

UKRAINE

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I. Introduction

The Ukraine is a country situated in Eastern Europe. It borders with Russia to the north-east, Belarus to the north, Poland, Slovakia and Hungary to the west, Romania and Moldova to the south-west and the Black Sea to the south.

Currently, due to the poor economic situation in the country which has resulted in high unemployment rates, citizens emigrating from the Ukraine usually leave the country to look for employment opportunities abroad. The inefficiency of various attempts for political and economic reform, the high level of corruption among officials, the solely declarative nature of existing social policies, the growing gap between a wealthy minority and a deprived majority and the unfulfilled expectations following the first years of independence, have impeded positive changes in the country. Thus, migration is considered by the young generation not only as a means for solving temporary financial problems, but also as a lifestyle aspiration and a career strategy. Nowadays, the extremely low wages, well below the poverty line even for jobs requiring high qualifications (e.g. doctors, medical personnel, teachers), are considered the main cause of poverty, resulting in the constant deterioration of the living conditions of the Ukrainian people and eventually in the increase of crime. An additional factor fostering the desire to leave the country is violence against women, especially domestic violence, which often leads women to look for better living conditions outside the Ukraine.

About five million Ukrainians have been working abroad for at least a year. Up to one million of them have been working in Russia. However, in seasons of high mobility this number rises to three millions. Many Ukrainians mistakenly consider the countries of the former Soviet Union as safe, since most of them understand the Russian language. Another appealing factor is that entry requirements to these countries are not as complicated compared to entry requirements to countries of Western Europe, a fact that renders these borders a perfect route for trafficking in human beings.

The main routes of trafficking from the Ukraine are the following: from the Autonomous Republic of Crimea to Greece, Turkey, the United Arab Emirates, Portugal, Cyprus, Israel, Syria and the Former Yugoslav Republic of Macedonia; from Donetsk, Lugansk and Kharkiv to Russia, Serbia, Turkey, Leba-

non, the Former Yugoslav Republic of Macedonia and Israel; from the Ternopil region to Italy, Greece, Portugal and Spain; from the Zakarpatsky region to Poland, Hungary, the Czech Republic and Romania.

One of the main objectives of research carried out in the Ukraine for the evaluation of the phenomenon of trafficking was to study the eagerness of citizens to leave the country.¹²⁶ The results of one of the latest surveys are disappointing: 47% of citizens under 40 are willing to migrate. By contrast, only 10% of the population wishes to stay in the Ukraine for a lifetime, 21% for several years, 16% for several months. This means that about 50% of the population belongs to a potentially high risk group that can be easily fall victim to organised networks of trafficking. According to studies of the State Institute on Family and Youth Problems and several NGOs, the greatest migration flows come from regional centres, towns and villages, concerning either young high school graduates or people around 25-27 years old with young families (50-60% of them have children).

Comment

Employment abroad has both positive and negative aspects: it offers better prospects and opportunities, both in material and non material terms, but at the same time it causes irreparable damage to family structures, especially as far as families with young children are concerned.

The latest research data regarding the Ukraine reveal that the majority of victims of trafficking in human beings are young women between 18 and 26 years of age, single, with basic secondary or technical education, originating from rural areas of the Ukraine.¹²⁷ All of them have very low incomes. As for men, most of them are married, aged 31 to 50, leaving the country for a short period of time in order to earn enough money to provide decent living conditions for their families. Their educational level is usually the same as that of women victims. Most of the children victims are aged between 13 and 18 and are primarily girls. Most often, they come from problematic families

¹²⁶ Соціальний аналіз основних чинників торгівлі людьми: реальна ситуація та шляхи запобігання.- К.: Державний інститут проблем сім'ї та молоді, 2003. (Social analysis of main factors contributing to trafficking: real situation and ways of prevention).

¹²⁷ Id.

and have already suffered some form of domestic violence, usually by their fathers or stepfathers.

Domestic trafficking of children for purposes of pornography and prostitution is also growing. In addition to the above, forms of trafficking in human beings and ways of transportation change constantly thus introducing new challenges. The experience of law enforcement bodies and non-governmental organizations working with victims of trafficking allows the classification of victims in the following categories:

- Women who left the country on their own free will in order to find employment and became victims of trafficking, despite the fact that they suspected possible involvement into prostitution;
- Women, and to a lesser extent men, who left the country on their own free will, hoping to find employment in the entertainment industry, but later became victims of trafficking;
- People who left the country on their own free will and became victims of trafficking for the purposes of forced labour;
- People who became victims of trafficking within the Ukraine and were later taken abroad against their will.

Case-study

At the age of 22 Olga had two children and had lived in the Ukraine all her life. A friend told her about the possibility of working as a dancer in a famous German club. This friend got two tickets for Russia, provided by the representative office of the company in Moscow.

When Olga arrived in Moscow, the company representative took her passport and placed her in an apartment with other women who came from different parts of the former USSR. All women believed that they would be send abroad where they would work for several weeks. One of the women told Olga that the group would be travelling to Germany via Egypt. The women were deported twice from Egypt to Russia. Despite the fact that airport staff warned them several times about the practise of selling young women to Egyptian and Israeli brothels, they did not take these warnings seriously and Olga believed that sooner or later their group would arrive to Germany.

However, instead of going to Europe the women found themselves in the desert on their way to Israel. During this trip, Olga was sold and resold eight times. Olga had to work in a

brothel for 10-12 hours a day. The owner forbade using condoms, because clients paid more for 'natural sex'. When Olga got pregnant, she begged the owner to allow her to have an abortion immediately, but instead she was taken to a doctor when she was four months pregnant.

Olga managed to escape from the brothel and started working as a waitress in a local café. During a regular document check, Olga was arrested and sent to prison where she awaited deportation. There she met representatives of an Israeli NGO. Olga asked to be repatriated and the NGO assisted in her safe return. Once in the Ukraine, she was met by the social worker of the NGO *International Women's Rights Centre 'La Strada'-Ukraine* who provided further assistance.

The number of children trafficked for purposes of illegal work, sexual exploitation, child pornography, illegal adoption and forced begging constantly increases. Children are trafficked both internationally and domestically, from villages to big industrial cities, or tourist cities. In the Ukraine, children most often become victims of internal trafficking. Half of children-victims of transnational trafficking are usually taken to neighbouring countries (mainly the Russian Federation and Moldova). The main method of forcing children into trafficking is by offering rewards and favourable conditions. However, there are many cases when recruiters used different forms of coercion, and cases of abduction have also been reported. It is worth mentioning that recruiters try to attract children not only from disadvantaged, but also from prosperous families. A survey carried out by ILO shows that the first contact with a recruiter/trafficker usually takes place approximately four months prior to departure.

Child sex tourism is defined as the sexual exploitation of children by foreign citizens –either a man or a woman- traveling from one country to another, usually from a developed to a developing country, with the aim of having sexual intercourse with a child (based on research of the NGO *End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes* (ECPAT International)). Research by *ECPAT International* in Italy showed that the age of sex tourists is between 21 to 40 years. So far, sex tourism is not a major problem in the Ukraine.

Trafficking in children is a multi-dimensional problem. The global market 'employs' millions of children, violating their rights to a happy childhood and a decent and productive life. In

order to handle specific situations, public and social organizations should distinguish between different forms of trafficking, find affordable means of restoration and identify priorities.

Case-study

In Yevpatoria (Autonomous Republic of Crimea), a mother was offering during the summer, on the beach, her ten year old son for homosexual contacts

In Kiev, a mother was selling her nine year old daughter and was paid in dollars. She stated that she was pleased that she was selling the girl at a good price so that she could spend this money with her friends. She said that usually other parents were paid only 10 UAH for their children

In the Zhytomyr region, parents, who were alcoholics, sent their minor daughter 'for a drive' (render sex services) and received vodka in return

Children are pushed into prostitution not only for covering their basic needs, such as housing, food and shelter, but also by being offered pocket money and goods that they cannot afford otherwise. According to UNICEF, every day around 2800 children are forced into prostitution. They are both girls and boys and experts see a clear increase in the number of boys being forced into prostitution.

Case-study

Natalka, 13 years old today, was born in Luhansk. She lived with her mother since her father left them when she was seven. Her mother felt desperate and started drinking, and, at some point, she began bringing home various men and obliged Natalka to leave the house so that she could have a 'normal private life'. Natalka had to sleep outside the apartment numerous times.

One day Natalka came home and saw her mother packing. She asked what had happened, and her mother happily told her that she had met a nice man who invited both of them to Moscow. He had money and they would be able to visit museums and theatres. Natalka felt full of joy –finally, she would be able to spend time with her mother, take long walks and enjoy the big city.

In Moscow they met a man, a friend of the mother's friend. They got in the car and went to his house. He told them they

could stay there for a while.

The next day, Natalka's mother and her friend told the girl they needed to buy the tickets to Luhansk and told her to wait for them.

The hours were passing, but her mother did not show up. She never came back and Natalka still has no news from her. The man who met Natalka and her mother at the railway station raped the girl and told her that she would be working for him from now on. He would feed her, buy her clothes and let her stay in his apartment, but she had to provide sex services to men.

One evening, when her abuser was drunk, Natalka escaped. She was walking in the dark alone when she was picked up by a police car.

Natalka was taken to a police station and later to the reception centre of the Main Administration of the Ministry of Internal Affairs of Ukraine in Kiev. At the moment, Natalka lives in the reception centre and though she is happy there, she is not sure what she will do in the future.

Having recognised trafficking in human beings as a threat to national security and the very existence of a democratic state, as well as a blatant violation of human rights, the Ukraine committed itself to combating trafficking in human beings. Data collected on trafficking in human beings in the Ukraine called for the elaboration of a comprehensive approach in countering this crime. Such a comprehensive approach requires: the revision of legislation; the conclusion of international agreements; the improvement of the efficacy of the activities of law enforcement agencies, state institutions and departments; the creation of a system of preventive measures and the adoption of measures of social rehabilitation of victims.

II. National Legal Framework

A. National law

The legal framework for combating trafficking in human beings in the Ukraine is based on principles deriving from *international instruments* ratified by the Ukrainian Government, as well as on the *Constitution of the Ukraine* which recognises the social worth and dignity inherent to human beings (Art.3), grants the protection of motherhood and childhood (Art.51), and ensures state support for orphans and children deprived of adequate parental care (Art.52).

There was no specific criminal legislation relating to trafficking in human beings in the Ukraine before March 1998, when the Government initiated changes to Article 124-1 of the former *Criminal Code*. The new Article 124-1 is entitled 'Trafficking in Human Beings' and imposes punishments not only for trafficking in women, forced into the sex industry, but also for trafficking in persons for any type of exploitation, trafficking in children, and trafficking in human organs.

In 2001, Article 124-1 of the Criminal Code was replaced by Article 149 entitled 'Trafficking in Persons and Other Illegal Agreements Regarding the Transfer of an Individual'. By November 2005, the number of cases initiated under these two articles had reached more than 1,300. Article 149 defined trafficking in human beings as the:

sale or another paid transfer of a person, as well as any other illegal transaction regarding that person, involving the legal or illegal transfer of that person across the state border of the Ukraine, with or without that person's consent, with the intent of further sale or paid transfer of that person to another person(s) for the purpose of sexual exploitation, pornography, involvement in criminal activities, debt bondage, adoption for commercial purposes, use in armed conflict, or exploitation of labour.

Such crimes are punishable by imprisonment of three to eight years. The same crimes are punishable by imprisonment of five to twelve years, with or without confiscation of property, when committed against minors, against a group of persons, repetitively, through prior collusion among a group of offenders, through abuse of official power; or by a person upon whom the victim has been financially or otherwise dependent.

When carried out by an organised group, involving the illegal transfer of persons abroad or preventing their return to the Ukraine, or committed with the purpose of the removal of human organs or tissues from a victim for transplant or forced donation or resulting in other severe consequences, the crimes described above are punishable by imprisonment of eight to fifteen years, with or without confiscation of property.

In order to update the legislation on the subject, the Cabinet of Ministers drafted and adopted the *Regulations on the Interdepartmental Coordination Council on Combating Trafficking in human beings* (No. 1961 of 25.12.2002) and the *Standard Regulations on Rehabilitation Centres for Traf-*

ficked Victims (No. 987 of 27.06.2003). To comply with the provisions of the *Convention against Transnational Organised Crime*, Articles 149 and 303 of the Criminal Code of the Ukraine have been amended. In January 2006, Verkhovna Rada, the Supreme Council of the Ukraine, adopted the law *On Modifications of the Criminal and Procedural Codes of Ukraine as for Responsibility for Trafficking in human beings, Coercion into Prostitution and Pimping*.

On 12.01.2006, the Ukrainian Parliament adopted a Law on *Criminal Code Amendments on Improvement of Responsibility for Trafficking in human beings and Engaging in Prostitution*.

This law amended Article 149 of the Criminal Code of the Ukraine as follows:

- Trafficking in persons or other illegal transactions in which the object is a person, as well as the recruitment, transportation, harbouring, transfer or receipt of persons for the purpose of exploitation by means of fraud, extortion or abuse of a position of vulnerability of a person, are punishable with *imprisonment of three to eight years*.
- If acts stipulated in paragraph 1 of this Article are committed over a *minor*¹²⁸, by more than one persons, repetitively, through prior collusion among a group of offenders, through abuse of official power, or if committed by a person upon whom a victim had been financially or otherwise dependent, or if accompanied by violence that threatens the life or health of the trafficked person or his/her relatives, or by threat of such violence, the offenders will be sentenced to *imprisonment of five to twelve years with or without confiscation of property*.
- If acts stipulated in paragraph 1 or 2 of this Article, are committed against an *infant*¹²⁹, by an organised group, or accompanied by violence that threatens the life and health of the trafficked person or his/her relatives, or by threat of such violence, or if it leads to severe consequences, the offenders will be sentenced to *imprisonment of eight to fifteen years with or without confiscation of property*.¹³⁰

¹²⁸ According to the Family Code of the Ukraine, minor is a child aged from 14 to 18.

¹²⁹ According to the Family Code of the Ukraine, infant is a child up to 14 years old.

¹³⁰ Unofficial translation.

Comments:

- It is worth mentioning that Ukrainian legislation incorporates provisions of international treaties in force, agreed by the Supreme Council of the Ukraine to be binding internally. Thus the above-mentioned ratified international treaties are binding for the Ukraine both internationally and domestically. In accordance with Article 9 of the Constitution of the Ukraine, international agreements become part of the national legislation if they are ratified by the Ukrainian Parliament. In cases of collision between provisions of international legislation ratified by the Ukraine and the Ukrainian national legislation, the international provisions will prevail.
- Expert analysts have noted limitations in the formulation and definitions included in the legislative framework, giving particular emphasis on the fact that it is possible to initiate proceedings against illegal transactions for the transfer of a person only when such a transfer has taken place across the Ukrainian borders (i.e. transfers within the Ukraine are not punishable by law).

B. Bilateral agreements

There are no specific bilateral anti-trafficking agreements between the Ukraine and other countries. Cooperation is based on general principles.

C. National Action Plan

The *Comprehensive Anti-Trafficking Programme Concerning Prevention of Trafficking in Humans for 2002-2005*, adopted by Cabinet of Ministers' Decree No. 766 of 05.06.2002, carries out work in this direction.¹³¹ According to this programme, there are three *main directions* for countering trafficking in human beings: prevention of trafficking in human beings, prosecution of traffickers and protection and reintegration of victims. This programme addresses trafficking in human beings in general, while the first one addressed only trafficking in women and children. The change of its name is of principal importance, because it indicates the adoption of a social perception of trafficking in human beings, as enshrined in

¹³¹ This is the 2nd governmental programme. The 1st Programme on Prevention of Trafficking in Women and Children was adopted by Decree No. 1768, of September, 1999 of the Cabinet of Ministers. The 3rd governmental programme for 2006-2010 is now under consideration for approval.

the Ukrainian legislation and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the *United Nations Convention Against Transnational Organised Crime*.

Drafting of the *State Target Programme 2006-2010* started in spring 2005 and is based on discussions between the Ministry of Family, Youth and Sport, UNICEF and the *International Women's Rights Centre 'La Strada'-Ukraine*. These issues were also addressed during roundtables, and a model draft programme was adopted. Central executive bodies prepared the drafting of the new *State Programme for Combating Trafficking in human beings 2006-2010* which, in accordance with recommendations of the central executive organs, international and social organizations, will include provisions on labour migration, legislation, prevention of trafficking in children, organ transplantation, rehabilitation and reintegration of the victims etc.

Comment

The State Target Programme for Combating Trafficking in Human Beings is based on the principle of cooperation and collaboration between public authorities with international and non-governmental organizations.

Coordination within the framework of the Complex Anti-Trafficking Programme rests upon the *Interdepartmental Coordination Council on Combating Trafficking in Humans of the Cabinet of Ministers of the Ukraine* headed by the Vice Prime Minister of the Ukraine for Humanitarian Issues.

III. General Framework

A. Capacity building

Presently, the system of *State Social Services* is a branched network with 700 centres operating even in small towns and villages.

Practical social activities of *youth centres* are carried out in the following directions: social assistance to families, prevention of negative phenomena in children and young people, assistance with employment and secondary education of young adults, social work with army recruits and military servicemen, national school of volunteers, consultation on family life for

young adults, social work with disadvantaged and large families, social protection of young women, educational activities aimed at prevention of HIV/AIDS, trafficking in human beings etc.

This programme takes the form of *public cultural events*, trainings and lectures, social support and social inspection. Centres for counteracting trafficking in human beings offer the following types of assistance: a telephone helpline (191) for answering queries for travelling, working and living abroad, psychological and legal assistance to victims of trafficking, assistance with medical issues and social support.

The *Ministry for Children, Youth and Sport* carries out *practical work* with the public and victims of trafficking in cooperation with NGOs and youth centres. Data on victims is collected, mainly, via helplines operated by social services and NGOs, and also by law enforcement bodies. Ministerial departments provide various types of *assistance* to victims of trafficking: financial assistance, health programmes for trafficked children, assistance through employment and education, assistance on health issues and reduction of housing debts.

The *Ministry of Labour and Social Policy* contributes to combating trafficking in people with: employment consultation services and professional training sessions for the unemployed; teaching skills demanded in the labour market, taking into consideration the regional peculiarities, offering employment advice to graduates of vocational colleges and higher educational institutions and employment assistance to young adults turning to the State Employment Service; monitoring intermediary activities of entrepreneurial bodies offering employment abroad; monitoring travel and marriage agencies etc. The *State Employment Centre*, under the Ministry of Labour and Social Policy of Ukraine, aims at implementing the state employment policy. This organization consists of regional, urban, and district employment centres.

The *Ministry of Public Health* is crucial in providing social assistance to the victims. According to the *Complex Anti-Trafficking Programme*, it is responsible for the following: drafting and adoption of provisions aimed at the social reintegration of victims; running crisis centres and shelters for victims of trafficking in human beings and other forms of violence; organization of inter-branch seminars, 'round tables', conferences and training sessions on the issue of trafficking in human beings; improving mechanisms of assistance to victims provided by central and local executive bodies, law enforcement organs, diplo-

matic representations and consulates, educational institutions, healthcare establishments, social services, migration and border police and representatives of social organizations. Representatives of non-governmental organizations can apply to healthcare institutions for permission to provide assistance to the victims. Each organization has doctors providing medical assistance on request.

The *Ministry of Education and Science* carries out mainly preventive efforts among young adults. However this Ministry, particularly the Department of Boarding Schools for Orphans and Children Deprived of Parental Care, can be involved in social work with children victims of trafficking and is responsible for children deprived of parental care. Departments and institutions of the Ministry provide organizational and administrative support for the implementation of measures aimed at combating trafficking in human beings. The *Central Institute of Post-Graduate Paedagogical Education* regularly holds seminars on the subject and invites experts from the *International Women's Rights Centre 'La Strada'-Ukraine*. Experts from the Ministry of Education and Science participate in the preparation of informational and methodological material, such as a 'Study and Teaching Manual' and a video supplement entitled 'Prevention of Trafficking in Humans'. The Methodic Publishing Centre of the Organization of Publishing and Delivery of Educational Literature distributed these manuals to schools of all the regions of Ukraine (circulation of 20.000 copies: 14.000 in Ukrainian, 6.000 in Russian). 5.000 copies were distributed during roundtables with educators. The Scientific-methodological Centre of Higher Education in cooperation with the *International Women's Rights Centre 'La Strada'-Ukraine* prepares and publishes informational and methodical material to be distributed in higher educational institutions of the Ukraine.

Among the main tasks of the *Ministry of Foreign Affairs* is the representation and protection of the rights and interests of citizens and legal entities of the Ukraine abroad and the registration of Ukrainian citizens residing abroad, either permanently or temporarily. The MFA provides information, consultation and legal assistance to citizens of the Ukraine seeking employment abroad or travelling for healthcare, leisure and other purposes; it takes measures for the preparation and ratification, in accordance with the established procedure, of the *UN Convention Against Transnational Organised Crime*, the *Protocol Against the Smuggling of Migrants by Land, Sea and Air*, and the *Protocol to*

Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and for the harmonization of Ukrainian Law with their main provisions. It also works towards improving the mechanism of exchange of information between law enforcement agencies of the Ukraine and other countries on persons engaged in trans-border trafficking and towards advancing methods and procedures of investigation of crimes related to trafficking in human beings. The Ministry plays an important role in providing assistance to Ukrainian victims of trafficking who wish to be repatriated. It also facilitates the involvement of international organizations, civil society and private donors in the implementation of projects for combating trafficking, protecting the human rights of the victims, coordinating enquiries for missing persons abroad and facilitating the return and rehabilitation of the victims of trafficking.

According to the Consular Charter of the Ukraine, *the Consul of the Ukraine* in a foreign country shall be obliged to carry out registration of Ukrainian citizens permanently or temporarily living in the Consular District; inform Ukrainian citizens temporarily staying in the Consular District about the legislation of the host country and local traditions; on the request of the Ministry of Foreign Affairs and in accordance with the established procedure, he/she shall monitor the living conditions and upbringing of adopted Ukrainian children under the age of 18; the Consul shall have the right to issue and renew Ukrainian passports etc.

Diplomatic representations can provide the following services to victims of trafficking: preparation of the Certificate of Return to the Ukraine for the citizens of the Ukraine; financing the return trip to the Ukraine (in exceptional cases); assistance in search of Ukrainians missing abroad; facilitation in transportation to the Ukraine of bodies of Ukrainians who died abroad.

The *State Border Police* assists Ukrainian victims of trafficking and contributes to the implementation of projects for combating trafficking in human beings. Officers of the border police can prevent trafficking in human beings by distributing informational material to people belonging to vulnerable groups and by collecting information from repatriated victims in order to identify/assist potential victims. On the consent of victims, their personal information can be forwarded to NGOs or they can be provided with informational material about NGO activities aimed at assisting victims.

B. Analysis, research and monitoring mechanisms

Analysis, research and monitoring mechanisms are essential elements of an effective anti-trafficking policy. A number of *sociological studies* on the subject have been carried out, a *risk group database* is updated on a regular basis and discussions and individual consultations are held. An example of a *monitoring mechanism* is the reports on the implementation of the Comprehensive Programme against trafficking in human beings prepared by the Ministry of Family, Youth and Sport.

In order to combat effectively trafficking in human beings and form the necessary state mechanisms for its prevention, the *Interdepartmental Coordination Council* on Combating Trafficking in human beings, headed by the Minister of Family, Youth and Sport, has been formed by the Cabinet of Ministers of the Ukraine. For efficient coordination of measures aimed at the prevention of trafficking in human beings the Council formed in December 2004, an *Expert Working Group* consisting of professionals in different fields who are directly involved in actions envisaged by the Complex Programme.

Regional Standing Committees for Coordination and Data Exchange on the Prevention of Trafficking in human beings operate in every oblast (administrative unit of the country). Under the project *Support of Regional Coordination Councils for Combating Trafficking in human beings in Seventeen Oblasts of the Ukraine*, financed by IOM, *Advisory Councils* for Combating Trafficking in human beings were established in seven oblasts of Ukraine (Ivano-Frankivsk, Zakarpatska, Khmelnytsky, Poltava, Chernigiv, Sumy, and Kirovograd). Meetings held in this framework resulted in the elaboration of guidelines tailored to the specific characteristics of each region. These guidelines were then circulated to the Oblast Coordination Councils for Combating Trafficking in human beings.

C. Cooperation and networking at the regional and national level

The *Ministry of Internal Affairs* is the main institution responsible for the implementation of state policy in combating trafficking in human beings. Coordination of prevention, identification and investigation of crimes related to trafficking in human beings is being carried out by special units. Their main tasks are prevention, identification, investigation and solving of related crimes, instituting criminal proceedings against the offenders and cooperating with other state and non-governmental

organizations for providing assistance to the victims. Once the victims have been identified, the units combating trafficking in human beings refer them to NGOs or international organizations able to provide assistance and a wide range of rehabilitation services.

Since the crimes connected with trafficking in human beings very often relate to *transnational organised crime*, the Ministry of Foreign Affairs takes measures to build an active partnership and collaboration with the Ministry of Internal Affairs, with other national law enforcement bodies, with appropriate authorities of other countries and international organizations, in particular with the OSCE, Europol and the Council of Europe.

The Ministry of Foreign Affairs, that has observer status in the Council of Baltic Sea States (CBSS), collaborates closely with the CBSS Secretariat towards the solution of the *problem of street children* and takes active part in the organization of international conferences, seminars and activities aimed at combating trafficking in human beings and illegal migration.

The Ukraine participated actively in the drafting of the *European Convention against Trafficking in Human Beings*, and signed on 17.11.2005. In February 2005, the Ukraine-EU 2005-2007 Plan of Action was adopted. This Plan establishes close cooperation in the fields of justice and internal affairs with particular focus on issues of readmission and migration, of combating trafficking in human beings, of prevention and combating of the sexual exploitation of children and on issues of child pornography.

Cooperation of state bodies with non-governmental and international organizations facilitates the implementation of anti-trafficking policies. Such cooperation focuses on the following: participation in events; consultations; exchange of information; round tables, seminars, conferences; organisational, administrative and financial support; participation in drafting of joint plans of action and elaboration of a national policy for combating trafficking in women and enhancing their role and status. These forms of cooperation will be further developed in the future.

A large number of non-governmental organizations direct their activities towards the prevention of trafficking in human beings and the assistance of victims by establishing branched networks of non-governmental national and regional organizations. At the early stages of its development, the main activity

of the *International Women's Rights Centre 'La Strada'-Ukraine*, was *networking with governmental structures*, with the Ministry of Education and Science, the Ministry for Family, Children and Youth, and the State Social Services becoming its main partners.

As a result of this cooperation, the Ministry of Education and Science of the Ukraine prepared in 1998, a *recommendation letter* addressing the need for preventive work in the field of trafficking with the involvement of experts from non-governmental organizations, *inter alia*, the *International Women's Rights Centre 'La Strada'-Ukraine*. This letter was signed by the Minister and sent to the heads of various educational departments and institutions. Thereafter, the idea of cooperation between educational institutions and non-governmental organizations were embodied in the *Programme on Prevention of Trafficking in Women and Children* and the *Complex Anti-Trafficking Programme*.

Comment

The success of any method implemented by non-governmental organizations depends on effort coordination and the cooperation with state bodies.

D. Mobilization of resources

Governmental anti-trafficking programmes are not financed from the state budget. Thus, the majority of programmes in this field are realised by non-governmental organizations with the financial support of international organizations, international charities and foreign governments.

The following International Organizations, International Development Agencies and non-governmental organizations are working in the field of combating trafficking in human beings:

- US Agency for International Development;
- Organization for Security and Cooperation in Europe (OSCE);
- Mission of the International Organization for Migration (IOM) in the Ukraine;
- International Labour Organization (ILO);
- International Women's Rights Centre 'La Strada'-Ukraine;
- Women's Consortium of the Ukraine;

- Ukrainian Centre for Educational Reforms, etc.

Most of these organizations support various projects implemented by local non governmental organizations, or in some cases, they undertake anti-trafficking activities themselves.

IV. Implementation of Anti-Trafficking Laws

A. Prevention and awareness

In order to combat effectively trafficking in human beings and form the necessary state mechanisms for its prevention, the *Interdepartmental Coordination Council on Combating Trafficking in human beings*, headed by the Minister of Family, Youth and Sport, has been formed by the Cabinet of Ministers of the Ukraine. For efficient coordination of measures aimed at the prevention of trafficking in human beings, the Council formed in December 2004, an *Expert Working Group* consisting of professionals in different fields who are directly involved in actions envisaged by the Complex Programme.

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Under the Complex Programme, different departments of the ministry provided information services to more than 26.260 people on issues of career choice and employment opportunities for young people, single-parent or disadvantaged families and young adults freed from places of detention. In addition to the above, more than 25.000 information and educational events have been held in collaboration with: IOM, *Winrock-Ukraine*, *International Women's Rights Centre 'La Strada'-Ukraine*, the

Red Cross, *League of Social Workers of the Ukraine*, *Plast-National Scouting Organization of the Ukraine*, *Caritas*, *Women to Women Centres*, *Youth League of Ukrainian Regions*, *Centres for the prevention and fight against HIV/AIDS*, *Women's Informational-Coordination Centre* etc.

The Ministry for Family, Youth and Sport in collaboration with the Ministry of Education and Science, the Ministry of Labour and Social Policy and other ministries and institutions participate in the implementation of the *International Programme on the Elimination of Child Labour (IPEC)* in the Ukraine.

At the NGO level, of great importance are the preventive and educational activities targeted directly at young women and girls from potential risk groups. In order to carry out such work, it was necessary to raise awareness among governmental officials and state bodies, obtain their support and establish close partnerships.

B. Protection and assistance

One of the crucial issues of combating trafficking in human beings is to provide assistance to children and women victims of trafficking. In the framework of the *Comprehensive Anti-Trafficking Programme Concerning Prevention of Trafficking in Humans for 2002-2005*, the Cabinet of Ministers of the Ukraine, by its Decree No. 989 of 27.06.2003 adopted the *Typical Provisions for the Rehabilitation Centre for the Victims of Trafficking in human beings*. The functions of the Centre include: psychological and legal support of victims, provision of primary medical services and further referral to health specialists if necessary, accommodation, organization of individual and group rehabilitation programmes, provision of general information on the activities of the centre and available programmes and awareness raising activities targeted to the general public.

Reintegration centres for trafficked victims play an important role in providing assistance and facilitating reintegration. Activities of the above centres include legal counselling to trafficked victims, confidential medical examination and social and psychological assistance. Reintegration programmes focus on providing training and organising traineeships and jobs placements for victims, as well as practical assistance in accommodation and property problems. In order to provide assistance to victims of trafficking the Ministry of Ukraine for Family, Youth

and Sport, in collaboration with the IOM and respective Oblast Administrations, created in 2005 *Inter-Regional Rehabilitation Centres* for victims of trafficking in Zhytomyr, Volyn, Chernivtsy, Lviv, and Kherson Oblasts.

NGOs, on the other hand, focus on activities aimed at preventing trafficking in human beings and at providing practical assistance to victims. NGOs active in this field are:

- International Women's Rights Centre 'La Strada'-Ukraine;
- School of Equal Opportunities;
- Luhansk Regional Council of Women;
- Faith. Hope. Love. (Odessa);
- Youth Centre of Women's Initiatives (Sevastopol);
- Hope and Future (Simpheropol);
- Revival of the Nation (Ternopil);
- Vesta (Uzhgorod);
- Zhinocha Gromada (Women's Community) (Kharkiv);
- Lyubystok (Mykolayiv);
- Progressive Women (Vinnitsa);
- Pan Alliance against Commercial Sexual Exploitation of Children.

The above NGOs started organizing campaigns against trafficking in human beings in the Ukraine in early 1997, at a time when trafficking in human beings had not received yet the requisite attention by the government. The *International Women's Rights Centre 'La Strada'-Ukraine* was the first NGO to develop such activities. Its main goal was to sensitise the general public and governmental officials to the problem of trafficking in women as a cruel violation of basic human rights. Gradually, awareness raising campaigns contributed to a better understanding of the problem and new programmes were devised: elaboration of joint Action Plans with state bodies and other non-governmental and international organizations (1998-1999), development of preventive activities (1999-2001), creation of a network of non-governmental organizations and improvement of the mechanism rendering assistance to victims of trafficking (2000-2002).

The Centre addresses different aspects of the problem: *assistance* to victims of trafficking, maintenance of a helpline, *research* in the field of violence against women, evaluation of

legislative acts in relation to various aspects of women's rights in the Ukraine, educational programmes for young adults on the rights of women and prevention of trafficking and other forms of violence and exploitation of women. In addition to the above, the centre also undertakes *awareness raising* activities which include: close cooperation with the mass media, distribution of information materials, publishing of reports and memos on the prevention of trafficking in human beings and distribution of these to Ukrainian women, organization of seminars, workshops and conferences, cooperation with state bodies with the aim of creating a National Action Plan focused on the prevention of trafficking, cooperation with foreign embassies in the Ukraine and Ukrainian embassies abroad, cooperation with governmental and non-governmental organizations in the Ukraine and abroad with the aims of preventing trafficking in women and providing assistance to the victims.

The efforts of NGOs also include the creation and operation of *helplines*. A helpline is not only an effective means of targeted preventive work, but also an opportunity to advise and provide assistance to women in need. The *Kiev* helpline started operating on 18.11.1997. Until May 2006, 30.000 phone consultations had been provided. The logistic-scientific support of helplines is provided by the State Institute for Family and Youth, the Ukrainian Institute for Social Research, the National University of Internal Affairs, and the State Centre for Youth Social Services.

National and international documents and their recommendations emphasize the need to provide social assistance to victims of trafficking and promote their *rehabilitation and reintegration*. Social work carried out by the *International Women's Rights Centre 'La Strada'*-Ukraine aims at providing assistance to victims in two stages. The first stage is to provide *assistance to the victim abroad* including assistance in tracing victims abroad, liberation from the place of detention, assistance with repatriation documents and the repatriation procedure. The second stage entails *direct assistance after the arrival* of victims in the Ukraine and includes the following: assistance in obtaining visas in order to testify against their traffickers abroad; assistance with job placements; legal assistance; provision of accommodation; medical assistance; organization of vocational training in the Ukraine and abroad; search of missing women; financial assistance (for medical treatment, renewal of documents, funerals). In the above procedures, an im-

portant role is played by rehabilitation centres and shelters operating in Kiev, Odessa, Lutsk, Ternopil, and Kharkiv.

Assistance to victims is provided by networks of non-governmental organizations, international organizations with sufficient financial resources and various state bodies and agencies, among them the Department for Family and Youth, Juvenile Services, Youth Social Centres, the Healthcare Department, the Employment Centre etc. The repatriation of Ukrainian citizens is financed by and carried out in cooperation with the Representative Office of IOM in the Ukraine. Diplomatic missions of the Ukraine also facilitate the repatriation of Ukrainian citizens.

C. Prosecution

Apart from adopting special legislation that is often updated in order to incorporate new trends and needs, organizational and practical measures were also adopted during the period under review in order to detect and eliminate organised criminal groups involved in trafficking in human beings.

An important step towards this direction was the creation in August 2005 of the *Department for Combating Crimes Related to Trafficking in human beings* within the Ministry of Internal Affairs and in respective divisions in the oblasts.

As many as 180 trafficking in human beings networks were eliminated and more than 300 people involved in these criminal networks were arrested; more than 160 criminal cases, referred by the Ukrainian Security Services, were brought to justice and were tried under Article 149 of the Criminal Code 'Trafficking in Human Beings and Other Illegal Transfer Deals in Respect of a Human Beings'.¹³²

In 2005, more than 3.200 cases of illegal transportation of minors across the border of the Ukraine were detected, as well as more than 13 attempts of illegal transportation for treatment, recreation and tourism and more than 40 cases of transportation of adopted minors by foreign citizens without duly executed documents.¹³³

According to data provided by the Ministry of Internal Affairs of the Ukraine, during the period 1998-2005, more than 2.200 crimes under Article 149 of the Criminal Code were investigated. The number of such crimes has increased annually

¹³² Information provided by the Ministry of Internal Affairs.

¹³³ *Id.*

(1998: two, 1999: 11, 2000: 42, 2001: 89, 2002: 169, 2003: 289, 2004: 262, 2005: 415, first five months of 2006: 217).

V. BEST PRACTICES

It can be stated that in the period 2002-2005 the Ukraine continued improving its strategies for combating trafficking in human beings, both at the international and national level. The following initiatives had a positive impact on dealing with the phenomenon:

- *Standing Committees for Effort Coordination and Data Exchange* for the Prevention of Trafficking in human beings are now operating in all oblasts of the country;
- The *Department for Combating Crimes Related to Trafficking in human beings* works effectively within the Ministry of Internal Affairs;
- *Preventive work* including trainings, discussions and roundtables targeted at the general population is carried out in all regions;
- *Non-governmental organizations* collaborate effectively and provide both methodological and financial assistance to victims;
- A *network of inter-regional rehabilitation and reintegration centres with asylums* for trafficked victims is being formed;
- *Sociological research* on the subject is carried out by scientists;
- A *risk group database* is updated on a regular basis and discussions and individual consultations are held;
- Preventive work via *helplines* is well-organised;
- Measures for organising *job placements* and entrepreneurship programmes for young people and unemployed women are implemented;
- Activities of travel agencies, marriage agencies and companies possessing licenses for intermediary activities connected with job placements abroad are monitored on a regular basis;
- *Information and legal assistance* is provided to the citizens of Ukraine travelling abroad;
- The *Interdepartmental Programme of Social Assistance to Disadvantaged Families* is implemented with the

aim of combating violence in the family and trafficking in children.

VI. DEFICIENCIES

It should be noted, however, that numerous problems remain unsolved and the problem of trafficking in human beings remains topical for the Ukraine.

- The increase of trafficking in human beings in the Ukraine is partly due to *poor information* of Ukrainian citizens regarding job opportunities abroad, as well as lack of information on the consequences of working illegally abroad.
- Absence of a functional system of *victim protection*.
- *Insufficient punishment* of the criminals, due to the fact that the crime of trafficking in human beings is hard to prove before a court of law and often the offenders escape punishment.

VII. NEEDS ASSESSMENT

Taking into account the deficiencies and comments contained in this report and the need for improvement of the situation, a list of recommendations is provided below.

RECOMMENDATIONS

1. Mechanisms for the effective implementation of *international legal instruments* concerning the protection of human rights should be developed;
2. While the Criminal Code of the Ukraine contains provisions for punishing crimes related to trafficking, further actions should be taken to *address the root causes* of the problem;
3. It is necessary to enhance the existing legal framework with the aim of promoting *complete reintegration* of trafficked persons and help reverse the negative effects of trafficking;
4. Considering the variety of measures adopted and the different actors actively participating in combating trafficking in human beings (state bodies, NGOs, religious, international and charity organizations, foreign missions in the country), *effective coordination* is necessary in order to achieve effective and sustainable results.

LIST OF ABBREVIATIONS

CBSS Secretariat	Council of Baltic States Secretariat
CBSS	Council of Baltic Sea States
ECPAT International	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EUROPOL	European Police Office
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	International Programme on the Elimination of Child Labour
OSCE	Organization for Security and Cooperation in Europe
UNICEF	United Nations Children's Fund
USSR	Union of Soviet Socialistic Republics