

The Rise in Human Trafficking and the Role of Organized Crime*

Sally W. Stoecker, Ph.D.

The trafficking of women and children¹ from their home countries abroad for purposes of sexual exploitation and forced labor is growing at an alarming rate. Some estimates put the total women and children transported from their homes and sold into slavery throughout the world at roughly one million per year.² At least four factors are facilitating the growth of this phenomenon: the globalization of the economy, the increased demand for personal services in the developed world, the continuing rise in unemployment among women, and the rapid and unregulated enticement and movement of human capital via the internet. It is a sad commentary on the state of the global economy at the end of the 20th century that women and children are being traded as quickly as commodities, stocks, and bonds without adequate legal and humanitarian protection. This phenomenon can easily be called the “commodification of persons.”³

Unfortunately, the Russian Federation now represents a new and compelling case study of these larger global trends. Since the collapse of the Soviet Union, ending seventy years of centralized political and economic controls and at least fifty years of a comfortable social contract that guaranteed employment and social security for all, unemployment in Russia has hit the entire population extremely hard. Half of the Russian adults are out of work and only a quarter of those employed are getting paid on a regular basis, according to some estimates.⁴ The population that is hardest hit by unemployment and poverty is women and the children they support. These bleak labor trends have flowed nicely into the hands and coffers of criminal organizations, seeking to exploit the fluid and chaotic situation by luring desperate, jobless women and their children—in many cases unknowingly--into forced prostitution, sweatshop labor and domestic servitude. In the wake of globalization and the weakening of the state, criminal organizations have assumed the roles that the state previously played and, as Dr. Louise Shelley points out, have asserted their own form of authoritarianism. Not only do these

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criminal organizations exploit the chaos and high unemployment trends in Russia, they actively intimidate the populace in a manner not unlike the coercive KGB-informants and operatives of the Soviet era.⁵ Criminal organizations have penetrated the financial structures and political circles and block efforts to foster the growth of civil society in Russia. At the present time, Russia appears not only to be penetrated, but also ruled by corrupt officials and financial oligarchs and involved in crime and corruption at all levels of society. This corrupt environment combined with a still nascent sense of legal consciousness and high levels of unemployment and poverty are literally inviting criminal organizations to rule the country and cripple efforts to create economic and political institutions capable of serving the Russian citizenry.

By most accounts human trafficking is a highly attractive business for criminal groups because it is low in risk and high in payoffs. The U.S. Federal Bureau of Investigation estimates that perhaps 3,000 Russian mobsters control gangs in American cities that involve the forced prostitution of upwards of 8,000 women, many of whom are of Slavic origin.⁶ As the German investigator, Leo Keidel, puts it: “Human Trafficking is without a doubt, a major branch of organized crime.”⁷ Keidel notes that human trafficking is a highly organized activity that ranks fifth in the hierarchy of organized criminal activities in Germany.⁸ In 1995 there were 21 cases of human trafficking in Baden-Württemberg alone tied to organized crime, as reported by the *Landeskriminalamt*. According to one UN estimate, criminal organizations generate up to 3.5 billion dollars per year in profits from illegal migrant trafficking alone.⁹ As the head of operations for a UN crime prevention center remarked bluntly, with respect to trafficking in women from the former Soviet Union, “The earnings are incredible. The overhead is low—you don’t have to buy cars and guns. Drugs you sell once and they are gone. Women can earn money for a long time.”¹⁰

Market Drives Demand for Slavic Women and Children

Currently, the market for Slavic women and children in the “developed” countries of North America, Europe, and North Asia is among the hottest and largest and is drawing on a vast supply of impoverished and vulnerable citizens of the former Soviet Union. The IOM (International Organization of Migration) calls this rise in demand for Slavic

women the “fourth wave” of victims of trafficking involving women and children from Central and Eastern Europe, including Russia and Ukraine, that began in the early 1990s and continues to the present time.¹¹ Prior waves included the first (Thai and Filipino women), the second, (Dominicans and Colombians), and the third (Ghanaians and Nigerians). The “fourth wave” of victims from Central and Eastern Europe more than doubled in Belgium and tripled in the Netherlands between 1992 and 1995. German crime statistics also show that there were more female victims of trafficking into Germany from the countries of the former Soviet Union than from anywhere else, Poland coming in second and Thailand dropping to seventh place.¹² Research conducted by IOM and other non-governmental organizations, such as the Global Survival Network and the Foundation against Trafficking, identified the sources and flows of women trafficked from European Russia into Western Europe. One report documented the extent to which Slavic women trafficked to Belgium, the Netherlands, Poland, and Switzerland, had overtaken the traditional caste of African, South American and Asian women. For example, in 1994, 17% percent of the artist visas granted to “dancers” in Switzerland were Russians.¹³ The underworld has enticed numerous Slavic and Baltic women from Russia, Ukraine, Latvia, Lithuania, and Estonia as well as women from the former East Bloc countries of Hungary, Poland, Romania, and Czechoslovakia. These women are seen as exotic and desirable in the “developed” industrial countries of Europe, North America, Asia and the Middle East.¹⁴ According to some reports, there are upwards of 5,000 Russian prostitutes in Thailand recruited in the Russian Far East for job opportunities there. Slavic women are in great demand by Asian businessmen from Japan and China who work in Thailand, in addition to wealthy Thai men.¹⁵ The Russian women are considered throughout Southeast Asia to be “a symbol of social prestige.”

The rise in human trafficking is disturbing especially because as women are increasingly trafficked abroad, the Russian Federation is losing a valuable source of human capital. Many of the Russian women exported and enslaved tend to be well educated and are answering advertisements for positions in the service sectors for which they are frequently over-qualified. This appears somewhat counterintuitive, because most of the international development literature has shown education as a means of liberating women from enslavement and abuse. If anything, education should enhance their status

in society.¹⁶ The common profile of a woman trafficked from in the less developed countries of South Asia or Africa, for example, is a woman who lives in poverty, is uneducated, and who is discriminated against either for reasons of gender or ethnicity. For impoverished peoples like the Tamang in Nepal, becoming a prostitute is deemed socially acceptable and a means of providing for one's family.¹⁷ Indeed, the family often promotes this line of work for its daughters. In Russia, the woman's filial duty of providing for her family seems to be influencing her willingness to take jobs in other countries as dancer, clerk, or chef, as a means of earning money that can put food on the table. But many other influences are also at work:¹⁸ the breakdown in traditional social mores and resulting promiscuity, materialism, the "myth" of migration or the "Cinderella syndrome" which boil down to a belief that life will be better in another country—preferably an industrialized and developed one. Thus, despite the educational disparities among women in Russia and women in less developed countries of Asia and Africa, some similarities in how women view prostitution from a filial and economic perspective persist.

The Social Costs of Economic Transition

There are similarities in the social costs of political and economic transition between the post-collapse Russia in the early 1990s and that of post-revolutionary Russia. In the 1920s and 1930s, the threefold disruptions of revolution, civil war, and famine, and the new economic policy (NEP) had a deleterious effect on the cohesiveness of families and stability in Russian society. These disruptions resulted in the proliferation of abandoned children and unemployed and widowed or single mothers. According to the American historian Wendy Goldman, "Large numbers of women were forced to leave the workforce after the civil war and entire branches of industry closed in the shift to cost accounting under NEP. Sharp cutbacks in spending hurt social welfare agencies and state industries, sectors where female workers predominated. Thousands of medical personnel, state employees, daycare staffers, and nutrition and communications employees lost their jobs." Similarly, the Petrograd Bureau of Labor in 1922 also reported that 67% of the 27,000 registered unemployed persons in the city were

women.¹⁹ This very same passage could be used to describe the situation in the Russian Federation today where it is estimated that a substantial proportion of the urban female population is currently unemployed, particularly those under 30 years of age or over 50 years of age.²⁰ Employers now tend to hire men without the familial obligations of women—especially mothers—who care for young and often sick children. It is also important to remember that women predominated in some industrial branches, such as textile factories and other light industries that were especially hard-hit by the economic decentralization and privatization processes.²¹

In post-revolutionary Russia, as the competition for jobs increased, women lost out to men. The plight of divorced, non-working women was especially acute. Such women were labeled *netrudnyi* (non-laborers) who out of desperation turned to the street. They were known to solicit sexual services everywhere from public toilets, alleys, baths to passenger cars on trains.²² Homelessness left countless children susceptible to various forms of labor and sexual exploitation and to becoming criminals themselves. *Bezprizornost'* (homelessness) was called the “mother of crime” and indeed juvenile crime and child prostitution were widespread. Starving young girls were driven to perform sexual acts in exchange for a piece of bread.²³ In fact, the head of the Soviet Secret Police (*Cheka*), Felix Dzerzhinsky, was so moved by the plight of these children that he took on the battle against *bezprizornost'* almost single-handedly.²⁴ In 1921 he created a commission for the improvement of children’s lives attached to the All-Union Central Executive Committee (VTsIK). This commission, comprised of representatives from other child welfare agencies, the Peoples Commissariat for Education (*Narkompros*) and other commissariats of health and food, survived for two decades. The chief responsibility for the rehabilitation of street children lay with SPON (Division of Social and Legal Protection of Minors).²⁵ SPON was responsible for combating juvenile homelessness and delinquency and establishing guardianships. Despite the creation of these and many other commissions to deal with homelessness and rehabilitation, the numbers of homeless children grew unabated and the agencies grew perplexed as to how to care for the children who were increasingly turning to crime as a means of survival.

According to estimates by Soviet analysts, there were between 5 and 7 million homeless children roaming the streets of Russia after the revolution, or about 5-7 percent

of the population.²⁶ Adjusting for population differences (146,000,000 in 1999 versus 100,000,000 in 1926) approximately two percent of the current Russian population consists of homeless and unsupervised children.²⁷ Moreover, the capacity to care for them and offer medical, nutrition, and psychological services appears to be just as bleak as it was decades ago.²⁸ The following statistical information from one of Russia's leading criminologists illustrates the severity and complexity of these problems and the difficulties of arriving at reliable statistics on homelessness and juvenile crime:

Every year some 500,000 children and teenagers lose a parent. Nearly 40 percent of all juvenile crimes are committed in these families. More than 160,000 children are raised in state institutions (including orphans of living parents who have lost custody). Annually, in attempts to save themselves from cruel physical and psychological abuses, about 2 thousand children and teenagers commit suicide, 30 thousand leave their families, and about 6 thousand leave children's homes and internats. More than 24 thousand children and teenagers have disappeared and are being searched for by the police. Another 27 thousand are becoming victims of crime.²⁹

Homelessness and juvenile crime are phenomena that plague many parts of Russia, such as the Far East.³⁰ The Mayor of Vladivostok, Yuri Kopylov, stated recently that *bezprizornost'* in his city is very high, with some 3,000 abandoned children on the streets and very limited resources and facilities for caring for them.³¹ There are simply not enough orphanages and internats to accommodate this growing population. Whereas war, famine, industrialization and collectivization created enormous social and familial dislocations in the Soviet Union of the 1920s and 1930s, today's *bezprizornye* and unsupervised (*beznadzornye*) children are largely products of the problems associated with the abrupt loss of social guarantees and protections.³² Many poverty-stricken single mothers lack state support for their work in the form of maternity leave, childcare, and other child-rearing subsidies so prevalent in the Soviet era. In their efforts to put food on the table, they must work two or three jobs in addition to trying to supervise their children. Their inability to give their children adequate attention has exacerbated the problem of juvenile delinquency.

A new federal law focused on combating the problem of increased homelessness and neglect of children was adopted by the Russian Federal Assembly in July 1999.³³ Its aim is to protect the rights of the homeless and unsupervised, but in fact it has led to increased numbers of homeless and neglected children. According to the new law, in an

effort to protect the rights of minors, a court order is needed in order to bring a homeless child into a center for temporary shelter. But one cannot obtain a court order without proving that a child either broke the law or does not have a permanent place of residence in the region. In most cases, the child rarely breaks the law and usually does have a place of residence. Therefore, he/she is refused a hearing in court, is refused admittance to the shelter, and turns to the street again.³⁴ Analyses of the homelessness problem in Vladivostok point out that options previously available for caring for street children are curtailed by the new law—only one institution opens its doors to the homeless and in reality that regional social-rehabilitation center for minors is already overcrowded. As a result, children are returned to their homes that are usually run by alcoholic parents. The author of the article suggests that the new law *should* be violated until more accommodations can be created for the growing homeless population because, according to the author, “violating this unsatisfactory law is less of a crime than what is currently happening to children in the city of Vladivostok.”³⁵

As a result, the ever-growing pool of rootless and unsupervised children and teenagers has created auspicious conditions for ever-younger criminals. As researchers in TraCCC’s Far East Center have demonstrated, many children are drawn into criminal schemes through drug addiction.³⁶ They become dependent upon their suppliers and then perform criminal acts in order to support their habits or become easy targets of labor and sexual exploitation. According to Russian criminologist, Larisa Romanova, the Maritime Province (*Primorskii Krai*) has the highest number of drug addicts in the Russian Federation. Official figures cite 7,000 chronically addicted persons yet Romanova believes the figure is closer to 100,000 persons. Recent estimates of the UNON (Directorate for Combating the illegal distribution of drugs within the Internal Affairs Administration of the Maritime Province) state that in the first half of 1999, more than 2000 citizens of the Province were charged with the possession and distribution of narcotics.³⁷

Part of the explanation for the high incidence in drug addiction in this region of Russia is its geographic location. Bordering on the Sea of Japan and China, with easy access to Korea, Japan, and China, the Maritime Province is the perfect location for criminal activities because its vast borders and prolific shipping traffic cannot be

adequately monitored. Specialists at Interpol believe that the Russian Far East will soon become the main transit corridor for narcotics heading to Asia and Europe.³⁸ Southern Manchurian Hemp grows abundantly in the province from which drug manufacturers prepare marijuana and hashish. The province is also a main destination point for shipments of ephedrine (better known in Russia as *lyod* or “ice”) from China and Korea and of opium from Central Asia, especially Tajikistan. Chinese couriers are said to carry contraband drugs across borders and thereby escape border control checkpoints. These couriers are accompanied and protected by Russian criminal organizations as they complete their deliveries. Perhaps most disturbing is the increasingly young age at which children and teens are trying out these drugs. Not only are the “elite youth” at institutions of higher education using them, but also 7-13 year olds. This trend, combined with the large population of homeless and unsupervised children in Vladivostok alone, has led to the growing problem of juvenile crime, with youth both committing crimes and suffering consequences. Opportunities for the trafficking of children in the Maritime Province are also frighteningly favorable, because vulnerable children can easily be illegally transported to shores of the sea and shipped clandestinely to their final destinations, be they in Asia or North America. Indeed, criminologists have recognized the severity of the human trafficking problem in the Far East.³⁹

Deceptive Recruitment and Procurement: Links in the Trafficking Chain

While recruitment of children may be fairly straightforward and simple: offers of food, shelter, or toys, the illicit schemes for enticing young women into criminal activities are somewhat more sophisticated. Advertisements for positions as waitresses, babysitters, office clerks, and dancers in Europe, Asia, and the Middle East are the most commonly reported. The problem appears to be growing fastest in eastern Siberia, from the Ural mountains to the Sea of Japan. Women and girls trafficked from Irkutsk to China and Japan is becoming more common and is recognized as a growing crime problem by law enforcement officials serving the Irkutsk oblast. An example of methods used in Siberia is recounted in a recent newspaper report.⁴⁰ A woman from Irkutsk named Lena left to visit her relatives in the Far East where she saw advertisements for a work-study program in China for restaurant chefs. She contacted the firm and received a contract that seemed

to provide for everything: medical insurance, room, and board. She accepted the offer and traveled with a small group of women to a small Chinese town where they spent one month learning how to prepare native Chinese cuisine. Then, as many similar accounts reveal, the chef trainees' passports were confiscated and they were told that it would cost them \$15,000.00 to get them back. Soon it became clear that there was no such restaurant and they had been deceived. One of the girls was sold to a group of traffickers from Macao and was sent there to work as a prostitute—others remained in the small Chinese town and were forced into prostitution serving clients in bars and restaurants. They were abused by their “bosses” and were kept like slaves in locked quarters with little food. Finally, the girls escaped and traveled home to Irkutsk, often at the expense of serving more clients in exchange for travel money along the way. Needless to say, this experience left deep emotional scars and necessitated extensive psychological counseling and rehabilitation.

Law enforcement officials have described the many and varied players or “links” involved in human trafficking chains. First, there are those who advertise the positions abroad and who tend to be of the same nationality as the women and children they seek to exploit. These criminal “entrepreneurs” work closely with brothel owners and organize and finance the transportation from their home countries to the brothels in foreign countries. The second rung consists of the “middlemen” most of which are also from the homeland of the victims and who work as couriers, smugglers, passport and marriage document falsifiers. These “middlemen” are usually from the milieu of the drug addicts who see financial benefits and means of supporting their drug habits. In addition are the issuers of invitations to eastern European citizens, who exchange favors with officials in charge of local offices, such as foreign office, real estate offices, construction offices—be they monetary or sexual services in exchange for extension of residential or work permits of the victims.⁴¹ This vast network of facilitators and others who accept bribes and pass off persons make the path difficult to trace.

Routes through Vast and Penetrable Borders

The pace and rate of movement of people today is so rapid and so vast that borders can not be adequately monitored and literally invite the trafficking of persons. Migrant

trafficking has become a large and lucrative business for crime groups who are able to exploit the demand for illegal migration as a result of political entry restrictions imposed by industrialized states. With the break up of the Soviet Union and the creation of 15 separate states (former republics) and the loss of centralized controls, combined with visa-free entry policies with surrounding countries has exacerbated an already daunting border control problem. The Russian Federation represents an especially difficult situation, because it is now a federation comprised of 89 subjects. Many of these subjects have crafted new treaties and relationships with Moscow that give them considerable autonomy and have also created their own laws and regulations on migration, for example, that in some cases contradict federal laws. As a scholar of the migrant situation in Irkutsk oblast notes, a new law on the temporary residence of foreign citizens and non-citizens on the territory of the region passed in 1998 has had virtually no effect. In fact, it has made the procedure for inviting foreign guests for professional purposes more complicated and costly while doing little to stem the tide of tourists who make up the largest percentage of violators of the rules and whose visas are easily obtained or even come via visa-free schemes.⁴² And while efforts to stem the tide of illegal migration through enhanced sanctions, fines, and other punishments may on the surface seem appropriate countermeasures, in fact they only serve to reinforce the attractiveness of this business to criminal groupings who see in migrant trafficking extremely high pay-offs and minimal risks.

Research conducted by IOM and other international organizations has identified some of the key transportation routes utilized by traffickers taking persons out of the Russian Federation. The *Baltic Route* is said to be especially porous, with Lithuania among the most penetrable countries for illegal migrants traveling to Germany, Scandinavia, and the United States from Belarus and Ukraine. Criminal traffickers appear to believe that the Polish-Lithuanian border is especially easy to cross.⁴³ Nearly 9,787 illegal immigrants from Southeast Asia were caught trying to cross from Ukraine into Poland in 1995.⁴⁴ The *Georgian transit route* has also expanded, due to an open border policy with Turkey. Many women and children are being trafficked through Georgia to Turkey and Greece and on to the Mediterranean countries. Children, in particular, are at risk due to schemes involving the tampering of passports. These passports include the

names of the children traveling with their alleged parents who then proceed to “lose” the passport and with it the identity of their children who are then left without documentation and can be trafficked with impunity. The expansion of the *China and Siberia route* has been facilitated by an open border policy created in 1992 to enhance tourism and good will. Chinese laborers are willing to take menial jobs that are unacceptable to Russians and the proliferation of Chinese citizens arriving on Russian soil with links to criminal groups appears to be a growing problem.⁴⁵ There is also considerable traffic from China via Moscow and Prague on to Germany, according to Interpol sources that investigate alien smuggling flows.

Border control problems are by no means confined to the former Soviet Union. Indeed, the whole notion of “borders” is becoming obsolete in this era of global markets, increased tourism and labor mobility. As Stephen Flynn suggests in his forthcoming study of the problem, administrative requirements and physical inspections of cargo are sorely outdated. What are needed are improvements in transportation and navigational technologies capable of monitoring the movement of labor and capital. In addition, the private and public sectors need to collaborate in ways that will allow for the speedy movement of labor and capital while also providing adequate means of inspecting and controlling this movement.⁴⁶ Unfortunately, the present system is filled with opportunities for criminal intervention and the large amount of cargo stolen in transit on a regular basis is passed on to consumers in increased prices for goods.

What is to be done?

In order to combat human trafficking effectively, a comprehensive, transnational strategy needs to be developed. Such a strategy should involve methods for preventing women and children from being drawn into these criminal schemes, investigating and prosecuting the crimes effectively, and protecting the victims of these crimes who frequently end up in foreign countries as illegal aliens without rights. The illegal movement of persons, as mentioned above, is a multi-faceted and growing phenomenon that is at once an outgrowth of economic globalization and labor mobility, technological advance, poverty and economic and political transition, cultural influences and social status, and political corruption.

Internet Monitoring is an important feature of the efforts to stem human trafficking. One very positive development is the incessant internet monitoring taking place by US Custom's Cyber-smuggling Center. US Customs Agency has stated that the trafficking of children in and from NIS countries for purposes of pornography is on the increase and is considered one of the top four biggest problems with which the agency is dealing.⁴⁷ Through its Cyber-smuggling Center, Customs is actively trying to track and investigate the daily proliferation of pornographic internet sites and to work with law enforcement to identify offenders.

Public outreach and publicity campaigns performed by several non-governmental organizations on the ground in Russia, Ukraine and other NIS states such as Miramed (Miracle Medicine), Winrock International, and the International Organization of Migration. These organizations reach out to vulnerable populations of young and unemployed women in the rural regions of Russia and Ukraine. Miramed has developed an anti-trafficking coalition made up of numerous Russian and NIS NGOs and QGOs⁴⁸ coordinated by MiraMed volunteers through a very sophisticated and extensive internet link up. Through these internet link-ups and other conferences and workshops, MiraMed has educated graduates from orphanages who are viewed as especially vulnerable to trafficking schemes into the dangers of criminal deception and enticement into employment opportunities abroad.

Winrock International and the NIS-US Women's Consortium based in Kyiv, Ukraine, has a trafficking prevention program that helps promote economic opportunity for women and to prevent domestic violence through job skills and violence prevention training sessions at three centers in Dnipropetrovsk, Donetsk, and Lviv. These centers are managed by Ukrainian women's organizations that have links to health providers and legal resources in their respective regions.

Miramed and Human Rights Watch have also conducted surveys throughout Russia that illustrate the citizens' fear and mistrust of law enforcement officers. Their reputation for being corrupt, linked to criminal elements, and potentially unwilling to assist victims and witnesses of crime, makes many citizens reluctant to call on them for help. A recent

study by Human Rights Watch on police torture of crime suspects in Russia illustrates that many officers are not held accountable for their actions, be they violent, abusive behaviors or neglect and propensity to cast a blind eye to crimes of a sexual nature.⁴⁹

Victim Protection and Counseling is increasingly being provided by Russian NGOs funded by the United Nations, U.S. government, and other organizations. An excellent example of a highly productive grass roots organization that is helping prevent trafficking and protect victims thereof is the Angara Crisis Center in Irkutsk, Russia. In addition to publicizing the trafficking problem through educational workshops and the media, the crisis center collects information about firms and marriage agencies that are advertising jobs abroad and disseminate practical information about the risks in taking jobs abroad. One Angara handout in particular offers practical advice to those who accept jobs in other countries. Their recommendations to women and girls considering employment abroad include: keeping their passport and visa with them at all times, knowing the name and address of the employer, the salary, the living conditions, and the length of the contract; leaving copies of passport documentation with parents or friends. They also advise agreeing on a warning signal to convey that one's phone is being tapped. Before departing for a foreign country, it is advised that one call the embassy in that country and ask for detailed information about immigration and labor laws there. The Angara Crisis Center has a hotline for women who are victims of domestic and sexual violence to call and a psychological counseling center for rehabilitation purposes.

Curricula Development for Institutes of Higher Education and Law Enforcement Academies. In addition to reaching out to young women and girls, the human trafficking crime—involving deception and coercion and other violations of bodily and human rights (and that is relatively new for Russia)—must be incorporated into law enforcement training and in the curriculum of legal academies, institutes, and universities. American University's Transnational Crime and Corruption Center recently received funding to work with researchers in Russia and other NIS countries to study the problem of human trafficking in a multidisciplinary manner and create training materials and courses for use in police and procuratorial academies and institutes. These training materials will focus on human trafficking as an organized criminal activity, as well as a violation of human, labor, and migration rights and will offer strategies for investigating and prosecuting trafficking crimes while simultaneously protecting the victims and witnesses of such

crimes. These training materials will be translated into the languages of other NIS countries.

Russian and American Legislation

The new Criminal Code of the Russian Federation contains several articles related to human trafficking offenses of a sexual nature. The articles that are applicable to these crimes, include Article 132, “Violent Actions of a Sexual Nature” and 133 “Coercive Actions of a Sexual Nature” and Article 240 “Enticing Persons into Prostitution” provide penalties for sexual crimes related to trafficking, but are both poorly enforced and limiting in scope. As Russian law enforcement officers have noted, articles 240 and 241 are designed to punish offenders who lure one into prostitution, but they cannot be prosecuted unless it can be proven that threats, blackmail, or deceit were used to bring women into prostitution which is often very difficult to determine. Women often accept jobs abroad enthusiastically but are really victims of deceit and false advertising. Once they have been coerced into prostitution, in many cases against their will, they become victims of physical abuse and violence and shame and are reluctant to come forward to assist in investigations for fear of reprisals. Moreover, these articles pertain to women subjected to these crimes in the Russian Federation and do not necessarily apply to Russian women residing in other countries.

In order to stem the tide of trafficking described above, the Criminal Code could benefit from amending Article 240/241 or creating a new article to make criminal the creation of a *commercial organization* that entices persons into prostitution and other forms of sexual services. This would begin to address the proliferation of agencies that appear “legal” such as massage parlors, baths, nightclubs and restaurants that in fact are used for criminal purposes.⁵⁰

Other articles of relevance to human trafficking crimes are 126: kidnapping of persons; articles 150, 152: enticement of minors into crime and anti-social behaviors and the trade of minors.⁵¹ Other articles in the criminal code need to be amended in order to address Russian citizens outside of boundaries of the Russian Federation who may serve as “middlemen”(advertisers, false agencies, media, notaries, auditors, security guards, bribe-takers, co-conspirators, and co-participants.) There is no legislation designed specifically to protect and rehabilitate the victims of crimes such as forced prostitution,

specified in article 133 “Coercion into Activities of a Sexual Character.” Amendments geared towards requiring the registration of entrepreneurs and commercial organizations placing Russian citizens in jobs outside of the Russian Federation are highly advisable, as are complementary changes to articles contained in the Civil, Labor, Family and Immigration Codes.

In recognition for the enormous American market for Slavic women, there have been efforts put forth in the United States Congress to introduce anti-trafficking legislation that would punish the traffickers and middlemen bringing women and children to this country for exploitation. Congressman Chris Smith from New Jersey designed and introduced anti-trafficking legislation that recently passed the House International Relations Committee.⁵² His bill, H.R. 1356, Freedom from Sexual Trafficking Act, sets out to provide victim assistance and protection, penalties for traffickers, asset forfeiture and restitution, and establishes an Interagency Task Force to monitor trafficking, housed at the Department of State. More specifically, the Smith bill prescribes new penalties, including life imprisonment, for those who kidnap, sexually assault or kill their victims, sexually traffic children under age 14, or sexually traffic individuals through force, fraud, or coercion. The bill authorizes \$94.5 million dollars over two years to be spent on victim assistance, such as counseling, adequate shelter while in custody, access to legal assistance and translation services, and protection against deportation from the United States. The bill provides aid to countries working to meet certain basic standards of eliminating the trade in humanity. For those countries failing to meet such standards, the President would be provided with options, such as withholding non-humanitarian foreign aid.

The Smith bill has been controversial among Washington policymakers—particularly in the Department of State—because it confines the discussion of human trafficking to sexual exploitation, instead of broadening the understanding of the term to labor exploitation, including domestic servitude, debt bondage, sweatshop labor, and other forms of non-sexual enslavement. Senator Paul Wellstone (D-Minnesota) and Representative Louise Slaughter (D-Rochester) introduced the “International Trafficking of Women and Children Victim Protection Act” in March of 1999, using the “broader” definition and it has been referred to the Senate Foreign Relations Committee. The

Wellstone bill would create an interagency task force located within the Department of State, to monitor and combat human trafficking. It would direct the Secretary of State to make annual reports to Congress on the trafficking problem, ensure that US missions abroad investigate and report on trafficking and make contacts with indigenous NGOs that study the problem. Those countries that fail to investigate and/or take action against traffickers in their countries would be ineligible for police assistance, “subject to waiver if in the U.S. national interest.” It would also authorize the Secretary of Health and Human Services to provide assistance to trafficking victims and their children in the United States and the President to provide programs to assist trafficking victims and their children abroad.

While the future of these bills appears somewhat bleak in the wake of an election year with American attention focused more intently on domestic political concerns, the efforts to introduce these bills are commendable given the growing demand for sexual and non-sexual personalized services provided in this country. It is our moral and political duty to take the lead in introducing legislation to address the proliferation of human trafficking as global and transnational crimes violating the most basic human rights and liberties.

Moreover, we need to pay more attention to the problem of child homelessness and neglect in countries undergoing political and economic transition, such as the Russian Federation. Rootless children are extremely vulnerable and provide, as the Russians themselves say, “human chattel” (*zhivoi tovar*) for criminal organizations seeking to exploit them for a variety of unsavory purposes. Simultaneously, many neglected children are becoming criminals themselves—the juvenile crime rate continues to climb. Because children are our future, in this era of global economies concern for their welfare should transcend national borders.

Thus, a multi-faceted, transnational approach to combating the trafficking in persons is under way, but much more needs to be done in to protect vulnerable women and children in the “supply” countries and to reduce the market for their services in the “demand” countries of North America, Asia, and Europe. While there are many positive aspects of market economies and enhanced opportunities for mobility and opportunity in this global age, the infiltration by organized crime and the social and human costs and are

extremely high for many underdeveloped countries that are unable to compete effectively in the global marketplace. These human costs must be taken seriously and addressed by policymakers and practitioners seeking to assist countries less fortunate than ours.

¹ The definition used here is based loosely on that of the International Organization of Migration, that trafficking in human beings occurs when a person in a country other than her/his own is exploited by another person against her/his will and for financial gain. According to IOM's recent policy statement, trafficking in human beings occurs when "a migrant is illicitly engaged (recruited, kidnapped, sold, etc.) and/or moved, either within national or across international borders; [and when] intermediaries (traffickers) during any part of this process obtain economic or other profit by means of deception, coercion and/or other forms of exploitation under conditions that violate the fundamental rights of migrants." IOM, *Trafficking in Migrants: IOM Policy and Responses*, March 1999, pp. 4-5. In a similar vein, an ad-hoc committee of the United Nations General Assembly recently formulated an anti-trafficking Protocol. This protocol defines "trafficking in persons" as the recruitment, transportation, transfer, or receipt of persons, by threat or use of kidnapping, force, fraud, deception or coercion ... to achieve the consent of a person having control over another person for the purpose of sexual exploitation or forced labor." See United Nations, *Revised draft Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime*, Vienna, October 1999, p. 4.

² A congressional hearing on Human Trafficking sponsored by the Helsinki Commission, OSCE in Washington, DC on June 28, 1999, heard testimony from the Deputy Director for International Initiatives of the President's Interagency Council on Women, Anita Botti. She stated that over one million women and children are trafficked around the world each year. She also stated that 175,000 women were trafficked from Eastern Europe and the CIS to Europe, Asia, North America and the Middle East in 1997 alone.

³ The idea of the "commodification of persons" was inspired by the phrase "commodification of women" studied by Daina Stukuls, "Body of the Nation: Mothering, Prostitution, and Women's Place in Post-communist Latvia," *Slavic Review*, vol. 58, no. 3 (Fall 1999) p. 537. Valerie Sperling also refers to the commercialization and objectification of women's bodies as processes that began in the mid-1980s with the onset of Gorbachev's glasnost reforms. See Sperling, *Organizing Women in Contemporary Russia: Engendering Transition* (Cambridge: Cambridge University Press, 1999), p. 77.

⁴ USIA Office of Research and Media Reaction, "Poverty in Russia: Just How Bad is It?" *USIA Opinion Analysis* (Washington, DC, January 12, 1999). According to this analysis, only half of Russia's 110 million adults work, with one third on pensions and one tenth employed. Russian citizens who were polled in this survey revealed that wage arrears were a more serious problem than unemployment, production stoppages, or low salaries.

⁵ Louise Shelley, "Post-Soviet Organized Crime: A New Form of Authoritarianism," in *Russian Organized Crime: The New Threat?* Phil Williams ed., (London: Frank Cass, 1997), p. 122.

⁶ Daniel Jeffreys, "Beauty and the Banker," *The Moscow Times*, 18 September 1999.

⁷ Leo Keidel, "Menschenhandel als Phänomen Organisierter Kriminalität," *Kriminalistik*, no. 5, 1998,

p. 325. The German market for prostitutes in the St. Pauli district of Hamburg, for example, is described in "Kampf um die Reeperbahn," *der Spiegel*, no. 50, 1997.

⁸ *Landeskriminalamt-Baden-Württemberg: Jahresbericht Organisierte Kriminalität 1995*, p. 54.

⁹ International Organization of Migration, "Organized Crime Moves into Migrant Trafficking," *Trafficking in Migrants: Migration Information Program*, No. 11, June 1996, pp. 1-2. "Migrant trafficking" has commonly referred to migrants who seek to emigrate from their home countries voluntarily and in this sense has differed from "human trafficking," whereby persons are deceived or coerced into slave like conditions in other countries. The distinction between the two has become increasingly blurred and in fact many international organizations are developing definitions that would respect the rights of persons exploited in other countries regardless of how they arrived in another country.

¹⁰ Interview with Michael Platzer, cited in Laura Barnitz, *Commercial Sexual Exploitation of Children: Youth involved in prostitution, pornography, and sex trafficking* (Washington, DC: Youth Advocate Program International, 1998), p. 23.

¹¹ *Trafficking and Prostitution: The Growing Exploitation of Migrant Women from Central and Eastern Europe* (Geneva: International Organization of Migration, 1995), pp. 6-7.

¹² Keidel, "Menschenhandel," p. 322.

¹³ *Ibid.*, p. 8.

¹⁴ N. Leskova, "100 Nalozhnits dlia Germanii, *Izvestiya*," 27 September 1997.

¹⁵ E. Shteiner, "Russkie v Indokitae," *Nezavisimaya Gazeta*, 21 August 1997.

¹⁶ See, for example, Catherine Scott, *Gender and Development: Rethinking Modernization and Dependency Theory* (Boulder: Lynne Rienner, 1994) and Joycelin Massiah, ed. *Women in Developing Economies: Making Visible the Invisible* (New York: Berg, 1992).

¹⁷ Renu Rajbhandari, *Girl Trafficking: The Hidden Grief in the Himalayas* (Kathmandu, Nepal, 1997).

¹⁸ Andrea Stevenson Sanjian, "Prostitution, the Press, and Agenda-building in the Soviet Policy Process," in Anthony Jones et al. Eds. *Soviet Social Problems*, (Boulder: Westview Press, 1991) p. 279.

¹⁹ Wendy Goldman, "The Withering Away of the Family," in Sheila Fitzpatrick, *Russia in the Era of NEP: Explorations in Soviet Society and Culture* (Bloomington: Indiana University Press, 1991) p. 131.

²⁰ This is based on data provided by USIA, Office of Research, May, 1999. The absolute number of unemployed women was comparatively higher in the 1920s, since the population for the Russian Federation (RSFSR) in 1926 was 100, 858, 000 compared with 146, 393, 569 today. See *World Almanac and Book of Facts*, Robert H. Lyman ed. (New York: Press Publishing Company, 1930) and Central Intelligence Agency's *World Fact Book 1999*.

²¹ Sperling, *Organizing Women*, p. 150.

²² *Ibid.* p. 132.

²³ Alan Ball, *And Now My Soul is Hardened: Abandoned Children in Soviet Russia, 1918-1930* (Berkeley: U. California Press, 1994) p. 56.

²⁴ *Ibid.*, p. 91. See also Juviler's discussion of the efforts by Peoples Commissariat of Education to care for street children through communes and schools, "Contradictions of Revolution: Juvenile Crime and Rehabilitation," in *Bolshevik Culture* (Bloomington: Indiana University Press, 1985) pp. 266-267.

²⁵ SPONS was a subsection of *Glavsotvos*, a branch of the Commissariat of Enlightenment (*Narkompros*) responsible for combating child homelessness. See Ball, *And Now My Soul*, glossary.

²⁶ Peter Juviler, "Contradictions of Revolution: Juvenile Crime and Rehabilitation," p. 264.

²⁷ This is based on the rough figure of 2.5 million homeless and unsupervised children, reported by the chairman of the security committee of the Russian State Duma at an international roundtable on combating the export and exploitation of women and children held in October, 1997. It should be underscored that obtaining an accurate figure is extremely difficult and estimates of homelessness vary widely within the organizations studying the problems of child welfare and juvenile crime. For example, UNICEF (United Nations Children's Fund) gives a figure of 1 million homeless children in the Russian Federation in its new report, Alexandre Zouev, ed. *Generation in Jeopardy: Children in Central and Eastern Europe and the former Soviet Union* (New York: ME Sharpe, 1999) p. 69. The author plans to take up the question of methodologies for describing the scale of child homelessness in a forthcoming study of the problem.

²⁸ Stenographic Report of the Roundtable on International Cooperation in Combating the Illegal Export and Exploitation of women and children abroad, State Duma of the Russian Federation, 9-10 October 1997.

²⁹ A.I. Dolgova, *Prestupnost, statistika, zakon* (Moscow: Kriminologicheskaiia Assotsiatsiia, 1997) pp. 10-11.

- ³⁰ Viktoria Chernysheva, "The Attraction of Youth into Criminal Organizations in the Far East," *Organized Crime Watch*, TraCCC-American University, vol. 1, no. 1, 1998, pp. 1-2.
- ³¹ Mayor Kopylev's opening remarks at an international seminar on preventing drug addiction and suicide and transcultural psychiatry and psychology, Vladivostok, July 6, 1999.
- ³² *Bezprizornye* is the Russian term applied to children without parents, orphans who wandered the streets and were either not placed in orphanages or who escaped from them. *Beznadzornye* refers to children who did have parents or guardians, but who were poorly supervised and also roamed the streets.
- ³³ Federal'nyi zakon: "Ob osnovakh sistemy profilaktiki beznadzornosti i pravonarushenii nesovershennoletnykh" adopted by the Federation Council, 9 July 1999. See *Rossiiskaya gazeta*, no. 121, 30 June 1999.
- ³⁴ Tatiana Oshchepkova, "Broshennye i zabytye," *Poslednie izvestiia*, 19 October 1999, p. 3.
- ³⁵ Galina Kushnareva, "Gde pomogut Mustafe?" *Vladivostok*, 20 October 1999, p. 8.
- ³⁶ Larissa Romanova, "Drug Addiction in the Russian Far East," unpublished paper, spring 1999.
- ³⁷ M. Usova, "Geroinovye pobirushki," *Auf-Primore*, 1999, no. 31.
- ³⁸ Vitaly.A. Nomokonov, ed. *Organizovannaya prestupnost': tendentsii, perspektivy bor'by*, Vladivostok: Far East University Press, 1999, p. 106.
- ³⁹ Vitaly.A. Nomokonov, ed. *Organizovannaia prestupnost' dal'nego vostoka: obshchiye i regional'nye cherty*, Vladivostok: Far Eastern University Press, 1998, p. 157.
- ⁴⁰ Irina Ruzhnikova, "Russkaya Natasha, Masha, Liza...," in *Chto Pochem*, no. 33, 29 April 1999, p. 3.
- ⁴¹ Keidel, *Menschenhandel*, p. 324.
- ⁴² Sergei Skliarov, "Za zheleznyi zanaves—na zakonodatel'noi osnove?" *Interbaikal*, no.2, 29, p. 27.
- ⁴³ IOM News Release, "Trafficking in Migrants: The Baltic Route," 24 January 1997.
- ⁴⁴ *Reuters World News Service*, June 11, 1996.
- ⁴⁵ The proliferation of *chelnoki* is also reminiscent of the interwar period when most of the private trade took the form of petty transactions in the streets. This trade was known as *meshochnichestvo* (bagging) and helped fill the gaps where the central government's distribution system fell short. The current system of *chelnoki* is similar in its ability to provide consumer goods to particular to regions of short supply.
- ⁴⁶ Stephen Flynn, "Globalization and the Future of Border Control," paper presented at Council on Foreign Relations Study Group Meeting, 26 October 1999.
- ⁴⁷ Remarks by David Palmatier, Third International Duma Roundtable on combating organized crime, Irkutsk, Russian Federation, July, 1999.
- ⁴⁸ QGO is a "quasi-governmental organization" that still may receive a small donation from the state. Examples include orphanages, former pioneer camps, and other organizations prevalent in the Soviet era.
- ⁴⁹ *Confessions at Any Cost: Police Torture in Russia* (New York: Human Rights Watch, November 1999.)
- ⁵⁰ The author thanks criminal law expert and visiting Fulbright fellow, Dr. Georgi Glonti, for this suggestion.
- ⁵¹ While the amendment to the article providing for crimes against minors of a sexual nature were made in 1998, it is now apparent that article 152 should define more broadly offenses against persons of any age.
- ⁵² Congressman Chris Smith's website: http://house.gov/apps/list/press/nj04_smith.110900.html