



Labor Trafficking & Exploitation of Migrant Workers in the Russian Federation



MEMORANDUM**To:** The Government of the Russian Federation, Ministry of Labour and Social Protection**From:** US Department of State Office to Monitor & Combat Trafficking in Persons**Date:** November 14, 2014**Subject:** Labor Trafficking & Exploitation of Migrant Workers in Russia

Executive Summary

Migration and human trafficking are both major issues in Russia, and they are often related. Migrant workers, especially illegal immigrants, are particularly vulnerable to traffickers and employers who use forced labor because they lack a safety net and support system in the country. In recent years, the government has planned to combat labor trafficking and help protect migrant workers, and the labor codes and laws are already in place to do this.

The International Labour Organization (ILO) has stated that they will work with Russia to achieve these goals, and they can do this through educating both labor inspectors and trade unions about human trafficking and training them how to identify and help victims. In order to combat this issue, Russia should partner with ILO to train and educate labor inspectors and trade unions on labor trafficking and exploitation. These actors can play an important part in helping Russia to act on their commitment to fight labor trafficking in their country.

Problem

The Russian Federation has received Tier 3 status in the annual US Trafficking in Persons Report for two years in a row, and the exploitation of labor migrants in the country has been highly publicized. Considering the large numbers of immigrants, the Russian government must prioritize the protection of these migrant workers and the prevention of labor trafficking.

Background

Since the fall of the Soviet Union, migration has been a major issue for Russia. While many Russian citizens have been leaving, both now and in the past, an inflow of outsiders has

made Russia the second largest receiver of immigrants in the world (Adomanis, 2014). Most of these immigrants come from former Soviet countries, particularly Central Asia (Migration Policy Centre, 2013). In 2010, Ukraine, Uzbekistan, and Tajikistan had the highest numbers of immigrants from the Commonwealth of Independent States (CIS). Many of these migrants are drawn in by the temporary and seasonal work available in Russia, but high-skilled workers have taken jobs there as well. In a survey conducted on migrants in Russia, “74% of respondents said low earnings was an important push factor, 48% cited lack of employment and 28% low living standards” (Andrees, 2008). Migrant workers are most often found in housing and utilities, construction, garment factories, seasonal agricultural work, public transport, and marketplace shops (US Dept. of State, 2014). Both legal and illegal immigrants make up the estimated 12 million foreigners that have migrated to Russia (Migration Policy Centre, 2013).

Labor exploitation and trafficking are known problems for migrant workers in Russia despite many efforts by organizations to increase protection for immigrants and to strengthen laws and labor regulations. According to the 2014 Trafficking in Persons (TIP) Report, labor trafficking is the most prevalent type of human trafficking in Russia. In the 2013 report, Russia was dropped to a Tier 3 ranking, which means they do not meet minimum standards for combating trafficking and are not making efforts to do so (US Dept. of State, 2014). All migrant workers in Russia are susceptible to labor exploitation, but illegal immigrants are especially vulnerable to forced labor and labor trafficking. Corruption in the enforcement sector makes it easier for employers to bypass legal labor laws and to exploit their workers (Andrees, 2008).

Although Russia is party to the appropriate international conventions and protocols against human trafficking and also has their own set of national laws and criminal codes dealing with human trafficking and labor regulations, corruption and low prioritization cause labor

trafficking to be prevalent throughout the country (US Dept. of Labor, 2013). Article 127 in the criminal codes prohibits both sex and labor trafficking. While several perpetrators were convicted of human trafficking in 2013, the convictions did not come close to matching the number of reported and suspected instances of trafficking. Additionally, government officials are known to be complicit in trafficking rings and schemes with little to no investigations or consequences (US Dept. of State, 2014).

In 2012, Russia held a High Conference on Decent Work that emphasized the need for reinforcement of existing labor regulations and social protections, as well as proposed additional measures to be taken in order to prevent labor exploitation and ensure that workers' rights are protected (Минтруд России, 2012). The conference was supposed to have marked a renewed commitment to promoting decent work on behalf of the Russian government, as well as an established collaboration with ILO (International Labour Organization, 2012); however, the following year is when our office, the US Department of State's Office to Monitor and Combat Trafficking in Persons (J/TIP) placed Russia in Tier 3 because of the failure to follow through on any of their proposed National Action Plans for five consecutive years (US Dept. of State, 2014).

Many of the major labor trafficking cases that have been publicized are in the construction industry. The Sochi Olympics construction site is one of the most widely known cases. Migrant workers from Central Asia, the Caucasus, the Balkans, and other CIS countries were found on construction sites for the Olympic games. Workers were subjected to substandard living conditions, arbitrary withholding of pay, visa and documentation confiscation, and other forms of exploitation. Although Russia's overseeing body reported performing thousands of inspections on the construction sites, they claimed to find primarily safety violations, which contradicts personal interviews that organizations conducted with many who worked on the

Olympic site (Human Rights Watch, 2013). The Sochi case is just one of many in the construction industry, which is partly due to the large number of vulnerable migrant workers. In 2009, an estimated 40 percent of migrant workers worked in construction. Because many exploited laborers are illegal or simply face discrimination as foreigners, they often do not trust inspectors or law enforcement to help them get out of trafficking situations (International Labour Organization, 2009).

Migrant workers in all labor sectors in Russia face the same vulnerabilities—often subjected to exploitation, unsafe working and living conditions, document confiscation, forced labor, and much worse. Several times, the Russian Federation has made verbal and even signatory commitments to protect migrant workers, prevent human trafficking, and enforce labor laws; and with the current immigration system and the renewed emphasis on human trafficking in Russia, now is the time for the government to take action.

Policy Approach

Many organizations work to protect migrant workers and prevent labor trafficking through awareness, policy change, identification, and trainings. ILO has established training manuals for educating both labor inspectors and trade unions on human trafficking and how to identify victims. In one instance, they put together a specialized manual to train trade unions in Zambia on the specifics of labor trafficking and forced labor in their country. The manual educates about human trafficking, including Zambian laws about trafficking, and it outlines ways that trade unions can help to fight against forced labor and human trafficking (International Labour Organization, 2008). Similarly, ILO conducted workshops to train labor inspectors in Jordan on labor regulations dealing with forced labor, as well as victim identification and laws on human trafficking in the country. At the end of the workshops, participants made

recommendations as to how labor inspectors could include human trafficking as a part of their inspections and reports. ILO has also produced a general handbook to train labor inspectors about human trafficking and what their role is in identifying and preventing it from happening (International Labour Organization, Sept. 2008).

Another tactic that was used by the Kunming City Private Economy Association (KMPEA) was to address human and labor rights violations among 500,000 private Chinese businesses by holding workshops educating about the costs of using human trafficking and forced labor. They educated employers about human trafficking in general and then explained how to create a safe, stable, exploitation-free environment in their workplaces (The Protection Project, 2012). Collaborations among businesses are also used to prevent labor trafficking, like in the case of the Ethical Trade Initiative in Great Britain. This alliance of companies, unions, and organizations works to uphold and enforce a labor code that they created to ensure the safety and freedom of their employees (The Protection Project, 2012).

Other organizations provide services for the actual victims. The Humanitarian Organization for Migration Economics (HOME) provides language and skill training for migrant workers, as well as legal assistance, counseling, and reporting resources for trafficking victims. The Break the Chain Campaign also provided similar services for migrants who were trafficking victims in domestic work situations. The victims attended workshops and counseling sessions where they learned how to face some of the issues that migrant workers deal with and even developed their own solutions and strategies for dealing with these challenges (The Protection Project, 2012).

All of these tactics could be viable ways for Russia to create a safety net for migrant workers and prevent labor exploitation and trafficking from happening. ILO's trainings for labor

inspectors and trade unions could be a good first step in these efforts as a way to help with corruption and law enforcement and to provide a safe space for trafficking victims and exploited migrant workers to receive assistance.

Policy Recommendation

We recommend that the Russian Federation's Ministry of Labour and Social Protection (Mintrud) set up a partnership with the ILO to train labor inspectors and trade unions on labor trafficking, which will enforce existing labor laws and create social protection for exploited migrant workers. In this strategy, Mintrud would receive training from ILO in order to work together with the organization to hold workshops for both labor inspectors and trade unions using ILO's existing toolkits, tailored for Russia's situation.

This recommendation works with existing laws and regulations and takes action on the verbal commitments already made by the Russian Federation regarding labor trafficking of migrant workers. Because ILO has already offered to work with Russia to enforce anti-trafficking laws and strengthen protection for victims, Mintrud should be able to form a partnership easily. ILO has toolkits for these trainings, so Mintrud will only have to fund the actual workshops, which will be a less costly project than designing new trainings or creating new services. By starting anti-labor-trafficking efforts with the training of labor inspectors and trade unions, Russia will have a stronger safety net system for exploited migrants and trafficking victims, which will make services for these victims much easier to provide in the future.

The workshops and training for labor inspectors would help in identifying trafficking victims, enforcing labor regulations, and ensuring that workplaces are safe and free from exploitation. Labor inspectors would be trained to look for signs of human trafficking and would learn how to discern if illegal migrants they find are also victims of trafficking. Inspectors would

also receive refresher courses on Russian laws and criminal codes relating to forced labor, labor regulations, human trafficking, and exploitation of migrants. Using KMPEA's ethics workshops, Minitrud and ILO could also help labor inspectors to understand the economic costs of using forced labor. Reteaching the laws and educating inspectors on the costs could help to start eliminate corruption, especially bribery. If labor inspectors understand the importance of the laws and the risks associated with being complicit in human trafficking, they might be less willing to be paid off or to participate in the exploitation themselves.

ILO and Minitrud will also hold workshops with representatives from trade unions to educate them about human trafficking and teach them about what they can do to help prevent labor trafficking of migrant workers. Trade unions can learn about their rights under Russian law and also be educated about human trafficking and how to identify victims. This will give them the knowledge to be able to ensure that their members' rights are being upheld in the workplace. Through these workshops, trade unions can also begin to form networks in order to inform each other about companies that violate human rights, recruitment agencies acting as traffickers, and any other important issues that arise. They can also educate their members about human trafficking so that exploited workers are more easily identified. Victims may be more likely to trust their coworkers rather than law enforcement or inspectors. By learning about who human trafficking victims are in Russia and how to identify them, labor unions may be able to help build a safety net for migrant workers who are being exploited and do not have any representation.

Partnering with ILO to set up workshops for labor inspectors and trade unions might seem like a small step, but it is an important one in the long journey Russia has towards ending exploitation and trafficking of migrant workers. This step will help to enforce labor regulations,

educate important actors about the human trafficking situation in Russia, and start to build a safety net for migrant workers who are exploited.

Bibliography

Adomanis, M. (4 Aug. 2014). "3 things Barak Obama got wrong about Russia." *Forbes*.

Retrieved from <http://www.forbes.com/sites/markadomanis/2014/08/04/3-things-barack-obama-got-wrong-about-russia/>.

Andrees, B. (Feb. 2008). *Forced labour and trafficking in Europe: how people are trapped in, live through, and come out*. Retrieved from

http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_090548.pdf.

Human Rights Watch. (2013). *Race to the bottom: Exploitation of migrant workers ahead of Russia's 2014 winter Olympic games in Sochi*. Retrieved from

http://www.hrw.org/sites/default/files/reports/russia0213_ForUpload.pdf.

International Labour Organization. (2008). *Forced labor and human trafficking: a toolkit for Zambia*. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_100460.pdf.

International Labour Organization. (8-10 Sept. 2008). "Training of labour inspectors on forced labour and human trafficking." *Events and training*. Retrieved from

http://www.ilo.org/global/topics/forced-labour/events/WCMS_143049/lang-en/index.htm.

International Labour Organization. (2009). *Preventing forced labour exploitation and promoting good labour practices in the Russian construction industry*. Retrieved from

http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcm_041904.pdf.

- International Labour Organization. (12 Dec. 2012). “Closing statement to the international high-level conference on decent work.” *About the ILO*. Retrieved from http://ilo.org/global/about-the-ilo/media-centre/statements-and-speeches/WCMS_195598/lang--en/index.htm.
- Migration Policy Centre. (June 2013). *MPC migration profile: Russia*. Retrieved from http://www.migrationpolicycentre.eu/docs/migration_profiles/Russia.pdf.
- Министерство труда и социальной защиты Российской Федерации (Минтруд России) [Ministry of Labour and Social Protection (Minitrud)]. (12 Dec. 2012). “Итоговое заявление Председателя Международной конференции высокого уровня: «Достойный труд – основа экономического роста.» [Final statement of the President of the High Level Conference: “Decent work – the basis for economic growth].” *Трудовые отношения [Labour Relations]*. Retrieved from <http://www.rosmintrud.ru/labour/cooperation/16>.
- The Protection Project. (2012). *100 Best Practices in Combating Trafficking in Persons: The Role of Civil Society*. Retrieved from <http://www.ungift.org/doc/knowledgehub/resource-centre/CSOs/100-Best-Practices-in-Combating-TIP.pdf>.
- US Department of Labor. (2013). “Russia.” *Bureau of International Labor Affairs 2013 Findings on the Worst Forms of Child Labor*. Retrieved from <http://www.dol.gov/ilab/reports/child-labor/findings/2013TDA/russia.pdf>.
- US Department of State. (2014). “Russia.” *Office to Monitor and Combat Trafficking in Persons*. Retrieved from <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226804.htm>.