paragraph f, Article 5 of the Vienna Convention), establishes facts, relevant for individual status of the victim of human trafficking, that have a practical application and at the same time can confirm or affirm this status in the receiving state. In this way, registration of marriage, birth of children and registration of guardianship and care, granting of powers of attorney in order to act for the good of this individual, notarial certification of documents that have been translated from the national language, can provide timely legal support.

Representation or maintenance of appropriate representation of a citizen of the sending state in court or other establishments of the receiving state.

Carrying out those Consular functions is possible if its citizens, were subjected to human trafficking, are recognized by the receiving state as being in infringement of immigration laws, are in the state with false papers, invalid or expired visa, unlawfully employed, not following administrative norms of conduct etc.

- An invitation from Immigration services for the presence Consular representative may be required when victims of human trafficking are summoned by agencies of criminal investigation or judicial organs as victims or witnesses. The consular establishment is also obliged to accompany the minor or incapacitated citizen during visits of state structures of the receiving state.

Lawyers, specialists of foreign affairs, point out that practically all bilateral Consular Conventions “give the right to the Consular official to meet and communicate with any citizen of the visiting state within the consular district, to give their advice and to provide various types of assistance including legal aid. The receiving state cannot, in any way, limit the communication or access of the citizens of the visiting state to or with the consulate”. [26]

6.2.3 Cooperation with Partner Organizations

Governmental crisis centres, hospitals, specialized medical institutions, information and consultation centres (including the ICCs – Information and Consultation centre, organized by IOM in Moscow and Saint Petersburg) and NGOs stand out as partners in assistance of victims of human trafficking. As a general rule, they take on the following tasks:

- Attracting attention of civil society on the problem of individuals who have become the objects of trade transactions;
- provision of direct social, medical, psychological, legal and informational support for individuals addressing the centre for their needs;
- provision of refuge and shelter on a temporary basis;
- maintenance of constant consultative and operational “telephone hot lines”;
- cooperation and coordination of actions with law enforcement bodies;
- participation in the process of rehabilitation and integration of people into society.

The Project carried out by IOM and the Russian Red Cross of Saint Petersburg, may be considered as an example of cooperation on the prevention of human trafficking. This joint project was carried out in 2009, and involved the organization of an “Information Campaign targeting Prevention of Human Trafficking in the Russian Federation with special attention on the region of Saint Petersburg”, with the financial and methodological support of the General Council of the Kingdom of Belgium.[27]

[26] Blishenko U.P. Diplomacy Law, Moscow, 1990 p.239.

[27] As it is known, the established field of activity of national societies of Red Cross and Red Crescent (part of the ICRC), on dealings with assistance to victims of human trafficking can be varied; at the same time they must follow strict established guidelines of the International Federation of the Red Cross and Red Crescent (ICRC). These principles are: humanity, impartiality, neutrality, independence, volunteerism, unity and universality. This trust in humanitarian actions and principles of the Red Cross is what motivates people in difficult situations to contact the qualified staff involved in this project. Based on these principles, the Red Cross and Red Crescent movement enters into agreement with other international organizations, in order to support the needs of vulnerable populations and individuals

7. Indicators of a Potential Cases of Human Trafficking

According to paragraph d) Article 5 of the Vienna Convention on Consular Relations, Consular establishments have powers to deliver visas or the appropriate documents to individuals who wish to travel to a receiving state. In reality, the actions of Consular representatives like the centralization of demands and documents necessary for visa delivery are often carried out by visa centres. Consular establishments have the opportunity to invite an individual seeking a visa for an individual interview or in order to process his visa, having examined his/her demand and the presented documents without their presence.

In order to prevent possible criminal actions linked to human trafficking, Consular employees have to be informed on the indicators of this phenomenon and to actively refer to them in their practice.

These indicators be the following:

- Dubious invitation documents would indicate a danger that the individual may encounter, when applying for visa in the sending state. For example, invitations are being sent from the same resident, with the purpose of inviting young women in the 20-25 age category in order to provide a company with business consulting services. It is also suspicious if the same individual provides invitations for work with the same profession (for example, truck drivers), in an obvious, large quantity.

Studying the licensing of a given company, employees of Consular establishments observe an obvious excess of normal requirements for drivers personnel;

- the individual, at the origin of the application, mixes up or is vague about the aim of his visit, he doesn't have a clear understanding of why or where he is travelling to;

- Soliciting the services of certain travel and employment agencies that already have the reputation as human traffickers or as providers of falsified documents on registration, income and professions of individuals in order to facilitate their departure;

- Questions regarding the departure of children are also important to ask. A special control is exerted by Consular establishments when monitoring the departure of children, even if they are accompanied by adults, and are written into their international passport (Russian citizens have a domestic and international passport. The international passport allows them to travel outside of Russia). This is why, for example, the Russian Federal Migration Service (FMS) is now going to provide children with their own international passports, and western Consular establishments will follow the principle of giving the child his/her own, separate visa;

- Incoherence in the documents and certificates dealing with the educational qualifications of the potential student with that profile of education, for which they want to exit the state, or absence of documents on their material means, that would allow them to study in the foreign university.

- Offers of hidden forms of employment can be detected if the invitation provided

with the visa application, has a really general description of the job being offered for example "marketing in the sphere of automobile services";

- During an individual interview the person points out that they have made a payment on an individual basis (and not as part of agency service), and names a significant monetary sum (200-300 euros).

Specific means of Consular establishments in providing for the safety of departing visa applicants:

- a list of countries is usually formed in practice, citizens of which have numerous times become victims of human trafficking, and internal instructions are provided to handle their visa services;
- immigration services and law enforcement bodies of a sending state provide information on the current situation of stay and employment of foreign citizens on its territory for Consular establishments;
- exchange of information in the framework of states entering or belonging to the Schengen regime;
- collecting data given risk groups in the sphere of human trafficking;
- demanding registration and licensing of inviting juridical entities or letters supporting the hire from private employers for the visa application process;
- cooperation between Universities and immigration services in the state on the question of invitation and stay of foreign students based on their invitation.

8. Main At-Risk Groups in the Sphere of Human Trafficking

Different risk groups have been already listed and situations in which they may find themselves have been described. Thus, summarizing the above said information, we need to point out the following information:

- children (including infants), and adolescents, young women (18-30) coming from an unstable social situation and/or poor families;
- young students with certain ambitions, who seek a worthy qualification and a high salary (20-25 years old);
- labour migrants from CIS countries and other states
- illegal migrants without a determined legal status and individuals without citizenship
- ethnic communities, whose traditions bring them to change location often
- women and men, employed in the artistic, cultural and entertainment sphere, with a certain type of physical appearance and professional skills

9. Main Principles of Informational Support for Potential Victims of Human Trafficking

It is recommended that the main services of state representatives and intergovernmental organizations, working in the sphere of prevention of human trafficking, should concentrate on providing informational services and consulting on the safety of their citizens when they travel abroad. At the same time, Consular establishments, acting within the framework of their functions, could participate in actively informing those people addressing them, and offer them the following:

- preparation of stands, leaflets and mini- booklets, that give the general overview of what is human trafficking, how this phenomenon is dangerous and how to avoid falling victim to it. Individuals, that are in a foreign state or that are preparing for departure abroad, are usually the most important target group of the risks of their trip;

- It is suggested also, depending on the aim of the departure (private trip, employment, education), to specialize the information given to the individual based on their state and situation in which they may end up, and to show the potential risk factors based on the conditions of their pre-planned trip. If possible, to explain, with as much detail, the purpose and delays of validity of private, employment or education visas, in order to inform the migrating person what would happen if they were expired, what is the condition of return and who is the responsible for their stay in the foreign state. This type of information can be provided by visa centres working with Consular establishments, that require professional training on problems linked to human trafficking.

- It is very important to provide the migrant with contact information for various law enforcement bodies that they can contact if they experience any kind of attempts of exploitation by individuals or organizations. It would be important to convince the individual, in this case, to get into contact with this type of establishment in order to be capable of helping themselves. This needs to be done in a delicate way, possibly through “question – answer” form.

- Immigration rules, in effect in the receiving state, need to be explained in detail, in order to avoid cases of illegal migration. The consequences of deportation need to also be explained in full as well as the connection between illegal channels/means of migration and the activities of internationally organized crime particularly in carrying out the buying, selling and transport of human beings;

- It is necessary to use any kind of information campaign technique in the fight against human trafficking, in order to clearly portray the main at-risk groups and situations in which they may reside. This allows an individual to “try out” the situation on themselves, and their own life situation in order to be able to judge if the circumstances for their foreign travel are without danger

- Sharing information on preventive activities between international organizations and partner NGOs will help departing or arriving migrants into a foreign state to have access to other channels of assistance and support. Complex methods of providing assistance are always very effective. Strengthening

coordination amongst these structures will allow to provide quicker support (especially in urgent situations), to victims of human trafficking

- Individual consulting of people needs to be a gradual process based on voluntary relations and confidentiality of the interview on the question of human trafficking. Most of all, it is important to remember the safety of the addressee and to respect him/her as an individual.

Creating an atmosphere where the person feels you are paying attention to his/her specific situation and to them as an individual, would help them open up faster, and would counter their potential recruitment into a situation of human trafficking.

10. General Recommendation for Victims of Human Trafficking and to the General Mechanisms of Prevention

Consular assistance and the participation of Consular establishments in the prevention of human trafficking can be divided into two types of activities. These activities allow to give short recommendations separately for consular establishments of the Russian Federation that are located abroad, and for international consular representatives, carrying out their functions on the territory of the Russian Federation.

10.1 For Consular Establishments of the Russian Federation Based Abroad

The Consular establishments of the Russian Federation, that are currently located in a foreign state, are meant to provide all available help in order to support the stability and continuity of legal status of a Russian citizen with their native state. The open possibilities of the consulting method, notarial tasks and administrative actions, compilation of questionnaires, accompanying their citizens on questions of immigration and trial instances of the receiving state and finally help voluntary repatriation, are the foundations of consular assistance.

Consular Services of the Russian Federation based abroad can offer:

- Assistance in obtaining new identification and travel papers which were previously confiscated or lost in order to stabilise their situation in the receiving state. Detailed instructions for consular establishments on this topic are explained in the Administrative rules of action of government functions on delivery of temporary documents, that confirm identify of a citizen of the Russian Federation and giving him the right to enter (return) into the Russian Federation (order of the Ministry of Foreign Affairs (MFA) RF from 11-12- 2008), and Administrative rules of action of government functions on registration and delivery of passport, providing identity of citizen of RF outside of the territory of RF, with which the citizen of the RF can leave and enter the RF (order of MFARF 28-11-2008);
- Establish connection with members of family or distant relatives that should be informed of the situation of their kin and of the means of assistance that they are receiving.

10.2. For Foreign Consular Representatives, on the Territory of the Russian Federation

International consular representatives on the territory of the Russian Federation have the following functions:

- operating on the basis of their national legislation, issuing visas to citizens of the Russian Federation, that plan a departure into their countries.

Certainly, the process of visa delivery is within the exclusive competence of the

represented state, and the consular establishment is not obliged to explain a cause of a failure in the delivery. However, questions of prevention of human trafficking demand a very attentive approach to the individual involved and to those physical and legal people, that are providing the invitation and are guarantees for the stay of the citizens of the Russian Federation abroad;

- preventative information, offered to consular establishments, needs to be targeting the applicant in order for him to come to the realization of the dangers he/she may confront in the country they are planning to visit. It is necessary to speak about more than just overcoming visa problems (receiving a visa does not mean that the person has solved all of the problems he/she will encounter on the state territory where they are going), but about the knowledge of legislation of the departing individual, their readiness to follow immigration requirements and their individual safety. Then, consular establishments can apply, along side with formal procedures, preventative measures of protection of departing people (for example, list of contact addresses and telephones, hotline numbers in the receiving state), that can assist in real prevention of a case of human trafficking.

10.3 For Consular Establishments of CIS Member Countries

Countries of the CIS unite a visa- free space that is used for free movement of people, and a significant labour migration exchange of which the main receiving state is the Russian Federation.

- Even in the cases of entry from one of the CIS member countries into another, when there are no visa requirements, it would be possible to provide the departing individual with necessary information. For example, they can be informed about the proper procedure for migrant registration and legalization of foreign national from a sending state in the receiving state
 - The norms of the Minsk Convention on Legal Assistance and Legal Relations in Civil Family and Criminal Matters, are applicable for all CIS countries and assist in their cooperation in the sphere of recognition of validity of legal documents, transfer of civil status certificates, in establishing addresses and other personal information. Granting to citizens of these states legal protection and the means of accessible information, including, and active consular participation in realization of their rights and legitimate interests in territory of the States participants;
 - Considering the particularities of labour migration, it is necessary to be sure that the individual who will receive temporary travel documents, is in reality ready to carry out his departure back to his country of origin. In the worst-case scenario, this type of immigrant can continue their illegal stay in the receiving state and will be subject to an administrative deportation.

Consular establishments of CIS states possess ample opportunities to promote lawful stays of their citizens in the receiving state through a system of preventative information and via connections with local Diasporas and communities in the receiving state.

10.4 For Consular Establishments of Destination Countries of Russian Victims of Trafficking in the Russian Federation

List of example questions that can be asked of citizens wishing to travel abroad, with the aim of preventing cases of human trafficking. [28]

General Questions

- Where are you coming from (region, settlement)?
- How old are you?
- How did you learn about this opportunity to enter the receiving state?
- Can you speak freely about the reasons for your trip?
- Who offered you this opportunity and why?
- What type of employment was offered?
- Have you signed an agreement or contract for this employment? Have you seen this contract? What conditions of employment does it set forth? (If possible, provide a copy of this agreement/contract).
- Do you speak the language of the country where you are planning to travel?
- What is your current profession, and past professional experience?

Questions regarding the conditions for the trip to the destination country

- What are the specialization and experience that the proposed position requires of you?
- Is your international passport ready? If not, will you receive it in person, or did someone else do this on your behalf? Can you be specific about the assistance you are receiving in applying for your passport?
- Have you already bought your ticket or are you preparing to purchase it? What aviation company will you use to get to the country of destination? What tourist agency are you using?
- If you didn't buy the ticket yourself, then who did it on your behalf? Do you have to now reimburse the cost of the ticket and under what conditions? In your contract is there a clause for the return and reimbursement of your ticket?
- What promises have you received with regards to placement, hiring and conditions of your future employment?
- Does your future employment fall into the category of entertainment?
- Do you have friends, family members or acquaintances in the destination country? If yes, please provide the details.

Questions regarding arrival and stay abroad

- Who will help with your arrival?

- Will someone meet you in the airport or do you have ready instructions that have the address, contact person or telephone in the destination country? Can you confirm the details of the instructions?
- Did anyone get in contact with the person that is providing you with employment in the destination country?
- If the purpose of your trip is tourism, what are your reasons for returning (family, profession, etc.)?
- Why do you want to go as a tourist to the destination country? Is this trip affordable for you? What is your usual income level?
- What are the general opportunities for employment in your country of origin?
- Will you be travelling alone or in a group to the destination country? Do you know any of the other members of this group? Have you met any of them previously? What is this group of people like? (It is important to know how these people are selected if there is indeed a group).
- Have you carried out any kind of training to prepare you for your future job?
- Were there special demands made in relation to your new positions? (For example, losing your extra weight in order to be hired).
- Does the individual or agency that hired you keep contact with your family and do they know your address?
- Who prepared you for this interview? Were you assisted during this preparation?

This type of question and answer session should be carried out by a staff member of the Consulate, and not by the applicant themselves. This is a form of control meant for Consulate staff.

A copy of the questions should not be provided to the applicant because he would then be able to prepare the answers ahead of time and learn how to answer correctly when questioned by a Consulate staff member.

[28] The given list of questions is part of a Question- Answer exercise that is carried out by regional IOM bureau in South Africa (Pretoria).

Appendix 1

List of International Legal Documents, Applied in the Sphere of Prevention of Human Trafficking [29]

The International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications 12-09-1923.

UN Convention on Abolition of Slavery 25-09-1926 (with amendments, ratified in a protocol of 07-12-1953).

ILO Forced Labour Convention N 29 with regard to forced or compulsory labour of 28-06-1930.

The UN Charter of 26-06-1945

The Charter of the International Military Tribunal for the trial and punishment of the major war criminals of the European Axis countries 08-08-1945.

Universal Declaration of Human Rights 10-12-1948.

Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War 12-08-1949.

UN Convention of 2 December 1949 for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

Convention for the Protection of Human Rights and Fundamental Freedoms 04-11-1950

The United Nations 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery 07-09-1956.

ILO Convention N 105 on Abolition of Forced Labour 25-06-1957

International Covenant on civil and political rights 16-12-1966.

International Covenant on economic, social and cultural rights 16-12-1966.

European Convention on Adoption of Children 24-04-1967.

The Convention on the Non-Applicability of Statutory Limitations to War Crimes and crimes against humanity.

[29] Documents are listed in chronological order, from Source of International Documents and Russian legislation, used in Reference text, Informational Legal System, "Garant-Expert".

Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with UN Charter 24-10-1970.

Final Act of the Conference on Security and Cooperation in Europe 01-08-1975

Additional Protocol I to the Geneva Conventions of 12 August 1949 concerning the Protection of Victims of International Armed Conflicts on June 8, 1977.

Convention on the Elimination of All Forms of Discrimination against Women 18-11-1979.

The Hague Convention on the Civil Aspects of International Child Abduction 25-10-1980.

Convention on the Rights of the Child 20-11-1989.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 18-12-1990.

The Convention on Human Rights and Fundamental Freedoms of the Commonwealth of Independent States 26-05-1995.

ILO Convention No 182, of 17 June 1999 Concerning the Prohibition of and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict 25-05-2000.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 25-05-2000.

UN Convention against Transnational Organized Crime 15-11-2000.

Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the UN Convention against Transnational Organized Crime, 15-11-2000.

Protocol to prevent, suppress and punish trafficking of persons, especially women and children, supplementing the United Nations Convention Against Transnational Organized Crime, 15-11-2000.

Convention of the Council of Europe on prevention of trafficking in human beings 16-05-2005.

Agreement on the Cooperation of the Commonwealth Participating States in Combating Trade in Human Beings, Organs and Tissues 25-11-2005.

Appendix II.
List of Useful Contacts in the Sphere of Prevention of Human Trafficking

International Organization for Migration (IOM)

2-aya Zvenigorodskaya ulitsa, dom 12
Moscow 123100, Russia
+7 (495) 797-8722
www.iomrussia.ru

IOM Geneva Head Quarters

17 Route de Morillons
1211 Geneva 19, Switzerland
phone (4122) 7179111
fax (4122) 7986150
standard (4179) 2133363
www.iom.int

Government Bodies, Russian Federation

Ministry of the Interior

Criminal Investigation Department
Division for combating kidnapping and human trafficking
109078, Moscow, Sadovaya-Spassky, 1 / 2,
telephone: (495) 604-88-15
www.mvd.ru/struct/3306

Federal Migration Service

Moscow, ul.V.Radischevskaya, 4 building 1, 1
Phone: . (495) 698-00-78, 698-00-79
www.fms.gov.ru

Federal Service for Labor and Employment

109012, Moscow, Exchange Square, 1
information (495) 698-84-12 (tel/fax)
citizen information assistance: (495) 698-82-06
www.rostrud.info

Appendix III
List of NGOs, Active in Field of Human Traffick Prevention



NGO/Region	Contact Information
“Oratorium”, city of Astrakhan, in Russian : «ОРАТОРИУМ»	Mr. Eduard Perepelkin 22 Tropicheskaya Street tel: 8-906-457-09-34 ast-oratorium@yandex.ru
“UZBEKISTON”, City of Astrakhan, in Russian, «УЗБЕКИСТОН»,	Bahodir Aminov, tel: 8-927-580-76-60 aaminov@inbox.ru
Karelian Center of Gender Studies, City of Petrozavodsk	Larissa Boichenko 185031 Karelian Republic, Pr. Oktiaborskiy, 26, B, 28 tel: 8-8142-773-919 larakira@onego.ru
Center of Development of civil initiative and social partnership of the far east, city of Vladivostok	Svetlana Bajenoba tel/fax: 8-4232-432-033, 8-4232-604-313 Victim Hotline 8-902-505-55-54 fe-centre@mail.ru
Social organization Fatima, city of Kazan	Marina Galishka tel: 8-843-253-60-85, 8-843-246-44-01 Fatima@bancorp.ru, ligatraf@mi.ru

Regional social organization of Altay "Women's Alliance", city of Barnaul	Nathalia Cereda Barnaul 656066 a/ya 1477 sereda@alicom-ltd.com
Social women's movement MSTINKA City of Borovich, and Borovich district	Galina Pirogova 174400 Oblast of Novgorod City of Borovich, L. Tolstoi street, d.23 mstinka@mail.ru
Social regional organization of Yaroslav "Center of self help and assistance to children", city of Yaroslavl	Valentina Shelkova 150044 city of Yaroslavl, street of Pioneers, d. 19 tel: 8-4852-556-691 valya_doverie@mail.ru
"Maksimum", city of Xabarovsk	Irina Shapirova ngomaximum@mail.ru
Spb Roo "INGO Crisis Center for Women", city of Saint Petersburg	Hodireva Nathalia Bolubah Elena tel: 8-812-327-30-00 info@crisiscenter.ru www.crisiscenter.ru
Saint-Petersburg Red Cross, city of Saint-Petersburg	Tatjana Lineva tel: 8-812-717-35-31 rcc@spbredcross.org www.spbredcross.org
Autonomous nonprofit organization "REGIONAL RESOURCE CENTER ON VIOLENCE", Rostov on Don	Elena Zolorilova 344002 city of Rostov on Don, ul. Socialisticheskaya, 52 A, Office 300 tel: 8-904-340-72-43, 8-863-267-05-04 rc-rostov@mail.ru
Foundation "Tajikistan", city of Moscow	Gavhar Djuraeva City of Moscow, Olympic Prospect, d. 16, str.1, podezd 9 a, Office 3/2a. tel/fax:8-495-775-21-75, 8-495-933-13-85 tajfond@gmail.com
International Organization of Jewish Women «PROJECT KOSHER», City of Moscow	Svetlana Yakimenko tel:8-495-254-99-58, 8-495-254-99-51 svetakesher@online.ru , svetakesher@inbox.ru , www.projectkeshher.org
Social Organization of the Irkutsk Oblast, Regional Union of Women in Baikal "ANGARA", city of Irkutsk	Svetlana Uralova 664074, city of Irkutsk, Str. Kurchatova, 14, cabinet 111 tel: 8-395-241-20-82 womangara@irk.ru
Social organization of the Pshov Oblast "Independent Social Women's Center, city of Pshov.	Natalia Vasileva Yablochkina Elena 180004 city of Pchov Ivana Golovko, 10 tel. 8-8112-732-522, 8-8112-754-545 wcentr@mail.ru

REGIONAL SOCIAL ORGANIZATION "CINTEM" MAHALKALA- "CALM SOULS" CITY OF GROZNY.	Inna Ayrapetian Chechen Republic City of Grozny Ul. Rosa Luxembourg tel. 8-928-793-11-09 sintem_org@mail.ru
Youth organization of the Amour Oblast "Pulse", city of Blagoveshensk	Larissa Fokina 6575006, city of Blagoveshensk. Ul. Shimanovkogo, 27, office 203 tel. 8-914-590-52-18 puls_amur@mail.ru
Social organization of the Chelabensk Oblast "Womens Friendship" City of Chelabinsk	Larissa Vassileva tel: 8-351-235-33-35 8-912-891-68-52 8-351-262-00-96 http://www.womencw.ru vls05@mail.ru