

## ARTICLE

# Victim Protection of Human Trafficking Crimes in The Russian Federation

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## Abstract

Human trafficking has evolved into a highly organized and transnational criminal enterprise, posing significant challenges for governments worldwide, including the Russian Federation, in safeguarding victims. This necessitates a comparative analysis of victim protection in the context of human trafficking between Indonesia and the Russian Federation. This study aims to assess the effectiveness of safeguarding victims of human trafficking in both countries and identify the impediments encountered by governmental authorities. In Indonesia, while legal frameworks for combatting human trafficking have been established, their enforcement remains inadequate. The primary impediment lies in the prevailing legal landscape, as the existing Criminal Code does not sufficiently prioritize victim interests, treating them merely as abstract entities represented by the state. On the other hand, in the Russian Federation, legal provisions pertaining to human trafficking have been enacted, with more recent efforts to enhance anti-trafficking legislation and law enforcement. However, the effectiveness of these measures is still a matter of scrutiny. The key challenge in Russia may lie in the practical implementation of these laws and the coordination among relevant agencies. Furthermore, factors contributing to the difficulty in protecting victims extend beyond governmental shortcomings in both Indonesia and the Russian Federation. These factors encompass victim-related issues, such as their inability to respond to deviations, fear of reprisals from controlling entities, and societal indifference perpetuated by a lack of widespread awareness and reactions. By examining the experiences of both



Indonesia and the Russian Federation in combating human trafficking and protecting victims, this study seeks to identify common challenges and potential best practices that can be applied in the international effort to combat this grave crime.

## **Keywords**

**Crime; Victim's Protection; Human Trafficking;**

## **Abstrak**

Perdagangan manusia telah berkembang menjadi sebuah usaha kriminal yang sangat terorganisir dan transnasional, sehingga menimbulkan tantangan besar bagi pemerintah di seluruh dunia, termasuk Federasi Rusia, dalam melindungi para korbannya. Hal ini memerlukan analisis komparatif mengenai perlindungan korban dalam konteks perdagangan manusia antara Indonesia dan Federasi Rusia. Studi ini bertujuan untuk menilai efektivitas perlindungan korban perdagangan manusia di kedua negara dan mengidentifikasi hambatan yang dihadapi oleh otoritas pemerintah. Di Indonesia, meskipun kerangka hukum untuk memberantas perdagangan manusia telah ditetapkan, namun penegakan hukum terhadapnya masih belum memadai. Hambatan utama terletak pada lanskap hukum yang ada, karena KUHP yang ada tidak cukup memprioritaskan kepentingan korban dan hanya memperlakukan mereka sebagai entitas abstrak yang diwakili oleh negara. Di sisi lain, di Federasi Rusia, ketentuan hukum yang berkaitan dengan perdagangan manusia telah diberlakukan, dengan upaya yang lebih baru untuk meningkatkan undang-undang anti-perdagangan manusia dan penegakan hukum. Namun, efektivitas langkah-langkah ini masih perlu diteliti. Tantangan utama di Rusia mungkin terletak pada implementasi praktis dari undang-undang ini dan koordinasi antar lembaga terkait. Selain itu, faktor-faktor yang berkontribusi terhadap sulitnya melindungi korban tidak hanya disebabkan oleh kelemahan pemerintah di Indonesia dan Federasi Rusia. Faktor-faktor ini mencakup isu-isu yang berkaitan dengan korban, seperti ketidakmampuan mereka untuk menanggapi penyimpangan, ketakutan akan pembalasan dari pihak yang mengendalikan, dan ketidakpedulian masyarakat yang disebabkan oleh kurangnya kesadaran dan reaksi yang meluas. Dengan menelaah pengalaman Indonesia dan Federasi Rusia dalam memerangi penyimpangan, perdagangan manusia dan perlindungan korban, penelitian ini berupaya mengidentifikasi tantangan umum dan potensi praktik terbaik yang dapat diterapkan dalam upaya internasional untuk memerangi kejahatan berat ini.

## Kata Kunci

Kejahatan; Perlindungan Korban; Perdagangan Manusia;

## Introduction

The more complex the affairs of society, the more complex the problems that befall within the body of society itself, such is the line that is often said by observers of sociology. Economic, educational, and cultural issues can be analyzed as the culprit for triggering immoral acts, because they are less accessible to the community. Call it the problem of poverty, low public education, and the lack of the role of local culture, due to the oppression and underdevelopment of local culture. local culture, due to being crushed and crushed by many foreign cultures that are increasingly stretching acutely in this country.

The rapid development of criminality has forced educated elements and the government in this country to think hard about formatting the concept in such a way as to keep up with the increasingly complicated modus operandi of crime. The crime of trafficking in persons is an object of crime that is growing in Russia. Arif Gosita, who is one of the experts in criminal law criminal law expert said that our criminal law system still tends to highlighting a crime from the point of view of the criminal. According to him, there is something lacking and unbalanced if the victim's point of view is ignored. the victim's point of view is ignored. However, the element that causes a crime will not occur if there is no victim.<sup>1</sup>

Between the victim and the perpetrator are the two elements of a crime. It is from this arena that victim studies study is so important to be investigated further, especially related to victims of victims of human trafficking. This is done to find a potion that can be used as an antidote to crime in order to prevent it from causing harm. used as an antidote to crime so as not to cause further victims, and also as a prerequisite for the fulfillment of legal studies. victims, and also as a prerequisite for the fulfillment of the study of criminal law as a whole. study as a whole. Victims have so far only been represented by the state as the recipient of recipient of suffering, who will retaliate against the perpetrator, which is embodied in the nest. The victim has been represented by the state as a recipient of suffering, who will retaliate against the perpetrator, which is embodied in the pain that has been regulated by the legislation.

Victims here are not so popularly noticed, because the concentration of punishment is only given to the perpetrator, which signifies a the end of the problem. Whereas in the law a crime maker, not necessarily the victim feels willing and safe. Many victims still do not feel that they have received justice and the return of the victim's position in society due

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<sup>1</sup> Arif Gosita, *Problems of Crime Victims First Edition*, (Jakarta: Akademika Pressindo, 1983), pp. 87.



to the trauma they have received and the sharp psychological society as a result of the trauma they have received and the sharp psychological making it difficult to change. That is why the protection of victims of crime is so important. Human trafficking crimes that are increasingly organized, it is increasingly troublesome for the government to provide protection of victims, because crimes become transnational, structured and systematic

## Method

The method is written in descriptive and should provide a statement regarding the methodology of the research. This method as much as possible to give an idea to the reader through the methods used. Both Research and Review Article should explain the method. For the research article it is clear the method should describe the location of the study, the data collection method, and how the data were analyzed. Meanwhile, in the Review Article, the method is written descriptively regarding the topic being analyzed, what theories and laws are used to analyze the topic and the limitations of the study. The comparative method is used to explain the protection of human trafficking victim in Russia and Indonesia.

## Result & Discussion

In Russia, the problem of human trafficking (HT) became pressing in the 1990's, when after the collapse of the Soviet Union due to economic, political and social conditions, the citizens of the newly independent states began to actively seek means of subsistence and, as a result, became – both willingly and unwillingly - involved into human trafficking. Poverty, scarcity of employment and the degradation of social security institutions were forcing individuals into risky economic behaviour and careless actions, including consent to exploitation and slave labour conditions. In the second half of the 1990s, trafficking in human beings became widespread. Of particular importance were such factors as: weak law enforcement, criminalisation of the environment, the organization of international channels of slave trade, the lack of appropriate legislation, legal illiteracy of the population, and the increased scale of illegal migration. Russia became a sending country (mainly to the Western European countries and the Middle East) and a receiving and transit country (mainly for citizens of the former USSR). In the meantime, the domestic human trafficking market was formed. These developments attracted the attention of social scientists, first and foremost, experts in the field of migration and gender studies.

In the meantime, HT began to attract attention of the wider public.<sup>2</sup> This was due, on the one hand, to the active accession of the Russian Federation to the international treaties and agreements regulating individual rights and freedoms, and, on the other hand, to the resonance of law cases in the West, which revealed active participation of the Russian

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<sup>2</sup> The representatives of international organizations within the UN system specify that trafficking became the object of public attention in 1997 (De Roy, 2006; UN 2012)

criminal circles in human trafficking. However, little notable progress in combating human trafficking was visible until the early 2000s. Until 2001, the key actors in fight against human trafficking in Russia were international and non-governmental organizations. After the signing of the United Nations Convention against Transnational Organized Crime (Convention) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention (the Palermo Protocol), the state became increasingly involved into anti trafficking activities. A series of actions followed, which eventually led to the adoption of new laws criminalizing human trafficking in Russia.

In this process, the main role was played by the Interdepartmental Working Group of the State Duma of the Federal Assembly of the Russian Federation for Civil, Criminal, Arbitration and Procedural Law on the preparation of draft federal law on combating human trafficking, and its coordinator Elena Mizulina (Tyuryukanova 2006: 13 ). The situation began to change before the ratification of the Palermo Protocol by the Russian Federation.<sup>3</sup> In December 2003, Articles 127.1 “Trafficking in Human Beings” and 127.2 “The use of slave labour,” which criminalized the use of slave labour, were introduced into the Criminal Code of the Russian Federation. From that moment onwards, the law enforcement agencies obtained legal tools to combat trafficking in human beings (previously, the traffickers were convicted under other articles of the Criminal Code).

In parallel, public authorities were establishing cooperation with international organizations. In order to improve understanding, coordination and cooperation in the implementation of initiatives to combat human trafficking, a joint working group with the participation of the UN and the IOM agencies was set up in March 2004. The UN participation in the Working Group was represented by such agencies as the ILO, the UNICEF, the UNDP, the UNFPA, the UNODC and the Office of the UN Resident Coordinator in the Russian Federation (De Rooy 2006: 8).

The Russian NGOs, working closely with international organizations and experts, made an invaluable contribution to prevention of, and fight against, human trafficking in the early 2000s. According to the leading specialist in the field of combating trafficking in human beings Elena Tyuryukanova, the initiatives of the Russian NGOs and international organizations had a serious, if not decisive, impact on the revitalization of the Government activity in this area, as well as on the rise of awareness of the general public and groups at risk (Tyuryukanova 2006: 13).<sup>4</sup>

<sup>3</sup> The Russian Federation signed the Protocol on December 12, 2000, and ratified it on April 26, 2004. At the same time, Russia also ratified the Protocol against the Smuggling of Migrants by Land, Sea and Air.

<sup>4</sup> The results of their work since the late 1990s were summed up at the first National Assembly of the NGOs involved in anti-trafficking, held in January 2004. The Second All-Russian Assembly of non-governmental organizations, attended by 63 NGOs, was held in Moscow on March 26, 2006. The Report on fight against human



The activity of the Russian Government encompassed several domains. Firstly, the organizational domain: in April 2007, a sub-department specialized in human trafficking within the Department for combating organized crime and terrorism of the Ministry of Internal Affairs of the Russian Federation was created. Guidelines for the investigation of cases of human trafficking were elaborated. Earlier, in 2004, the federal courts of general jurisdiction and magistrates' courts were obliged to keep statistics of cases under the Article 127 of the Criminal Code (SC 2004). Second, the cooperation with the competent authorities of the UK, Germany, Israel, the US, and other foreign countries was expanded.

In 2010, changes were introduced into the model draft agreement on cooperation between the Ministry of Internal Affairs of the Russian Federation and the Ministry of the Interior (competent authority) of a foreign state, in which special attention was paid to the cooperation in prevention, detection, suppression and prosecution of crimes in the area of trafficking in persons, especially women and children, as well as human organs and tissues (Resolution 2010).

Third, a structural unit – the Russian National Contact Point for Europol – was created within the Interpol National Central Bureau for Russia of the Russian Ministry of Internal Affairs. Its functions include organization and implementation of cooperation between the competent authorities of the Russian Federation and the European Police Office (HRC 2009: 80). The annual exchange of data between the law enforcement agencies on problems of human trafficking amounts to hundreds of documents.<sup>5</sup>

Fourth, the expansion of cooperation in the framework of the Commonwealth of Independent States (CIS) was put forward. In November 2006, the CIS Council developed and adopted a Programme of Cooperation of the CIS member states on fight against trafficking in human beings for 2007-2010. In 2008-2010, over 650 cases of trafficking in human beings took place in the CIS (Lebedev 2011). Fifth, an attempt was made to synchronize the laws of the CIS countries. In particular, the Inter-parliamentary Assembly of the CIS Member States elaborated two model laws: "On combating trafficking in human beings" and "On Assistance to Victims of Trafficking in Human Beings".<sup>6</sup>

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trafficking and slavery in Russia, prepared by the Interdepartmental Working Group, was made public for the first time at the Assembly (IOM 2011 a)

<sup>5</sup> Thus, during the 11 months of 2010, 192 documents were processed by the police forces of the countries-members of Interpol on the issue of combating trafficking in human beings for the purposes of economic exploitation. Regarding the fight against trafficking in human beings for the purpose of sexual exploitation, the number of documents circulated between the law enforcement authorities of Interpol amounted to 427 documents for the 11 months of 2010. In addition, in the framework of the project "Waistcoat" ("Life Vest"), developed by the General Secretariat of the Interpol, the Russian law enforcement agencies collect, analyze and process information on international criminal groups involved in trafficking in women and children for sexual exploitation (ECOSOC 2011: 40-41)

<sup>6</sup> Adopted in St. Petersburg on April 3, 2008 at the 30th plenary session of the Inter-parliamentary Assembly of the CIS Member States.

## A. Forms, Groups At Risk And Scale Of Human Trafficking

The main forms of international Trafficking In Persons (TIP) in Russia are: trafficking for sexual exploitation, trafficking for slave labour and, to a lesser extent, trade in children for adoption. The domestic market saw an increase in trafficking in children and persons with disabilities for begging

**Table 1. Groups at risk according to forms of exploitation**

Form of exploitation	Group at Risk
HT for sexual exploitation	Young women, especially those with low levels of education; the unemployed; sex-workers; the poor; migrants; children (boys and girls), especially from disadvantaged families and orphanages
HT for labour exploitation (slave labour)	Young and middle-aged men and women with low levels of education; immigrants; the unemployed; the homeless; children from disadvantaged families and children without parents
HT, especially of children and the disabled, for begging	Children from disadvantaged families and children without parents; the disabled; the homeless; mothers with many children; single mothers
Trade in children for adoption. <sup>7</sup>	Families from "social risk" groups (alcoholism, violence, etc.); poor families; large families with many children; single mothers

Source: Tyuryukanova 2006: 36

In addition to the listed above, experts highlight such forms of HT as: marriages for the purpose of exploitation (including the use of "mail-order brides"); HT for forced commercial surrogacy; HT for use in armed forces, as well as the use of soldiers and prisoners for forced labour (Tyuryukanova 2006: 24-25). The attention of the public and the media focuses on trafficking for the purpose of sexual exploitation. However, the extent of trafficking for slave labour is disproportionately higher due to a significantly larger numbers of migrants exposed to this type of exploitation (the number of labour migrants is approximately 5.4 million people. Most of them do not have grounds to be employed).

<sup>7</sup> During the discussion of the law that prohibits adoption of children by the US citizens (Federal Law 2012 b), legal adoption was interpreted by legislators and their supporters as "child trafficking."



## B. Enforcement

The national legislation broadly complies with the obligations arising from the Palermo Protocol. The reclamation of international organizations generally comes to two points. First, the federal law does not provide for specific grounds for the extension of stay on the territory of the Russian Federation for the victims that are foreign citizens and persons without citizenship, which is in conflict with Article 7 of the Protocol. Second and more importantly, there are no specialized programs for the prevention of trafficking and protection of victims of trafficking in Russia, which follows from the obligations under Article 9 of the Protocol (IOM 2011b: 161).

Despite that, since the introduction of special Articles for human trafficking into the criminal law of Russia, several dozens of organized criminal groups and over 2,000 people were identified as involved into crimes on human trafficking and recruitment of Russian citizens for the purpose of sexual exploitation both abroad and inside the country by 2009 (HRC 2009: 79).

In 2009, 78 criminal cases under the Art. 127.1 and 8 criminal cases under the Art. 127.2 were registered. Of these, 71 and 8 criminal cases were solved, respectively. In 2010, 103 criminal cases were registered under the Art. 127.1, and 15 criminal cases were registered under the Art. 127.2. Of these, 73 and 10 cases were solved, respectively. In 2011, 46 criminal cases were registered under the Art. 127.1, of which 17 were solved (Ovodkov 2012: 67).

The US Department of State, with reference to the Legal Department of the Supreme Court of Russia, offers the following statistics regarding the convictions for human trafficking in 2011: 32 persons were convicted under the Article 127.1, and 11 persons were convicted under the Article 127.2 (State Department 2012: 295). In cooperation with the competent authorities of other states, the activity of a number of international criminal networks was suppressed. The arrest of the members of two criminal groups that operated since the year 2000 was reported. The first group consisted of approximately 150 people (30 of them were based in Russia). Several thousand people fell victims to their criminal activity. In April 2011, 83 active members of this criminal group were under investigation in Israel, Italy, Uzbekistan, Moldova, and Belarus. Another criminal group consisted of 90 members (citizens of Spain, Russia, Ukraine, Belarus), and approximately 900 women suffered from their criminal activity (Skorohodov 2012: 72).

Given the difficulties in tracing these types of crimes, it can be assumed that human trafficking is a business for hundreds, if not thousands of people in Russia, while tens of thousands of people fall victims to HT. It should also be taken into consideration that crimes on human trafficking are not only directly covered under the Articles 127.1 and 127.2 of the Criminal Code, but also under the Art. 240 (incitement to prostitution), Art. 241 (organization of prostitution), Art. 242 (illegal distribution of pornographic materials or



objects), Art. 242-1 (production and distribution of materials or objects with pornographic images of minors).

### C. The Project Activity

Since the early 2000s, dozens of organizations, mostly NGOs, started to deal with the problem of human trafficking. As of 2009, approximately one hundred NGOs concentrated their activity on various aspects of HT. Among them are: the Center for assistance to victims of sexual abuse “Sisters” and Coalition “Angel” (Moscow); the Center Against Violence and Human Trafficking (Perm); Baikal Centre for Legal Reform (Irkutsk region); the International Organization “Save the Child” (Murmansk). The activity of these organizations concentrated on three main areas: preventive measures (information campaigns aimed at potential victims of trafficking), measures to protect and provide legal assistance to victims, and assistance to governmental entities in establishing legal basis for prosecution and punishment of organizers of the HT. Within the framework of the project “Prevention of Human Trafficking in the Russian Federation”, launched in 2006 jointly with IOM, a specialized rehabilitation center for victims of human trafficking, where the victims receive medical, psychological and social assistance, was opened in Moscow in 2007. Women’s non-governmental organizations founded 47 crisis centers for women in various regions of the Russian Federation. These centres work closely with the executive bodies of subjects of the Russian Federation as well as the local self-government bodies. (HRC 2009: 80, 83).

In recent years, the number of projects elaborated by the international organizations and the Russian NGOs (most of which were sustained with the help of foreign grants) to prevent trafficking and assist victims of trafficking diminished. For instance, the key project “Prevention of Human Trafficking in the Russian Federation”, financed by the European Union in cooperation with the US Department of State and the Swiss Agency for Development and Cooperation, was closed in 2009 due to the tightening of requirements for the Russian NGOs on the part of the authorities, especially after the adoption of the federal law on foreign agents (Federal Law 2012 b). The implementation of specific projects to combat trafficking in human beings by the NGOs is extremely difficult.

And the author also found an interviewee named Roman, he is a student of International Relations at Irkutsk State University. he said “well, our government provides physiological aid to those who suffered the sexual or mental abuse, but before there needs to be a legal claim against the criminal. Then the legal procedure may start and then it has to be proven if a person was abused. If the person faces the danger from the abuser the government might provide some security until the legal proceeding are finished.”

In Russia, a considerable positive experience in preventing and combating trafficking in human beings is accumulated, which manifests itself in the adoption of relevant



legislation, creation of corresponding structures within the law-enforcement agencies, and elaboration of practices for effective inter-departmental and international cooperation between the law enforcing agencies, as well as between the state authorities, local authorities and the NGOs. The main problems stem from the lack of a national strategy (program) to combat trafficking in human beings and assist victims of trafficking.<sup>8</sup>

## Conclusion

Protection of victims of human trafficking in Russia has been embodied in legislation and implemented in good law enforcement practices. There are law enforcement agencies and cooperation between departments, international cooperation between countries and between state authorities, local governments and NGOs. In Indonesia, too, there are adequate regulations relating to the protection of victims of human trafficking, but law enforcement practices still need to be improved so that victims' rights are fulfilled.

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<sup>8</sup> The program on Cooperation of the CIS countries against human trafficking for 2011 - 2013, approved by the heads of CIS member states on December 10, 2010, allows for country-specific actions at the national level.

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