



Home Office

Country Information and Guidance

Ukraine: Victims of trafficking

Version 2.0

May 2016

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

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1. Introduction

1.1 Basis of Claim

1.1.1 Fear of being trafficked or re-trafficked; or fear of persecution or serious harm from those who trafficked them if returned to Ukraine.

1.2 Other Points to Note

1.2.1 Where a claim falls to be refused, it must be considered for certification under section 94 of the Nationality, Immigration and Asylum Act 2002 as Ukraine is listed as a designated state.

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2. Consideration of Issues

2.1 Credibility

2.1.1 Only trained specialists in the UK's designated competent authorities can decide whether or not there are reasonable grounds to accept the person as a victim of trafficking. Therefore, if it has not already been done, decision makers dealing with the asylum claim must make an appropriate referral to the National Referral Mechanism (NRM). The case will then be routed to a 'competent authority' (see [Victims of human trafficking: competent authority guidance](#)).

2.1.2 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.3 Decision-makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

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2.2 Particular social group (PSG)

2.2.1 Victims of trafficking from Ukraine form a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention. This is because they share an immutable (or innate) characteristic – their experience as a victim of trafficking - that cannot be changed; and have a distinct identity in their home society.

2.2.2 Although victims of trafficking from Ukraine form a PSG, this does not mean that establishing such membership will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case will be whether the particular person will face a real risk of persecution on account of their status as a victim of trafficking.

- 2.2.3 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Assessment of risk

- 2.3.1 Ukrainian victims of trafficking are subjected to sex trafficking and forced labor in Ukraine as well as in Russia, Poland, Turkey, the United States, and other parts of Europe, Central Asia, and the Middle East. Ukrainian men, women and children may be subjected to sex trafficking within the country (see [Prevalence of human trafficking](#)).
- 2.3.2 Human trafficking in Ukraine affects both men and women. The gender ratio among victims of trafficking assisted by IOM Ukraine in 2015 was 379 women compared to 361 men. IOM assisted 740 victims in 2015 (see [Prevalence of human trafficking](#)).
- 2.3.3 According to the State Statistics Service of Ukraine the population of Ukraine (excluding Crimea) at the beginning of 2016 is roughly 42.8 million. Whilst there were a significant number of incidents of trafficking in Ukraine, the number when compared with the overall size of the population suggests that there is not a general risk of persons being trafficked. However, some populations are at increased risk of trafficking, such as: children in state orphanages and vulnerable adults in state institutions; persons displaced due to the ongoing conflict in Eastern Ukraine; members of the Roma community living in Ukraine; and women from some rural populations in Western Ukraine. The onus is on the person to demonstrate that he or she would be personally at risk of being trafficked or re-trafficked.
- 2.3.4 For further information on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Protection

- 2.4.1 Ukraine has comprehensive anti-trafficking legislation. The criminal code prohibits all forms of trafficking and prescribes penalties from three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes (see [Law on human trafficking](#)). Prosecutions do take place; 36 traffickers were convicted in 2014, of which 15 received prison sentences ranging from one to 10 years. However, the Government demonstrated weakened law enforcement efforts in pursuing trafficking cases. Convictions for trafficking are declining and considerable numbers of convicted traffickers are given lenient sentences or not sentenced to terms of imprisonment. Victims of trafficking are rarely given compensation and victims who testify at trial are often not treated appropriately (see [Prosecutions and government initiatives](#)).
- 2.4.2 Ukraine also has national anti-trafficking programmes and a formal procedure for the identification and referral to assistance of victims of trafficking, although identification procedures remained inadequate and relied on the victims of trafficking to self-report and provide evidence of what has happened to them. Internal trafficking is not sufficiently addressed in the government action plan for 2013-2015. The Ukrainian authorities have also

set up anti-trafficking co-ordination structures at central and local level and specialised police units, but these efforts are undermined by poor co-ordination, and lack of understanding about trafficking issues by government agencies such as the law enforcement bodies and corruption (see [Law on human trafficking](#)).

- 2.4.3 Furthermore, there are non-governmental organisations in Ukraine which are active in human trafficking matters which can potentially assist the person to avail themselves of the protection of the state (see [Assistance for victims of trafficking](#)).
- 2.4.4 Where the person's fear is of ill treatment/persecution at the hands of non state agents - or rogue state agents - then effective state protection may be available depending on the individual circumstances of the case. Decision-makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection.
- 2.4.5 The situation is however different in Crimea where, after it's annexation by Russia in 2014, the existing laws of Russia came into force. Similarly under Russian influence, women and children in the so-called Luhansk and Donetsk People's Republics are unable to access the legal protections provided in Ukrainian law (see country information and guidance on [Ukraine: Crimea, Donetsk and Luhansk](#)).
- 2.4.6 For further information on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Internal relocation

- 2.5.1. Victims of trafficking may be able to internally relocate to escape localised threats from members of their family, but vulnerable adults, children and single women with no support networks, may be vulnerable and subjected to destitution. However this may be mitigated where shelters and assistance are available from either government or civil society organisations, but each case would have to be assessed individually (see [Assistance for victims of trafficking](#)).
- 2.5.2. For guidance on relocation from Crimea, Luhansk or Donetsk see country information and guidance: [Ukraine: Crimea, Donetsk and Luhansk](#).
- 2.5.3. Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.5.4. The onus is on the person to demonstrate why they believe they would be unable to relocate to a specific town/city to mitigate any risk.
- 2.5.5. For further information on considering internal relocation and the factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Certification

- 2.6.1 Where a claim falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002 because effective state protection is generally available.
- 2.6.2 For further information on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 Human trafficking in Ukraine affects both men and women. Victims of trafficking are subjected to sex trafficking and forced labour in Ukraine as well as in Russia, Poland, Turkey, the United States, and other parts of Europe, Central Asia, and the Middle East.
- 3.1.2 Whilst there are a significant number of incidents of trafficking in Ukraine, the number when compared with the overall size of the population suggests that there is not a general risk of persons being trafficked.
- 3.1.3 Ukraine has comprehensive anti-trafficking legislation. The criminal code prohibits all forms of trafficking and prescribes penalties from three to 15 years' imprisonment. Prosecutions are brought and the penalties handed down are sufficiently stringent and commensurate with those prescribed for other serious crimes.
- 3.1.4 The authorities in Ukraine are in general willing and able to provide effective protection.
- 3.1.5 The situation is however different in Crimea and the so-called Luhansk and Donetsk People's Republics, where victims of trafficking in those areas would be unable to avail themselves of the protection of the authorities.
- 3.1.6 Except in the case of those from Crimea, Luhansk and Donetsk, where a claim falls to be refused it is likely to be certifiable as 'clearly unfounded'.

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4. Law on human trafficking

4.1.1 A Consortium for Applied Research on International Migration entitled 'Some aspects of Ukrainian legislative reform relating to combating against human trafficking,' published in May 2013, stated:

'Ukraine put in place legislative instruments to combat human trafficking. Thus, Ukrainian State Migration Policy Concept, Ukrainian Law "On counteraction to human trafficking" of 20.09.2011 No. 3739-VI, as well as Regulation of the Ukrainian Cabinet of Ministers of 18 January 2012 No. 29 "On national coordinator in the field of combat against human trafficking", Regulation of the Ukrainian Cabinet of Ministers of 15 February 2009 No. 90-r "On Concept of the State Target-Oriented Social Program of Combat against Human Trafficking until 2015", and Ukrainian Criminal Code (Law of 05.04.2011 No. 2341-III) represent a rather comprehensive set of legal instruments in the indicated field. In addition to that, starting from 2010 Ukraine is a party to the Council of Europe Convention on Action against Trafficking in Human Beings.'¹

4.1.2 A legal report published in February 2016 by the US Library of Congress on combating human trafficking in Ukraine stated:

'Ukraine declares its adherence to international standards for combating human trafficking. In addition to the Council of Europe Convention on Action against Trafficking in Human Beings, Ukraine ratified the United Nations (UN) Convention Against Transnational Organized Crime (2004) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the UN Convention on the Rights of the Child (1991) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2003), the Convention on the Elimination of All Forms of Discrimination Against Women (1981) and its Optional Protocol (2003), and the following conventions elaborated under the International Labour Organization (ILO), relevant to combating human trafficking: the Convention Concerning Forced or Compulsory Labour (No. 29), the Convention Concerning the Abolition of Forced Labour (No. 105), and the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182).'²

4.1.3 In December 2015, the European Commission reported that 'Ukraine has taken a number of significant steps to develop an anti-trafficking policy and

¹ Consortium for Applied Research on International Migration. Lyudmila Davydovych, Valentina Subotenko, 'Some aspects of Ukrainian legislative reform relating to combating against human trafficking,' May 2013. http://www.carim-east.eu/media/exno/Explanatory%20Note_2013-40.pdf Date accessed: 06 April 2016.

² US Library of Congress. Peter Roudik and Olena Yatsunskya, 'Summary of Training Related to Combating Human Trafficking: Ukraine,' February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 04 April 2016.

actions, through the adoption of a new State Program to Combat Trafficking in Human Beings, which is scheduled to enter into force on 1 January 2016.³

4.1.4 In September 2014, the Council of Europe published a report on Ukraine by GRETA (the Council of Europe's Group of Experts on Action against Trafficking in Human Beings):

'In its report, GRETA welcomes the steps taken by Ukraine to develop the legal and institutional framework for combating trafficking in human beings, including the adoption of a comprehensive anti-trafficking law, national anti-trafficking programmes and a formal procedure for the identification and referral to assistance of victims of trafficking. The Ukrainian authorities have also set up anti-trafficking co-ordination structures at central and local level and specialised police units.

'However, a number of challenges remain to be tackled through legislative, policy or practical measures... GRETA calls on the Ukrainian authorities to provide in law for a recovery and reflection period for victims of trafficking...'⁴

4.1.5 The US Department of State's Trafficking in Persons report 2015 stated: 'Article 149 of the criminal code prohibits all forms of trafficking and prescribes penalties from three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.'⁵

4.1.6 The GRETA report noted that 'Ukrainian legislation does not establish as a criminal offence the use of services of a victim of THB [trafficking in human beings] with the knowledge that a person is a victim.'⁶

4.1.7 The OECD Development Centre's 2014 edition of the Social Institutions and Gender Index stated: 'In November 2010, Ukraine ratified the Council of Europe Convention on Action against Trafficking in Human Beings.'⁷

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³ European Commission. 'Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation,' dated 18 December 2015. 2.3.1.2. Trafficking in human beings. <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> Date accessed: 2 April 2016

⁴ Council of Europe. Group of Experts on Action against Trafficking in Human Beings (GRETA). 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine,' dated 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 22 July 2015.

⁵ US Department of State. 'Trafficking in Persons 2015,' Country Narratives: T-Z and Special Case; Ukraine, p 347, published 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> Date accessed: 11 August 2015.

⁶ Council of Europe. Group of Experts on Action against Trafficking in Human Beings (GRETA). 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine' (para 106), published 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 7 September 2015

⁷ OECD Development Centre. 2014 Edition of the Social Institutions and Gender Index; Ukraine; Restricted physical integrity; published November 2014. <http://genderindex.org/country/ukraine> Date accessed: 20 July 2015.

4.2 Legal measures on protecting Trafficking victims

4.2.1 A desk review for the United Nations Inter-regional Crime and Justice Research Institute stated:

'Ukraine has a witness protection law (Law on provision of safety for persons acting in trials), granting the right to safety and protection for those involved in criminal proceedings as witnesses. There is an official department for witness protection, but officials in the department are thought to lack of training and understanding of the special needs of trafficking witnesses. Experts also stress the lack of financial resources and technical possibilities to provide adequate protection. Besides, fullblown witness protection measures are not granted to trafficking persons during investigations. In many cases, law enforcement officials do not consider trafficking victims in need of such protection measures

'The witness protection law provides for confidentiality, anonymity, and close trials, but such provisions are rarely used in trafficking cases, because witnesses are frequently not informed on these possibilities. In most cases, NGOs provide assistance to the victims, accompanying them to court and preparing them for trial, in addition to providing safe shelters.'⁸

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5. Prevalence of human trafficking

5.1 Contributing factors

5.1.1 An article published in The Guardian in February 2016 stated:

'Trapped in conflict with Russia and weakened by decades of government mismanagement, Ukraine is suffering a deepening economic malaise. It is the second poorest country in Europe by GDP; only its tiny neighbour Moldova is poorer.

'An estimated 2.7 million people have fled their homes to escape conflict with pro-Russian separatists. Traffickers prey on them, with police intercepting dozens of displaced people in the hands of traffickers en route to Germany, Russia, Belarus, Poland and Israel. The inflated currency is pushing millions of people into destitution. Thousands are trying to find work abroad – by whatever means possible. According to a 2015 survey commissioned by the IOM, 41% of Ukrainians working abroad are doing so illegally – compared with 28% in 2011. That puts them at the mercy of criminals.'⁹

5.1.2 The Organisation for Security and Co-operation in Europe published the following in June 2015:

⁸ United Nations Interregional Crime and Justice Research Institute. Vittoria Luda di Cortemiglia. 'Desk review; Trafficking in Minors for commercial sexual exploitation Ukraine.'

http://www.unicri.it/topics/trafficking_exploitation/archive/minors/countries_partners/dr_ukraine.pdf
Date accessed: 5 April 2016.

⁹ The Guardian. Maxim Tucker, 'Sex, lies and psychological scars: inside Ukraine's human trafficking crisis,' 4 February 2016. <http://www.theguardian.com/global-development/2016/feb/04/sex-lies-psychological-scars-ukraine-human-trafficking-crisis> Date accessed: 04 April 2016.

‘Since the start of the crisis in and around Ukraine, more than 1.3 million people have been displaced, a human tragedy with widespread social and economic implications, as families and individuals are uprooted and impoverished. Unfortunately, human trafficking is often rife in such situations, as breakdown in the rule of law and weakened border controls make people more vulnerable to exploitation by trafficking networks... officials in Kharkiv reported that there have been 14 cases of trafficking for sexual exploitation this year involving 21 people, and some of these are IDPs from Luhansk and Donetsk.’¹⁰

5.1.3 In its 10th report on the human rights situation in Ukraine covering the period of 16 February to 15 May 2015, OHCHR summarized:

‘In the difficult economic conditions there is an increased risk of trafficking in persons. In 2015, the hotline of NGO La Strada registered an increased number of calls related to trafficking. Compared to 2014, more people, predominantly women, sought consultation regarding employment, studies, and going abroad to marry. An Odessa-based women’s NGO informed the HRMMU [Human Rights Mission in Ukraine] that it had documented nearly 60 cases of trafficking in 2014. Meanwhile in 2015, the International Organisation for Migration (IOM) has already identified 230 victims of trafficking.

‘The main destinations are the Russian Federation and Poland. Victims are most often from rural areas and low income groups, either young women crimped for sexual exploitation or older persons, mostly women, forced to become street beggars.’¹¹

5.1.4 OHCHR, in its 9th report on the human rights situation in Ukraine covering the period of 1 December 2014 to 1 February 2015, reported that:

‘Women, including those internally displaced, may be at heightened risk of being exposed to trafficking, sexual violence and resorting to prostitution as a means of survival. In the reporting period, the HRMU [Human Rights Mission in Ukraine] became aware of cases of trafficking involving IDPs. On 19 January a man in Lviv was arrested on suspicion of allegedly recruiting four women, one Lviv resident and three IDPs, for sex work in Israel. One of the IDPs stated that she was desperate for any income, as it was impossible to find employment and she had to provide for her two children. The case highlights the need for all actors working with IDPs to be alert to the threat of trafficking facing displaced women. The International Organization for Migration was providing services for two IDP women from Luhansk region

¹⁰ Organisation for Security and Co-operation in Europe. ‘Human trafficking in crisis situations: raising awareness in Ukraine,’ dated 19 June 2015 and updated 23 June 2015.

<http://www.osce.org/secretariat/165226> Date accessed: 22 July 2015

¹¹ UN Office for the Coordination of Humanitarian Affairs (OCHA). ‘Report on the human rights situation in Ukraine,’ 16 February to 15 May 2015,’ dated 15 May 2015. Available at: <http://www.refworld.org/docid/556ebb354.html> Date accessed: 5 November 2015.

who were allegedly in the process of being trafficked to Turkey for sex work.’¹²

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5.2 Statistics

5.2.1 Walk Free Foundation’s Global Slavery Index 2014, published in November 2014, ranked countries by prevalence of the population in modern slavery, placing Ukraine at number 106 out of 167 countries. 0.248 per cent of the population in Ukraine was found to be in modern slavery, which equates to 112,600 people out of a population of roughly 45.5 million.¹³

5.2.2 In its 2014 report, the Equal Rights Trust noted that:

‘The trafficking of persons in Ukraine is a significant human rights issue, with the country being source, transit and destination country for men, women and children. The International Organization for Migration (IOM) has worked with victims of trafficking in Ukraine since 2000; in the absence of a centralised national data collection system used by the authorities, the IOM’s statistics are the most widely used, including by government. Between 2000 and March 2015, the IOM assisted 11,086 victims of trafficking in Ukraine, although the total number of victims is likely to be significantly higher: the IOM estimates that, since independence in 1991, over 120,000 men, women and children have been victims of human trafficking. Since 2004, the gender of the victims has been recorded and monitored and over two thirds of the victims have been women. Where the purpose of trafficking is sexual, the overwhelming majority of victims are women: 99% of the victims assisted since 2007 were women (2,190 compared to 25 men).’¹⁴

5.2.3 The 2014 report by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) notes that:

‘Ukraine is primarily a country of origin of victims of trafficking in human beings (THB), but also to some extent a country of destination and transit... According to IOM statistics, the number of identified victims of THB was 1 085 in 2010, 823 in 2011, 945 in 2012 and 929 in 2013. The vast majority of the victims were Ukrainian nationals (1 077 in 2010, 804 in 2011, 889 in 2012 and 900 in 2013), the Russian Federation, Poland and Turkey being the main countries of destination. While in 2010 and 2011 the majority of the

¹² Office of the United Nations High Commissioner for Human Rights. ‘Ninth Report on the human rights situation in Ukraine based on the work of the Human Rights Mission in Ukraine (HRMU), covering the period 1 December 2014 to 15 February 2015.’

<http://www.ohchr.org/Documents/Countries/UA/9thOHCHRreportUkraine.pdf> Date accessed: 7 September 2015.

¹³ Walk Free Foundation. ‘The Global Slavery Index 2014; Rank of countries by prevalence of population in modern slavery’ (p 19), published November 2014. http://d3mj66ag90b5fy.cloudfront.net/wp-content/uploads/2014/11/Global_Slavery_Index_2014_final_lowres.pdf Date accessed: 13 August 2015.

¹⁴ Equal Rights Trust. ‘In the Crosscurrents: Addressing Discrimination and Inequality in Ukraine,’ dated August 2015 (page 39). Available at: <http://www.equalrightstrust.org/news/equal-rights-trust-launches-first-comprehensive-report-inequality-ukraine> Date accessed: 7 September 2015.

identified victims were women (respectively 64% and 58%), in 2012 and 2013 the number of male victims prevailed (respectively 56% and 55%). As regards children, there were 123 identified victims in 2010, 70 in 2011, 63 in 2012 and 23 in 2013.¹⁵

5.2.4 In its 11th Report on the human rights situation in Ukraine, dated 15 August 2015, OHCHR reported, 'According to a survey by the International Organisation for Migration (IOM) released on 30 July 2015, Ukrainians (both men and women) are increasingly vulnerable to the risk of trafficking. The results of the survey suggest that approximately three million residents of Ukraine intend to seek work abroad. Due to the deteriorating economic situation and the conflict, they tend to disregard terms of contracts.'¹⁶

5.2.5 The European Commission's November 2015 Progress Report stated that 'The numbers of victims identified continues to be very low. As of 19 November [2015], the Ukrainian authorities granted the status of victim of trafficking (VOT) to 140 people: 60 women, 59 men and 21 minors.'¹⁷

5.2.6 In a January 2016 article for Atlantic Council it was stated that 'For the past four years, the number of trafficking victims referred to the IOM for assistance by Ukrainian law enforcement agencies has decreased by roughly half annually. In 2012, 2013, 2014, and 2015 there were 232, 105, 52, and 27 victims referred, respectively. These numbers are dramatically different from those of the IOM; the average number of victims identified annually by the IOM has remained close to one thousand.'¹⁸

5.2.7 In an undated academic article published by the National Academy of Sciences of Ukraine it was stated that:

'The scopes of human trafficking are difficult to quantify with reliable estimates, as it is generally an underreported crime, while victims are scared of reprisals from traffickers or penalization by state authorities. Most scientific sources agree that the majority of irregular migrants in Ukraine – including those who are smuggled or trafficked – are not recorded presently.

'Presently, there is no single system of statistical information about human trafficking in Ukraine. Statistics of criminal cases related to trafficking are kept by the Ministry of Internal Affairs of Ukraine, while data on assistance

¹⁵ Council of Europe. Group of Experts on Action against Trafficking in Human Beings (GRETA). 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine,' dated 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 22 July 2015.

¹⁶ Office of the United Nations High Commissioner for Human Rights. Report on the human rights situation in Ukraine, 16 May to 15 August 2015. <http://www.ohchr.org/Documents/Countries/UA/11thOHCHRreportUkraine.pdf> Date accessed: 4 April 2016.

¹⁷ European Commission. Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation. 18 December 2015. 2.3.1.2. Trafficking in human beings. <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> Date accessed: 2 April 2016

¹⁸ Atlantic Council. Luke A. Drabyn, 'Ukraine Should Do More to Combat Human Trafficking,' 12 January 2016 <http://www.atlanticcouncil.org/blogs/new-atlanticist/ukraine-should-do-more-to-combat-human-trafficking> Date accessed: 4 April 2016.

provided to the victims of trafficking – by the State Service for Family, Child and Youth Affairs, data on providing assistance to child victims of human trafficking – by the Service for Child Affairs. The role of non-governmental sector is also very important: the International Organization for Migration (IOM) in Ukraine collects regular statistical information about assisted victims, as well as other civil society organizations and some international donors.¹⁹

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5.3 Forms of exploitation

5.3.1 A May 2013 report by the Consortium for Applied Research on International Migration entitled ‘Human trafficking trends in Ukraine’ stated:

‘Research carried out by Ukrainian experts has helped identify the categories of the Ukrainian population most vulnerable to human trafficking:

- ‘Women aged 18-26, primarily single, with low or very low living standards (as potential victims of sexual exploitation);
- ‘Men aged 31-60, primarily married (vulnerable to labour exploitation);
- ‘Children (primarily girls) aged 13-18 from single-parent and “restructured” families.’²⁰

5.3.2 The 2014 report by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) notes that:

‘Since 2010, a significant increase in THB for the purpose of labour exploitation has been observed. This type of exploitation affected 56% of the identified victims in 2010, 70% in 2011, 80% in 2012 and 89% in 2013. Trafficking for the purpose of sexual exploitation accounted for 36% of the identified victims in 2010, 24% in 2011, 13% in 2012 and 8% in 2013. As regards other forms of exploitation, 10 persons were trafficked for the purpose of organ removal in 2010 and four in 2012.’²¹

5.3.3 According to research commissioned by International Organisation for Migration, over 160,000 Ukrainians became victims of human trafficking since 1991, which makes Ukraine one of the largest countries of origin of slave labour in Europe. Ninety-one per cent of victims assisted by IOM

¹⁹ Ganna Gerasymenko. Institute for Demography and Social Studies, National Academy of Sciences of Ukraine. ‘Trafficking in Human Beings: the Roots and Realities in Ukraine,’ undated. <http://goo.gl/Tf8Ful> Date accessed: 6 April 2016.

²⁰ Consortium for Applied Research on International Migration. Oleksii Pozniak, ‘Human trafficking trends in Ukraine,’ dated May 2013 http://www.carim-east.eu/media/exno/Explanatory%20Notes_2013-67.pdf Date accessed: 6 April 2016.

²¹ Group of Experts on Action against Trafficking in Human Beings (GRETA). ‘Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine’ (paras 10 and 11), published 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 7 September 2015

Ukraine in 2015 suffered from labour exploitation. Women slightly prevailed among victims identified in 2015 (379 women compared to 361 men).²²

5.3.4 The US Department of State's report, 'Trafficking in Persons 2015,' stated:

'Ukrainian victims are subjected to sex trafficking and forced labor in Ukraine as well as in Russia, Poland, Turkey, the United States, and other parts of Europe, Central Asia, and the Middle East. Ukrainian women and children are subjected to sex trafficking within the country. Some Ukrainian children and vulnerable adults are subjected to forced begging. A small number of foreign nationals, including those from Moldova, Russia, Vietnam, Uzbekistan, Pakistan, Cameroon, and Azerbaijan, are subjected to forced labor in Ukraine in a variety of sectors including construction, agriculture, manufacturing, domestic work, the lumber industry, nursing, and street begging.'²³

5.3.5 A February 2016 article in The Guardian on human trafficking in Ukraine stated:

'Forced labour is difficult to detect. Traffickers deceive victims into travelling without valid visas, keep workers trapped in debt bondage and reliant on their employers for food and accommodation, or stop unpaid workers from leaving through violence and intimidation.

'The economic crisis is now so deep we see so many people are willing to accept any offer, risky offers, just for the chance to work abroad,' says Hanna Antonova, the IOM's counter-trafficking programme coordinator in Ukraine.²⁴

5.3.6 See also section on [Trafficking in children](#).

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5.4 Internal trafficking

5.4.1 The 2014 report by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) noted that:

'There is a shared opinion among national and international experts working in Ukraine that internal trafficking for labour exploitation, forced begging and forced criminality is considerably higher than the figures suggest.'²⁵ GRETA

²² International Organisation for Migration. Ukraine. 'Counter-trafficking programme,' updated March 2016. <https://www.iom.int/countries/ukraine/general-information> Date accessed: 2 April 2016.

²³ US Department of State. 'Trafficking in Persons 2015,' Country Narratives: T-Z and Special Case; Ukraine, p 346, published 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> Date accessed: 11 August 2015.

²⁴ The Guardian. Maxim Tucker. 'Sex, lies and psychological scars: inside Ukraine's human trafficking crisis,' dated 4 February 2016. <http://www.theguardian.com/global-development/2016/feb/04/sex-lies-psychological-scars-ukraine-human-trafficking-crisis> Date accessed: 4 April 2016.

²⁵ Group of Experts on Action against Trafficking in Human Beings (GRETA). 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine' (paras 10 and 11), published 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 7 September 2015

provided the following statistics for victims of internal trafficking: 114 identified victims in 2010, 79 in 2011, 139 in 2012.²⁶

5.4.2 The 2014 report by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) notes that:

'At present the anti-trafficking response of Ukraine does not focus sufficiently on internal THB. A number of cases involving women trafficked within Ukraine for sexual exploitation have been documented by NGOs. There are also reports of THB for labour exploitation involving Ukrainian nationals in clothing production sweatshops in Odessa oblast and illegal coal mining in Donetsk oblast (the so-called "kopanki"). The Ukrainian authorities have confirmed that there have been cases of women from rural areas being trafficked to cities for the purpose of sexual or labour exploitation, as well as cases of sale of children, mostly in Western Ukraine (Zakarpattia, Lviv and Chernivtsi oblast). La Strada Ukraine and IOM have conducted a campaign addressing demand leading to internal trafficking. However, this form of THB is not addressed in a comprehensive manner in the national programme for 2013-2015...

'Ukraine's anti-trafficking measures show a lack of attention to the Roma community as a group vulnerable to trafficking, while GRETA was informed that the situation of Roma in Ukraine raises particular concerns as regards human trafficking.'²⁷

5.4.3 In its 2014 report, the Equal Rights Trust noted that:

'While victims from various countries are trafficked into or through Ukraine, victims who are themselves Ukrainian are trafficked not only to other countries, mostly in Europe and Asia, but within Ukraine itself. The women most vulnerable to being trafficked are young, single women with low or very low living standards. They often have limited access to employment opportunities and are invariably targeted by recruiters who are themselves Ukrainian through fraud, coercion, and debt bondage.'²⁸

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5.5 Trafficking in children

5.5.1 The European Commission published a document in March 2015, which stated: 'The conflict in the east of the country had a heavy impact on children's rights. Many children and their parents were forced to leave their

²⁶ Group of Experts on Action against Trafficking in Human Beings (GRETA). 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine' (paras 10 and 11), published 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 7 September 2015

²⁷ Council of Europe. Group of Experts on Action against Trafficking in Human Beings (GRETA). 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine' (paras 61-63), published 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 7 September 2015

²⁸ Equal Rights Trust. 'In the Crosscurrents: Addressing Discrimination and Inequality in Ukraine,' (page 39), dated August 2015. Available at: <http://www.equalrightstrust.org/news/equal-rights-trust-launches-first-comprehensive-report-inequality-ukraine> Date accessed: 7 September 2015.

native towns and places of residence, and many became victims of the war and subject to kidnapping, sexual and other forms of exploitation and trafficking.²⁹

5.5.2 The US Department of State noted the following in its 'Trafficking in Persons Report 2015,' published in July 2015:

'The approximately 82,000-200,000 children institutionalized in state-run orphanages are especially vulnerable to being subjected to trafficking. Officials of several state-run institutions and orphanages are allegedly complicit or willfully negligent to the sex and labor trafficking of girls and boys under their care. Russia's aggression that has fueled the conflict in eastern Ukraine has displaced over 1.3 million people, and this population is especially vulnerable to exploitation. There have been reports of kidnapping of women and girls from conflict-affected areas for the purposes of sex and labor trafficking.'³⁰

5.5.3 Huffington Post reported the following in February 2015:

'Poor and disabled children, locked away and out of sight from families and their communities, are sitting ducks for traffickers and pedophiles. And nefarious staff are often the beneficiaries of perverse transactions where captive children are the commodity...DRI [Disability Rights International] found that children are at risk of being trafficked for sex, labor, pornography and organs in a country that is a known hub for human trafficking...

'Inside orphanages, DRI found rampant sexual violence, abuse and rape were commonplace. Children are often recruited directly from orphanages for sex and labor according [to] anti-trafficking organizations in Ukraine. "There's huge sexual abuse within the orphanages... So this is a push factor that gets children involved in sexual exploitation, even before they grow up. They're already used to sexual abuse," said a Ukraine counter-trafficking expert.

'Producers of child pornography go directly to orphanages to seek out their prey. And institutionalized children with disabilities are particularly susceptible to becoming trafficked for their organs. One grandmother of a newborn with Down Syndrome was told by doctors that they could sell the baby for organs and get money.

'Maria - who grew up in an orphanage in Odessa - fled at the age of 15, when she feared for her life. "Children would go into the woods behind the building and disappear," she told DRI. "Every year 10 to 12 children went

²⁹ European Commission: Implementation Of The European Neighbourhood Policy In Ukraine; Progress In 2014 And Recommendations For Actions Accompanying The Document Joint Communication To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions [SWD(2015) 74 final], page 9 and 16, 25 March 2015 Available at ecoinet: http://www.ecoi.net/file_upload/1226_1427898393_ukraine-enp-report-2015-en.pdf Date accessed: 20 July 2015.

³⁰ US Department of State. 'Trafficking in Persons 2015;' Country Narratives: T-Z and Special Case; Ukraine, p 346, published 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> Date accessed: 11 August 2015.

missing. We thought it was rapists and murderers. Some children were found dead but nothing was done. The staff never asked 'why?'"

'In notorious orphanage number five, a "sauna/massage parlor" was run out of the basement of the facility where the children were bought and sold for sex. The operation was shut down in 2012 but the orphanage remains open, with many of the victims still living there.

'Condemned to a life of isolation and neglect, children with disabilities are transferred to adult psychiatric facilities or nursing homes when they are about 16 years old, where they will stay until they die. But those with little or no disabilities "graduate" and are ill-equipped to face life on their own. They are particularly vulnerable to be trafficked right off the street and often there are traffickers waiting for them outside the orphanage doors when they leave.

'DRI interviewed former orphanage residents, many living on the streets and in sewers in Odessa and Kiev. They spoke of the sexual and physical violence, beatings and forced labor they had been subjected to as children living in orphanages... Orphan graduates complained of having to work in the fields, up to 12 hours a day, on orphanage-owned farms. Some said they were beaten if they refused to do assigned work and others were sent home with staff to cook and clean in their homes - all without pay.

'The revenue stream generated from isolated orphans even extends to so-called volun-tourism and orphan vacations - highly suspect and unregulated programs whereby well-intentioned westerners pay to volunteer in orphanages for a few weeks or take a child into their home for a vacation from the orphanage. Unencumbered access to already emotionally frail children further exposes them to traffickers and pedophiles. DRI interviewed one U.S. family who paid \$2,900 to host two, young Ukrainian orphan girls, without any home visit or background check.'³¹

- 5.5.4 Following a three-year investigation into the treatment of children in orphanages across Ukraine, Disability Rights noted in its 2015 report 'No Way Home' that: 'Without adequate government oversight, children detained in institutions are at-risk of sexual abuse, trafficking for sex, pornography, or sale of bodily organs.'³² The report continued:

'Anti-trafficking organizations have reported to DRI that children are systematically trafficked within or outside of institutions for forced labor, sex, or bodily organs. DRI's investigation confirmed these concerns. Numerous former residents of orphanages reported that they observed the sexual exploitation of children inside facilities and after their release. In almost every institution visited by DRI investigators, we observed children and young

³¹ Huffington Post. 'Ukraine orphanages feeder for child trafficking,' dated 6 February 2015. http://www.huffingtonpost.com/laurie-ahern/ukraine-orphanages-feeder_b_7344882.html Date accessed: 22 July 2015.

³² Disability Rights International. 'No Way Home, The Exploitation and Abuse of Children in Ukraine's Orphanages, 2015' page (iv). <http://www.driadvocacy.org/wp-content/uploads/No-Way-Home-final2.pdf> Date accessed: 5 November 2015.

adults forced to work without pay. At an orphanage for children with disabilities in the Vinnitsya oblast, for example, residents told DRI investigators that every child is forced to work and staff beat them if they do not comply. ...

'With no family or social ties in the community and few if any skills to face the world, those who graduate from orphanages at age sixteen are highly susceptible to being trafficked, entering the sex industry, or living on the streets.

'... Based on our findings, DRI is concerned that Ukraine's system of orphanages and institutions serves as a recruitment tool or "direct feeder" to find vulnerable children for sexual exploitation, organ harvesting, child pornography and forced labor. According to anti-trafficking organizations, sexual abuse in orphanages usually begins around the age of 13 and is most often instigated by staff of institutions.'³³

5.5.5 The 2014 report by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) noted that:

'According to a representative of the Parliamentary Commissioner for Human Rights, the current numbers on violence and trafficking in children do not reflect the actual situation in Ukraine for a number of reasons. First, there is insufficient awareness among the general public as regards trafficking in children. The lack of staff in law enforcement bodies and social services capable of identifying child victims is another important factor allowing for trafficking in children to go unnoticed. In addition, co-ordination and co-operation among the bodies which come across children in difficult circumstances is not efficient. A survey carried out by the Presidential Administration Office of the Ombudsman for Children in 2012 suggests that more than 56% of children were not aware of their rights as regards protection against sexual exploitation and trafficking.'³⁴

5.5.6 See also section on [Assistance for victims of trafficking](#) for information about help available specifically for children.

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6. Fighting human trafficking

6.1 Introduction

6.1.1 A legal report published by the US Library of Congress on combating human trafficking in Ukraine published in February 2016, stated:

³³ Disability Rights international. 'No Way Home, The Exploitation and Abuse of Children in Ukraine's Orphanages, 2015' page (v). <http://www.driadvocacy.org/wp-content/uploads/No-Way-Home-final2.pdf> Date accessed: 5 November 2015.

³⁴ Group of Experts on Action against Trafficking in Human Beings (GRETA). 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine,' para 111, published 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 7 September 2015

'According to Ukrainian legislation, the following government entities and officials are responsible for combating trafficking in human beings: President of Ukraine; Cabinet of Ministers of Ukraine; National executive agencies; Local state administrations; Diplomatic institutions of Ukraine abroad and Institutions providing assistance to victims of trafficking.

'Interaction between all of these agencies is governed by the Law on Combating Trafficking in Human Beings and the Regulation No. 783 on Approval of the Procedure for Interaction of Agents for Combating Trafficking in Human Beings.

'The Ministry of Social Policy of Ukraine performs the role of national coordinator of actions aimed at fighting human trafficking. The Ministry's Department for Family, Gender Policy, and Combating Human Trafficking is responsible for coordinating anti-trafficking activities on a daily basis. The Ministry of Social Policy, as mentioned in Part I, is also responsible for the formal recognition of victims of human trafficking, including granting the status of a victim.'³⁵

6.1.2 The US Department of State's report, 'Trafficking in Persons 2015,' published in July 2015, stated:

'The Government of Ukraine does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Ukraine is placed on Tier 2 Watch List for a third consecutive Year [i.e. it is a country whose government does not fully comply with the minimum standards of the Trafficking Victims' Protection Act's but it is making significant efforts to bring itself into compliance with those standards]. Ukraine was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking and it has committed to devoting sufficient resources to implement that plan.

'During the reporting period, the government assisted foreign counterparts on transnational trafficking investigations and partnered with international experts to provide specialized training to over 750 public officials on victim identification and assistance. However, the government's anti-trafficking capacity was constrained by the need to dedicate resources to improving the security situation caused by Russian aggression. Government efforts were also constrained by poor coordination at the national level, a lack of understanding in government agencies about the issue, and corruption, which undermined governance and the rule of law. The government relied on foreign donors and NGOs to fund and provide the majority of victim services. Victim identification remained inadequate, and only a small portion of victims

³⁵ US Library of Congress. Peter Roudik and Olena Yatsunskaya, 'Summary of Training Related to Combating Human Trafficking: Ukraine,' dated February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 04 April 2016.

assisted by NGOs were referred to care or certified by the government. The number of trafficking prosecutions and convictions declined sharply, continuing a multi-year decline, and the majority of convicted traffickers were not sentenced to prison.³⁶

6.1.3 The US Department of State made the following recommendations for Ukraine in its report, 'Trafficking in persons 2015,' published in July 2015:

'Vigorously investigate trafficking offenses and prosecute and convict traffickers and officials complicit in trafficking; provide victims with assistance under the trafficking law or fund NGOs providing services and shelter; provide funding adequate to fully implement the national action plan; increase training for officials on victim identification, particularly in the proactive screening of vulnerable populations, such as individuals in prostitution and internally displaced persons (IDPs); sensitize judges to the severity of this crime to ensure convictions result in proportionate and dissuasive sentences; increase training for law enforcement, prosecutors, and judges in the investigation and prosecution of trafficking cases; certify more victims to ensure they are afforded their rights under the trafficking law; harmonize migration employment and trafficking laws to clarify foreign trafficking victims are eligible for temporary residency and for employment authorization; and provide victims with protective measures allowed under the witness protection law.'³⁷

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6.2 Government protection and compensation for victims

6.2.1 The US Department of State's report stated:

'The government did not demonstrate progress in protection efforts. In 2014, IOM assisted 903 victims, compared with 929 in 2013. The government identified 91 victims in 2014, the third consecutive year in which authorities identified fewer victims. The percentage of victims referred to NGOs by law enforcement and other authorities continued to decrease. Observers reported police did know how to screen individuals in prostitution for signs of trafficking. The government approved 27 out of 48 applications for official victim status under the 2011 trafficking law; GRETA (the Council of Europe's Group of Experts on Action against Trafficking in Human Beings) reported victim status was sometimes denied due to applications lacking particular documents, such as police reports, though this was not a requirement under the law. GRETA emphasized the contrast in the number of victims assisted by IOM [International Organisation for Migration] versus the number certified by the government and observed the government's current procedure to

³⁶ US Department of State. 'Trafficking in Persons 2015,' Country Narratives: T-Z and Special Case; Ukraine, p 346, published 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> Date accessed: 12 August 2015.

³⁷ US Department of State. 'Trafficking in Persons 2015,' Country Narratives: T-Z and Special Case; Ukraine, p 346, published 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> Date accessed: 12 August 2015.

identify victims relies on the victims—who are often exiting traumatic situations—to self-report and provide evidence of their victimization.’³⁸

6.2.2 The US Department of State’s Trafficking in Persons 2015 report, published in July 2015 stated:

‘In 2014, 121 victims participated in the prosecution of alleged traffickers. Courts have the authority to order compensation for victims that sought restitution, but the administration of these decisions was hampered by unavailability of assets, corruption, and low effectiveness of the enforcement process. Various protective measures were available for victims who testified at trial, but in practice these measures were rarely applied, and trafficking victims serving as witnesses were often not treated in a victim-sensitive manner. ...’³⁹

6.2.3 The European Commission’s December 2015 Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation stated:

‘The Ukrainian authorities introduced a formal procedure for identifying victims but the identification relies on the victims themselves applying for identification. A national mechanism to facilitate cooperation between relevant bodies involved in combating trafficking in human beings (THB) was also set up. The current anti-trafficking system focuses on Ukraine as a country of origin and only a few foreign victims of trafficking have been formally identified. Further attention should be paid to internal trafficking, especially in relation to internally displaced persons.

‘The monitoring system for the existing action plan still needs to be implemented as does evaluation from 2016 onward. This should include a clear role for non-governmental organisations, and sufficient funds for their effective participation. Ukraine would benefit from introducing a unitary statistical national monitoring system in the improving the process of identification of victims. Ukrainian authorities envisaged funding under the national referral mechanism for the NGOs. Training for officials on their role and responsibilities in relation to the victim identification process has been improved.

‘The trafficking in human beings benchmark is deemed to have been achieved.’⁴⁰

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³⁸ US Department of State. ‘Trafficking in Persons 2015,’ Country Narratives: T-Z and Special Case; Ukraine, p 347, published 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> Date accessed: 12 August 2015.

³⁹ US Department of State. ‘Trafficking in Persons 2015,’ Country Narratives: T-Z and Special Case; Ukraine, p 346, published 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> Date accessed: 12 August 2015.

⁴⁰ European Commission. Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation. 18 December 2015. 2.3.1.2. Trafficking in human beings. <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> Date accessed: 02 April 2016

6.3 Law enforcement

6.3.1 The US Department of State's Trafficking in Persons 2015 report, published in July 2015, stated:

'The government demonstrated weakened law enforcement efforts in pursuing trafficking cases, given its focus of resources on fighting Russian aggression... Law enforcement investigated 109 trafficking offenses in 2014, compared with 130 in 2013. Authorities initiated prosecutions of 42 defendants under Article 149, compared with 91 cases in 2013. The government convicted 57 traffickers in 2014 under Article 149, a decline from 109 in 2013. Of the 36 convicted traffickers who had been sentenced at the close of 2014, 15 were sentenced to prison terms ranging from one to 10 years, and the government confiscated the assets of seven defendants. Authorities collaborated with foreign governments on transnational investigations. The government, in conjunction with international funding and partners, provided training to 277 judges, prosecutors, and law enforcement officers. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses, despite reports of government corruption and official complicity in the sex and labor trafficking of children housed in state-run institutions and orphanages.'⁴¹

6.3.2 In relation to prosecutions for trafficking, the 2014 report by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) noted that:

'According to the Ukrainian authorities, the Ministry of the Interior initiated 257 investigations into trafficking offences in 2010, 197 in 2011, 155 in 2012 and 130 in 2013. The number of convictions was 85 in 2010, 106 in 2011 and 46 in 2012. In 2013, first instance courts considered 50 criminal cases under Article 149 of the CC [Criminal Code]. According to judgments which entered into force, 65 persons were convicted under Article 149. All sentences were enforced, ranging from one to 10 years' imprisonment. A total of 31 persons convicted of THB [trafficking in human beings] offences were released on probation.

'The results of monitoring by the All-Ukrainian NGO coalition of case-law of Ukrainian courts concerning Article 149 of the CC showed that a considerable number of convictions in THB cases have involved imprisonment sentences below the minimum envisaged by the legislation. As explained by the Ukrainian authorities in their comments on the draft GRETA report, this is due to a possibility envisaged by Article 69, paragraph 1, of the CC, which allows in the presence of multiple mitigating circumstances to apply a sanction of a lesser severity than the minimum envisaged by the article establishing the offence in question. Further, pursuant to Article 75 of the CC, the court, having regard to the gravity of an offence, the character of

⁴¹ US Department of State. 'Trafficking in Persons 2015,' Country Narratives: T-Z and Special Case; Ukraine, p 347, published 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> Date accessed: 11 August 2015.

the culprit and other circumstances of the crime, may discharge the person on probation. The Ukrainian authorities have provided examples of THB cases where courts took into account multiple mitigating circumstances, such as absence of previous convictions, first criminal indictment, and the fact that the defendants admitted their guilt and sincerely repented the commission of the offence, and the victims not having any claims against the defendants. In these cases the courts either issued more lenient sentences than envisaged by Article 149 or put the convicted persons on probation.⁴²

6.3.3 In relation to identification of victims of labour trafficking, GRETA reported:

‘GRETA was informed that the Labour Inspectorate does not have legal competence or practical capacity to detect and formally identify victims of THB. There are a total of 27 territorial labour inspectorates employing about 850 labour inspectors. The powers of labour inspectors extend to all sectors of the economy and entitle them to carry out both planned and unplanned inspections, but they do not have access to domestic households, unless the person working in that household is employed through a formal contract.’⁴³

6.3.4 A legal report published by the US Library of Congress on combating human trafficking in Ukraine published in February 2016, stated:

‘The National Police of Ukraine is the main law enforcement agency involved in discovering crimes of human trafficking, identifying victims of trafficking and traffickers, and prosecuting the latter. For this purpose, the police conduct investigations and searches; perform administrative, procedural, informational, and other activities; and carry out research.

‘Since 2012, the Ministry of Internal Affairs has maintained the Unified State Registry of Crimes in Trafficking in Human Beings. This Registry consists of a database that includes the personal data of the victims of human trafficking and their perpetrators in Ukraine. Statistical information contained in the Registry is publicly available on the official website of the Ministry of Internal Affairs.

‘In 2014, according to Order No. 1074 of the Ministry of the Internal Affairs, the Department for Combating Crimes Related to Human Trafficking was created. This Department is the structural unit of the Ministry of Internal Affairs and belongs to the Criminal Police.

‘According to statistic of the Ministry of Internal Affairs, from January to June 2015, eighty criminal offenses under article 149 (human trafficking) of the Criminal Code of Ukraine were registered. Eighty-six victims of trafficking in

⁴² Group of Experts on Action against Trafficking in Human Beings (GRETA). ‘Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine,’ paras 202 and 203, published 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 7 September 2015.

⁴³ Group of Experts on Action against Trafficking in Human Beings (GRETA). ‘Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine,’ para 139, published 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 7 September 2015

human beings (fifty-six women, twenty-six men, and four minors) were found.

‘Another law enforcement agency involved in the investigation of facts surrounding human trafficking is the State Border Guard Service of Ukraine. This Service monitors transportation means used by commercial shipping agents, controls passports and other documents that grant entry into and exit from the country, and prepares documents granting the right of stay in or return to Ukraine.

‘The State Border Guard Service repatriates foreigners and stateless persons who became victims of trafficking in human beings and forcibly deports from Ukraine foreigners and stateless persons guilty of violations of the laws, including laws on trafficking in human beings. During the first six months of 2015, the State Border Guard Service of Ukraine suppressed the activity of twenty-three “channels of illegal migration” and prosecuted illegal activities of sixty-eight people. Six Ukrainian nationals and two citizens of Poland were arrested for organizing five channels of human trafficking in four regions of the country.’⁴⁴

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6.4 Preventative measures

6.4.1 The US Department of State’s Trafficking in Persons 2015 report, published in July 2015 stated:

‘The government continued some prevention activities. The government had a national action plan for 2012-2015 and spent 250,100 hryvnia (\$11,600) from state and local budgets for awareness campaigns, which particularly targeted young individuals seeking employment abroad. The Ministry of Social Policy continued in its role as national anti-trafficking coordinator and published a report on its activities in 2014. The government did not incorporate the labor inspectorate into its anti-trafficking measures, though worksite inspections could reveal situations of trafficking. The government, in continued cooperation with IOM, conducted counter-trafficking pre-deployment trainings for Ukrainian troops assigned to multinational missions. The government provided antitrafficking training for its diplomatic personnel. The government did not demonstrate specific efforts to reduce the demand for commercial sex acts and forced labor.’⁴⁵

6.4.2 The European Commission published a document in March 2015, which stated:

‘Continued progress was made on preventing and fighting trafficking in human beings. The size of the trafficking in human beings department within the police, set up in 2013, increased, to a total of 470 people. As a

⁴⁴ US Library of Congress. Peter Roudik and Olena Yatsunskya. ‘Summary of Training Related to Combating Human Trafficking: Ukraine,’ dated February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 4 April 2016.

⁴⁵ US Department of State. ‘Trafficking in Persons 2015;’ Country Narratives: T-Z and Special Case; Ukraine, p 347, published 27 July 2015. <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> Date accessed: 11 August 2015.

consequence, 88 cases of trafficking in human beings were under investigation in 2014, of which 68 were taken to court. Collaboration between government and NGOs continued to develop. A memorandum of understanding was signed to facilitate the government and NGOs working together on issues relating to trafficking in human beings. Funding for NGOs dealing with trafficking in human beings remained limited. The EU-Institute of Migration MIGRECO project added three more regions to the national referral mechanism.’⁴⁶

6.4.3 GRETA described government initiatives to combat trafficking:

‘An Interdepartmental Council was set up to supervise the implementation of the national programme, but GRETA notes with concern that it has not met since 2010. The day-to-day co-ordination of anti-trafficking action is entrusted to the Ministry of Social Policy where a Division for Combating Trafficking in Human Beings was set up. Specialised police units to combat human trafficking have also been established throughout the country. GRETA urges the Ukrainian authorities to enhance co-ordination of anti-trafficking activities by ensuring the effective and regular functioning of the Interdepartmental Council and the co-ordinating councils set up at oblast level. GRETA also asks the authorities to further develop co-ordination with civil society actors engaged in anti-trafficking action and to increase the involvement of NGOs and trade unions in the planning and implementation of national policy.’⁴⁷

6.4.4 The Council of Europe published the following in September 2014:

‘... a number of challenges remain to be tackled through legislative, policy or practical measures. GRETA notes that additional measures should be taken to raise public awareness about human trafficking and address the root causes of trafficking. [GRETA’s] report also draws attention to the need to address emerging trends, such as the increase in trafficking for the purpose of labour exploitation, internal trafficking and trafficking of foreign nationals to Ukraine. GRETA is deeply concerned by the negative consequences of the current crisis in Ukraine on anti-trafficking activities and the growing number of internally displaced persons, including women, children and persons with disabilities, who represent a group vulnerable to human trafficking.’⁴⁸

⁴⁶ European Commission. ‘Implementation Of The European Neighbourhood Policy In Ukraine; Progress In 2014 And Recommendations For Actions; Accompanying The Document Joint Communication To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions’ [SWD(2015) 74 final], page 9 and 16, dated 25 March 2015. Available at http://www.ecoi.net/file_upload/1226_1427898393_ukraine-enp-report-2015-en.pdf Date accessed: 20 July 2015.

⁴⁷ Group of Experts on Action against Trafficking in Human Beings (GRETA). ‘Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine,’ para 23, published 19 September 2014. Available at: <http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 7 September 2015

⁴⁸ Council of Europe. Action against trafficking in human beings. GRETA [Council of Europe’s Group of Experts on Action against Trafficking in Human Beings] publishes first report on Ukraine, dated 19 September 2014. http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Press_releases/PR_UKR_en.asp#TopOfPage

6.5 Government initiatives

- 6.5.1 An article published on the Atlantic Council website in January 2016 reported:

‘The Ministry of Social Policy plans to re-adjourn the interdepartmental council in early 2016, and has sent letters to NGOs in the anti-trafficking coalition requesting that they nominate representatives to the council. And throughout the past few years, the ministry has implemented campaigns to raise awareness about human trafficking through television and radio broadcasting, and the publishing and distribution of books and pamphlets.’⁴⁹

- 6.5.2 A legal report published by the US Library of Congress on combating human trafficking in Ukraine, published in February 2016, stated:

‘In 2014, the Ministry of Social Policy of Ukraine—in cooperation with the IOM; the Ministry of Education and Science of Ukraine; and the Ministry of Regional Development, Construction and Housing and Communal Services of Ukraine—organized the regional informational campaign “Your Safe Way to the Dream.” The goal of this initiative was to increase public awareness of the risks of falling into a situation of trafficking in human beings and to prevent the various forms of trafficking in human beings. This campaign was aimed at young people, women and men aged sixteen to thirty-five, unemployed persons, and potential migrants who are searching for a better life or work abroad and often become the victims of trafficking in human beings.

‘In April 2012 the Ministry of Internal Affairs conducted training on human trafficking for twelve participants at the National Academy of Internal Affairs and in 2013 for twenty-six participants in the National Academy’s Institute for Postgraduate Education and thirty participants in the Kharkiv National University of Internal Affairs. In addition, sixty employees of the territorial police units participated in a series of workshops entitled “Capacity Building of Law Enforcement Agencies in Identifying and Investigating Human Trafficking Cases” in Odessa and Ivano-Frankivsk in 2013.’⁵⁰

7. Assistance for victims of trafficking

- 7.1.1 The 2014 GRETA report noted that:

‘... NGOs in Ukraine play a crucial role in anti-trafficking action. La Strada Ukraine has full membership of the Interdepartmental Council. According to

Date accessed: 22 July 2015.

⁴⁹ Atlantic Council. Luke A. Drabyn. ‘Ukraine Should Do More to Combat Human Trafficking,’ dated 12 January 2016. Available at: <http://www.atlanticcouncil.org/blogs/new-atlanticist/ukraine-should-do-more-to-combat-human-trafficking> Date accessed: 4 April 2016.

⁵⁰ US Library of Congress. Peter Roudik and Olena Yatsunskya. ‘Summary of Training Related to Combating Human Trafficking: Ukraine,’ dated February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 4 April 2016.

NGO representatives, co-operation with the Ministry of Social Policy is rather good. However, this co-operation should be further formalised, especially when it comes to providing services to victims of THB. The involvement of NGOs in the work of the interdepartmental councils at the oblast level is reportedly not always done in a satisfactory manner. Further, obtaining funds from the oblast budgets for training and prevention activities carried out by NGOs is apparently difficult.⁵¹

7.1.2 The US Department of State's report, 'Trafficking in Persons 2015,' published in July 2015, stated:

'International donors continued to provide the majority of funding for anti-trafficking activities and assistance to victims. The government disbursed 80,000 hryvnia (\$3,700) from the central budget for anti-trafficking measures in 2014; the budget, formulated in 2012, had planned for 845,427 hryvnia (\$39,100). In April 2013, the government adopted procedures allowing NGOs to request financial support, although it had not announced a competition for funds by the end of the reporting period. The government provided each of the 27 officially recognized victims with financial assistance in the amount of 1,176 hryvnia (\$54).

'The trafficking law entitles victims to receive free temporary housing at a government shelter, psychological assistance, medical services, employment counseling, and vocational training. The government operated social service centers responsible for assessing victims' needs and drafting rehabilitation plans. Victims who required shelter could stay at government-run centers for socio-psychological assistance for up to 90 days and receive psychological and medical support, lodging, food, and legal assistance. Women and men were accommodated in separate rooms. GRETA reported the provision of assistance was problematic due to funding shortfalls and shortage of trained staff. Non-governmental partners delivered assistance not provided by public social services. The majority of victims requiring shelter were housed at a rehabilitation center run by IOM... The government, in coordination with IOM, trained over 2,500 officials on victim identification and assistance in 2014, compared with 750 officials in 2013.⁵²

7.1.3 The US Department of Labor's report, '2014 Findings on the Worst Forms of Child Labor,' published on 30 September 2015, noted, 'shelter and rehabilitation centers for children, including street children and victims of human trafficking, are insufficient to fully address the extent of the problem.'⁵³

⁵¹ Group of Experts on Action against Trafficking in Human Beings (GRETA). 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine,' para 59, published 19 September 2014. Available at:

<http://www.refworld.org/docid/54b68e6f4.html> Date accessed: 7 September 2015

⁵² US Department of State. 'Trafficking in Persons 2015,' Country Narratives: T-Z and Special Case; Ukraine, p 347, published 27 July 2015 <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm> Date accessed: 12 August 2015.

⁵³ United States Department of Labor. '2014 Findings on the Worst Forms of Child Labor - Ukraine,' page 1, published 30 September 2015. Available at: <http://www.refworld.org/docid/560e3e953.html> Date accessed: 6 November 2015.

7.1.4 The same report commented on provision for children:

‘There are a variety of service providers for victims of human trafficking in Ukraine. However, the MSP’s [Ministry of Social Policy’s] delay in conveying the status of “victim of trafficking” to all children who have been trafficked prevents children without this status from accessing free government services. Research found that this delay may often result from the insufficient provision of documentation to the MSP.

‘Although the MSP provides services for children in shelters and social-psychological rehabilitation centers, the current availability of shelters and trained personnel is insufficient to fully address the extent of the problem. The Centers for Social Services for Family, Youth, and Children have experienced a large turnover of staff due to an excessive workload and low pay. In addition, budget cuts enacted in 2014 due to the overall budget crisis in Ukraine resulted in the layoff of 12,000 social workers. This may restrict the Centers in their ability to efficiently address the main needs of trafficking victims. Likewise, high turnover in the regions, where local agencies are responsible for identifying trafficking victims under the NRM, has hampered the provision of services to victims.’⁵⁴

7.1.5 The NGO La Strada provided the following assistance to victims of trafficking in Ukraine:

- ‘Offering social assistance to trafficked persons (medical, psychological and legal support, short-term shelter, accompanying and referring clients)
- ‘Organising and providing social assistance and consultations to victims of domestic violence, sexual harassment at work place and other forms of abuse
- ‘Organising and providing assistance to children who suffered from human trafficking, sexual exploitation and violence
- ‘Assisting in searching for missing Ukrainian citizens who have disappeared abroad and assisting them in returning to Ukraine
- ‘Cooperating with diplomatic authorities of foreign countries in Ukraine and diplomatic authorities of Ukraine abroad to provide social assistance
- ‘Strengthening the cooperation with international, governmental and non-governmental organisations providing assistance to trafficked people
- ‘Preparing, publishing and distributing information materials for trafficked persons and those who have suffered from violence.’⁵⁵

⁵⁴ United States Department of Labor. ‘2014 Findings on the Worst Forms of Child Labor - Ukraine,’ page 7, published 30 September 2015. Available at: <http://www.refworld.org/docid/560e3e953.html> Date accessed: 6 November 2015.

⁵⁵ La Strada International. ‘Ukraine; Social Assistance Campaign,’ undated.

7.1.6 The website for La Strada mentioned that the NGO also operated a hotline, describing this work as follows:

- 'Running the National Toll Free Hotline on prevention of trafficking in persons and National Toll Free Hot Line on prevention of violence and protection of children's rights.
- 'Providing consultation (by phone and online) on, for example, work or study abroad, marrying foreigners, safe migration, violence issues and children's rights protection, etc.
- 'Providing psychological assistance for trafficked persons and survivors of violence.
- 'Running and updating a database for consulting on the problem of trafficking in persons, domestic violence, children's rights.
- 'Organising and conducting round table discussions, seminars and conferences for hotline consultants, and conducting trainings on organising and running hotlines.
- 'Preparing and publishing informational and methodological materials for hot line counselling.'⁵⁶

7.1.7 The International Organisation for Migration described their Counter-Trafficking Programme for Ukraine, which was updated in July 2015:

'The IOM Ukraine Counter-Trafficking Programme was launched in 1998 to support government and civil society in their efforts to combat human trafficking and to ensure victims' access to assistance and justice. Since 2000, in partnership with a coalition of specialized NGOs throughout Ukraine, IOM has provided comprehensive reintegration assistance to over 11,000 victims of trafficking, which included legal consultation and representation in criminal and civil court, medical care, psychological counselling, shelter, vocational training and other needs-based support.

'IOM operates a Medical Rehabilitation Centre, the only one of its kind in Ukraine, where comprehensive and free of charge medical care and psychological assistance are provided to beneficiaries in a safe and confidential manner. Since 2002, more than 2,500 victims have benefited from the Centre's services.

'More than 300 victims of trafficking benefited from IOM's Micro-Enterprise Development Programme, setting up 235 micro-enterprises and creating approximately 300 new jobs.

'To ensure the sustainability of victim reintegration programmes in Ukraine, IOM supports capacity building and geographical expansion of the government-owned National Referral Mechanism for Victims of Trafficking, which was launched in Ukraine in 2012.

'IOM implements a variety of human trafficking prevention activities targeting the general population, vulnerable and at-risk groups, youth, internally

<http://lastradainternational.org/ls-offices/ukraine> Date accessed: 22 July 2015.

⁵⁶ La Strada International. 'Ukraine; Hotline operation,' undated. <http://lastradainternational.org/ls-offices/ukraine> Date accessed: 22 July 2015.

displaced persons, potential victims, and also state and non-government professionals who might be in contact with potential victims. These include introduction of counter-trafficking curriculum in educational institutions, anti-trafficking rally and awareness raising activities, outreach through the website stoptrafficking.org.ua and social media, dissemination of information materials in the employment centres, embassies and consulates of the most popular destination countries for Ukrainian labour migrants. IOM also enables access to confidential and free of charge advice through the National Counter-Trafficking and Migrant Advice Hotline 527, which provides over 20,000 consultations annually.

'In order to enhance the access of victims of trafficking to justice, IOM provides comprehensive capacity building support to the police, investigators, prosecutors and judges. This includes thematic trainings, networking with countries of transit and destination, provision of equipment, strengthening victim/witness protection mechanisms, among others. IOM also partners with the State Migration Service and State Border Guard Service of Ukraine to enhance the identification of potential trafficking victims and to improve cooperation and coordination with the specialized police units.'⁵⁷

7.1.8 A January 2016 article on the Atlantic Council website stated:

'Ukraine's Ministry of Social Policy, with recommendations from domestic and international nongovernmental organizations, is currently in the final stages of updating the country's five-year action plan on combating human trafficking. However, recent challenges—like Russia's continued aggression in eastern Ukraine and the country's 1.5 million internally displaced persons (IDPs)—have diverted the government's attention and resources from meaningful anti-trafficking collaboration. The result has been an extreme over-reliance on nongovernmental organizations (NGOs) to raise awareness, assist victims of trafficking, and promote legislative reform to comply with international standards.'⁵⁸

7.1.9 A legal report published by the US Library of Congress on combating human trafficking in Ukraine published in February 2016, stated:

'The All-Ukrainian Coalition of NGOs for Combating Trafficking in Human Beings consists of twenty-eight NGOs from different parts of the country. They perform awareness-raising activities for the general public and target groups such as school children, students, people in economically depressed areas, migrant workers, etc. They also provide training on human trafficking to different groups of professionals.'⁵⁹

⁵⁷ International Organisation for Migration. Ukraine. Counter-trafficking programme, updated July 2015. <https://www.iom.int/countries/ukraine/general-information> Date accessed: 22 July 2015.

⁵⁸ Luke A. Drabyn, 'Ukraine Should Do More to Combat Human Trafficking,' 12 January 2016 available at: <http://www.atlanticcouncil.org/blogs/new-atlanticist/ukraine-should-do-more-to-combat-human-trafficking> Date accessed: 04 April 2016.

⁵⁹ Peter Roudik and Olena Yatsunskya, 'Summary of Training Related to Combating Human Trafficking: Ukraine,' February 2016 https://www.loc.gov/law/help/human-trafficking/ukraine.php#_ftn1 Date accessed: 04 April 2016.

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Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

- version **1.0**.
- valid from **24 November 2015**.
- this version approved by **Sally Weston, Deputy Director (IBPD)**.
- approved on: **22 November 2015**.

Changes from last version of this guidance

Minor updates to country information in line with review conducted by the Independent Advisory Group on Country Information (IAGCI) in April 2016.

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