Научная статья

https://doi.org/10.24412/2658-7335-2025-3-7 УДК 5.1.5



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ТОРГОВЛЯ ЛЮДЬМИ: ВИКТИМОЛОГИЧЕСКИЙ АСПЕКТ

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Аннотация: Современная торговля людьми представляет собой реальную угрозу национальной безопасности не только России, но и большинства стран мира. Актуальность представленной статьи объясняется необходимостью противодействия подобным преступлениям, учитывая, что этот вид преступной деятельности не признает государственных границ и существует как в развивающихся, так и развитых странах.

Цель исследования - подготовка научной базы для разработки концептуальной программы действий, направленной на изменение общественного сознания по отношению к жертвам торговли людьми, поскольку это проблема, затрагивающая жизнь миллионов людей практически в любой стране мира.

Методология исследования включает диалектический, сравнительно-правовой, системный и документальный методы, использование которых позволило провести анализ факторов, способствующих сохранению высокого уровня подобных преступлений (экономические и политические кризисы, высокой уровень криминогенной обстановки, рост безработицы и т.д.)

Решение заявленной проблемы возможно в том случае если международные и региональные организации расширят совместное сотрудничество и обмен информацией с тем, чтобы добиться более скоординированного подхода и смогут избежать совпадения и дублирования работы в данном направлении.

Ключевые слова: торговля людьми, работорговля, жертва работорговли, конвенция о рабстве, уголовное законодательство.

Финансирование: инициативная работа.

Original article

VICTIMS OF HUMAN TRAFFICKING: GENERAL CHARACTERISTICS AND VICTIMOLOGICAL ASPECT

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Abstract: Human trafficking, though being an old phenomenon, is currently an increasing concern for governments, as it violates human rights and undermines the foundations of a law-governed state.

Purposes. The article gives the analysis of the reasons for the existence of this phenomenon, and discusses psychological characteristics of persons who became victims of such crimes.

Objectives. In the article the authors consider the problem of human trafficking from the standpoint of criminal law in order to find ways to improve the overall strategy to counter this phenomenon.

The subject of the research is the norms of international and Russian legislation, regulating the main characteristics of a crime in the field of human trafficking.

Conclusion. The article presents proposals for improving, included in the general strategy of combating this type of criminal activity, which emphasizes the novelty of the study.

Keywords: human trafficking, a victim of trafficking, slave trading, convention, criminal legislation. **Funding:** Independent work.

Introduction

Modern human trafficking is a real threat to the national safety for the most countries of the world. The relevance of the presented article is explained by the need to counteract such crimes. It is important to understand that this type of criminal activity does not recognize states' borders and exists in both developing and developed countries. According to Europol reports, the proceeds from such crimes amount to US \$ 19 billion.

Factors contributing to the high rate of such crimes, include economic and political crises, high crime

rate, rising unemployment, growing stratification of society between rich and poor, the steady increase in all related crimes (alcohol and drug use, mental disorders, suicide, divorce, child homelessness).

Human trafficking, as an extremely dangerous type of crime, is an encroachment on essential human rights - the right to respect the human dignity, the right of freedom, the right to personal security, the right to freedom of movement and the right to choose one's residence, sometimes the right to life [6, c.119]. In international le-

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gal acts, when considering crimes related to human trafficking, a person who has suffered from this crime is called a "a victim of trafficking" [9, p.117], regardless of whether the person had the consent to the recruitment, transportation, sale, harboring or other activities, related to human trafficking.

According to statistics, more than 80 percent of victims are children and women, approximately 70 percent of them are involved in prostitution. Most of them come from other countries, counting to improve their financial situation and make positive changes in life.

Materials and Methods

Juveniles are the object of special interest of «sex-business». These categories are subjected to the greatest exploitation and discrimination. Most of the crimes occur due to victimization. This behavior corresponds to inadequate physical and psychological responses, carelessness about one's own security and property, addiction to risky projects, illegal transactions.

Victimization is a specific behavior in which the individual runs a risk. Many crimes could have been avoided if victims were careful.

Victims of trafficking can be divided into the following types, according to their awareness of the future working conditions:

- individuals who were deceived and forced to do this or that work, while they were eager to get a completely different job;
- individuals who agreed to work in a certain professional sphere, but did not expect that they would have to work in completely different, unacceptable conditions;
- individuals who have been correctly informed about their future job, but let other people control the situation and use their poor economic and legal situation to get profit [14, p.970].

Besides, there is a classification according to personal characteristics (gender, age, occupation). Statistics indicate that the age of victims is different. In recent years, the number of minors, involved in prostitution, has increased.

One of the factors that increases the risk of becoming a trafficking victim is previous physical or sexual violence. Thirty percent of the victims were sexually abused at the ages from 12 to 16.

D.A. Shapovalova classifies women victims of sexual slavery into:

- those who are willing to perform sexual services;
- those who are not intending to be engaged in prostitution, but admit the possibility of performing sexual services for consideration;
- those who are completely excluding the possibility of performing sexual services [14, p.256].

However, according to experts' estimates, 30,000 women are transported from Russia every year. Women at the age from 45 to 60 are forced to work in household or service industries.

Statistics show, that male is less exploited. Their number is two percent of the total number of victims of

trafficking. Men at the age from 20 to 45 are more likely to become the victims of labor exploitation. Their physiological characteristics provide the fact of their being involved in rough labor. They are exploited in agriculture, mining, drug production, etc. [15, p.108]

Minors are exploited in spheres where there is not much need in physical strength. They are forced to work in service industries, agriculture and are involved in household work. Sometimes, children are recruited to participate in armed conflicts, to carry out petty crimes or begging. The largest group of exploited victims is women due to their psychophysiological characteristics and social status.

Studies have shown that female victims of such crimes have a number of particular characteristics: sensitivity to environmental impacts, high anxiety and tendency to deal with their problems alone. In most cases, justifiable threats are exaggerated due to the victims' personal characteristics. They are more affected by threats and intimidation than the rest. Moreover, the psychological profile of such women includes such traits as personal changes in mood, self-doubt, heightened anxiety and unstable motivation, which do not allow them to assess the situation adequately.

This behavior is based on the psychological complexes since childhood (adolescence). For this reason, all the information from outside is taken up through the prism of experienced fears and complexes:

- women who believed in possibility of getting the work stipulated during recruitment, but were forced to perform sexual services;
- women who were ready to provide sexual services in case of good earnings. However, they were not counting on merciless exploitation, bullying, the need to perform sexual services, poor housing conditions, etc.;
- women who were ready to endure any kind of exploitation for the sake of earning money and were not considering themselves victims [3, p.103].

Judicial practice shows that human trafficking is closely linked with crimes related to prostitution. Trafficking in women generates colossal profits for criminal structures with a relatively low degree of risk in comparison with arms and drug trading. Therefore, this multibillion-dollar business is carefully disguised. Women go abroad as dancers, governesses, in order to continue their studies or to marry a foreigner.

Many countries around the world are involved in the human trafficking industry. Depending on a particular part of the trading process that takes place on their territory, the countries can be divided into source countries, transit countries and destination countries.

Source countries - are those that supply trafficked persons. These are countries where women and girls are fraudulently recruited for subsequent shipment to other countries for further exploitation. Russia, Armenia, Uzbekistan, Tajikistan and many others are considered to be source countries

Transit countries are those that make specific routes for victims of trafficking to pass through. A "slave market" is organized on their territory, where women are

sold to wholesale buyers. Egypt, Syria, Niger Russia, Algeria and others are among them.

Destination countries have a greater demand for trafficking. These are the countries where victims of labor and sexual exploitation are transported. They tend to be more developed due to the fact that their population have more resources to purchase the services of trafficked victims. Among the destination countries are Russia, Oman, Saudi Arabia, German, Spain and many others.

The given classification is token. No country fits one, and only one, of these labels. Many countries can simultaneously combine all three functions: the supply of live goods, transit and be the destination.

There is a certain category of persons who are likely to become potential victims of such crimes. This is the so-called "risk group" [5, p.101-102], which is subjected to the following factors:

- poverty (income level is considerably less than subsistence level;

-lack of stable employment and income. This group consists of school leavers and non-regular workers, students and migrants with occasional employment;

- low level of education;
- absence of a family or a difficult family situation;
 - low legal literacy;
 - labor migration;
 - desire to work abroad or to marry a foreigner.

Illegal migrants often fall victims of trafficking. Entering the country illegally, they are unable to resist the criminal groups, related to human trafficking. Criminals take their papers and force them to work for nothing. In some cases, the migrants are beaten, robbed or even murdered [7, p.95].

With this consideration in mind, we can conclude that a low level of education, lack of stable income, a difficult financial situation in the family are the reasons that prove the fact that minors from disadvantaged families, street children; drug addicted people; migrants from the poorest countries are at risk of being trafficked.

Thus, age, a low level of education, degree of social protection and life experience are factors that have a significant impact on victimization. People who are in a difficult life situation suffer from severe psychological and physical trauma, which results in personal tragedies and social deviations. Such people need a highly-qualified help to overcome the negative consequences of human trafficking.

People with thought disorder, memory disorder, attention disorder and intelligence disorders are more likely to become the trafficking victims.

Victims of trafficking experience an exaggerated sense of guilt - self-blame for what has happened to them. Such symptom may result from PTSD or comes from a repeated victimization as a result of misunderstanding and inadequate attitude of society. Starting cooperation with law enforcement agencies is not an easy matter for them. It usually takes such people a long time to make this decision.

Accordingly, one should remember the basic conditions upon which the success of cooperation with victims stands:

- the safety of victims must be a priority in the work of law enforcement agencies. Psychological and medical assistance should be provided to victims regardless of their consent to cooperate with the investigation;
- it is important to assure safety of the victims and their families during the investigation, at all stages of the trial and after it has been completed (if the person has testified in court);
- information about the risk and responsibility, associated with a particular victim's decision, must be communicated to the victim. It concerns the testimony;
- it is important for law enforcement officials to establish a cooperation mechanism with specialists from governmental, non-governmental and international organizations in order to send an affected individual there for consultation or assistance [2, p.104].

Unfortunately, victims of trafficking do not have security guarantees, legally provided by Russian legislation.

Being involved in criminal activities, such as drug distribution, use of forged documents, illegal migration, these people are very intimidated. So, slavery for them is the only way to survive. They do not want to cooperate with law enforcement, because they don't believe in the protection and assistance of the state. But prejudice towards such people is unacceptable, especially if individuals, who are victims of sexual exploitation or labor slavery, are trying to hide what had happened to them.

Results

Human trafficking is a problem, affecting the lives of millions of people around the world. To eliminate it, public consciousness towards victims of human trafficking needs to be changed radically. This, in turn, determines the need for clear program of actions, aimed at solving this problem

International cooperation is essential for the prevention of such crimes. As mentioned above, human trafficking is a criminal business. It is a global problem, that has gone beyond the borders of individual states These crimes inflict heavy damage on their victims. It takes a lot of effort to get these people back into society and make them feel like full citizens [10, p.97].

It is not possible to stop the human trafficking solely by means of criminal prosecution. The fight against this phenomenon is possible if the laws on immigration, labor, health and child protection are reviewed and amended and if the legal framework for combating this phenomenon is established. It was important to monitor the compliance of the adopted laws and the effectiveness of their application.

It is evident that states have to establish comprehensive government institutions to protect the victims of this type of crimes and to prosecute those responsible. In addition, it is important to take measures to address the factors that contribute to the spread of human trafficking by using laws and monitoring illegal activities.

According to official data, up to 175 thousand women and children are exported from Russia, other CIS countries, Central and Eastern Europe to Western Europe and North America alone [4, p.104]. Nevertheless, it should be pointed out that none of the services on the territory of Russia can present the number of victims and the scale of human trafficking. This is due to the deficiency of an information acquisition system that would collect information about victims of human trafficking who had been sexually exploited and used in slave labor [17, p. 10]. The high latency of human trafficking is due to several factors, including:

- the fear factor of the publicity about sexual and other exploitation, committed against individuals, causes their reluctance to cooperate with law enforcement authorities. Disbelief in law enforcement ability to protect victims from adverse consequences provides their reluctance to report a crime committed against them to the internal affairs bodies;
- continuous improvement of the ways of recruiting victims or a veiled form of recruitment under the guise of travel agencies or temporary staffing suppliers;
- Internal Affairs Agencies do not show evidence of increasing efforts to combat human trafficking, particularly in terms of providing adequate assistance to victims and curbing official complicity with trafficking activity;
- -Internal Affairs Agencies do not carry out investigative activity to identify and suppress the facts of human trafficking;
- the system of interdepartmental information interaction is not established and individuals who have been sexually exploited or used in slave labor are not subject to centralized accounting.

All these factors influence the official statistics, which do not fully reflect the actual state of affairs [1, p.167].

On average, Russian law enforcement agencies annually register only 73 crimes under Art. 127.1 of the Criminal Code of the Russian Federation.

The fight against human trafficking becomes the subject of special open and closed international treaties. To suppress this crime most states in the world amend the criminal legislation in terms of the introduction of special articles. International and domestic regulatory framework for combating human trafficking has increased over the past 10 years [16, p.279]. The creation of specialized mechanisms is essential to suppress human trafficking. In 2003 the Office of the Special Representative and Coordinator for Combating Human Trafficking was established within the framework of the activities of the Organization for Security and Cooperation in Europe (hereinafter - OSCE). It made the Plan of Action to raise public awareness of human trafficking that reckons for:

- co-operating with governments, helping them to understand the challenges they face to curb human trafficking and using all reasonable efforts to achieve those goals;
- assisting the governments in the establishment of national anti-trafficking structures necessary for effective domestic and transnational cooperation;

- raising the level of awareness on the trafficking policies and finding the related states' policy responses;
- having regard to all types of human trafficking, in particular trafficking for the purposes of commercial sexual exploitation and forced labor; involuntary servitude, domestic servitude or street vending, organ trafficking or for the purpose of forced marriage;
- cooperation of both government agencies and law enforcement, as well as international organizations for increasing efforts to combat human trafficking;
- ensuring the transparency of OSCE's suppression of human trafficking in order to draw special attention to this problem [8, p.62-63]. So, the OSCE is making significant efforts to eliminate the trafficking.

One more international mechanism to suppress human trafficking is Interpol. It obliges Interpol member states to monitor suspected traffickers to prevent their actions [11, p.279]. In recent years, the number of individuals, prosecuted for human trafficking, has increased significantly [13, p.46]. Now therefore, the increase in the spread of this crime in the world can be observed in conjunction with the activities of law enforcement agencies to investigate and prosecute the perpetrator

It is necessary to emphasize the role of international organizations in suppressing human trafficking. Their competence includes the elaboration of new legal acts, aimed at strengthening cooperation, at adopting certain mechanisms at the regional level, within the context of the Council of Europe.

The Council of Europe Convention on Actions against Organ Trafficking dated July 9, 2014 is The Council of Europe's normative legal act in this area. This document considers the problem of trafficking in organs as a topical issue due to the rapidly growing demand for healthy human organs. At present not a single highly developed state has been able to achieve transparency in transplantation.

Organ trafficking turns a great profit, while remaining latent. It is committed by an organized criminal group and this is the reason why it is extremely difficult for law enforcement officials to expose and prosecute the traffickers.

Commercial sexual abuse of children is closely connected with human trafficking. In 2007 the Council of Europe signed the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It spelled out the features of international cooperation, regarding the designated issues. It pays attention to the criminal law and criminal-procedural aspects of bringing the countries parties to national legislation in accordance with the provisions set out in

Thus, attention is given to the improving the international legal framework for suppressing and preventing human trafficking and on improving domestic legislation in the field of human trafficking [12, pp.277-278].

Conclusion

Due to the complexity of the crime, it is urgent to eliminate the factors, affecting the increase in the scale of human trafficking, and to eliminate the reasons, prompting the victims of this crime to find themselves in this situation. Definitely, in most cases, human trafficking occurs without the consent of these individuals. However, in some cases, dangerous situations are created by the victims themselves.

Analysis of the international and domestic antitrafficking regulation procedure contributed to the identification of the following problematic issues:

- the activities of international bodies and national mechanisms are aimed primarily at the suppression of crimes, rather than identifying and preventing their causes. Although, in recent years, the most vulnerable areas (migration policy, employment of foreigners, etc.) have been identified, not all states accept changes in line with international recommendations. These are states such as Iran and North Korea;

- the imperfection of the status of a victim of trafficking and its inconsistency. This problem is complicated by the fact that, being in difficult life situations, some individuals use the status of victims of human trafficking for resettlement to another country, hoping to improve living standards. This is the reason why national authorities of states have a skeptical attitude towards this problem.

Human trafficking factors need to be analyzed constantly. A rapidly changing world necessitates the improvement of international cooperation programs. To exchange the necessary information promptly and to monitor the innovations in criminal activity states need to have regional and international information systems.

To reduce the crime rate in the field of human trafficking, states' policies should be aimed at the settlement of political and armed conflicts, establishing a balance in the economy, decreasing in unemployment, increasing in legal employment channels as well as decreasing in demand for cheap labor

Mutual legal assistance of states should be taken into account. It implies the adoption of effective measures to investigate, prosecute and punish traffickers. It concerns the source, transit and destination countries

It should be pointed out that multilateral cooperation in combating human trafficking within various international organizations and as part of States' fulfillment of obligations under universal multilateral treaties in the field of human rights, covers not only direct coordination of joint actions, but also includes the constant information exchange on effective methods, used by states [2, c.104]. One way to disseminate such information is the state submission of reports and activity reports.

Thus, in the coming years international and regional organizations should strengthen their cooperation and information exchange in order to achieve a more coordinated approach and avoid overlap and duplication of work.

Конфликт интересов

Не указан.

Рецензия

Все статьи проходят рецензирование в формате doubleblind peer review (рецензенту неизвестны имя и должность автора, автору неизвестны имя и должность рецензента). Рецензия может быть предоставлена заинтересованным лицам по запросу.

Conflict of Interest

None declared.

Review

All articles are reviewed in the double-blind peer review format (the reviewer does not know the name and position of the author, the author does not know the name and position of the reviewer). The review can be provided to interested persons upon request.

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Вклад авторов:

все авторы сделали эквивалентный вклад в подготовку публикации.

Contribution of the authors:

All authors contributed equally to this article.

Статья поступила в редакцию / The article was submitted 10.09.2025; Одобрена после рецензирования / Approved after reviewing 20.09.2025;

Принята к публикации / Accepted for publication 20.09.2025.

Авторами окончательный вариант рукописи одобрен.

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