

National Legal Framework - Ukraine

The following legal documents for combating trafficking human beings are currently in force:

International documents, signed and ratified by Ukraine

1. The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (ratified by Ukraine on February 4, 2004)
2. The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to the UN Convention on the Rights of the Child (ratified by Ukraine April 3, 2003)
3. The Council of Europe Convention on Action against Trafficking in Human Beings (only signed by Ukraine on November 17, 2005. Documents are prepared for ratification)

National laws

Article 149 of the Criminal Code of Ukraine "Trafficking in Persons or Other Illegal Agreement Regarding a Person"

1. Trafficking in persons or other illegal transactions in which the object is a person, as well as the recruitment, transportation, harboring, transfer or receipt of persons for the purpose of exploitation by means of fraud, blackmail or abuse of a position of vulnerability of a person, are punishable with imprisonment for a term of three to eight years.
2. Acts stipulated in Paragraph 1 of this Article if committed against a minor³, several persons, by repeat offenders, 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, are punishable with imprisonment for a term for five to twelve years with or without confiscation of property.
3. Acts stipulated in Paragraph 1 or 2 of this Article, if committed against an infant⁴, or by an organized 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 grievous consequences, are punishable with imprisonment for a term of eight to fifteen years with or without confiscation of property."

Comments to Article 149:

1. The term "exploitation of a person" in this Article should be understood as all forms of sexual exploitation, use in pornography, forced labour or forced service rendering, slavery or practices similar to slavery, dependent position, debt bondage, removal of organs, experiment on the person without his/her consent, illegal adoption, forced pregnancy, involvement in criminal activities, use in armed conflicts, and so on.
2. In Articles 149 and 303 of Criminal Code the position of vulnerability of a person should be considered as the position of a person that due to physical or psychological impediments and/or external circumstances, is deprived of or has limited ability to understand or control his/her own activities, to make independent decisions or withstand violators or other illegal acts, or as a consequence of difficult private, family or other situations.

3. Responsibility for recruitment, transportation, harboring, transfer or receipt of an infant or a minor under this Article should arise regardless of whether these acts are accompanied by fraud, blackmail or abuse of a position of vulnerability of a person, violence or threat of such violence and abuse of official power.

Trafficking in human beings, including trafficking in children, is a problem which is both wide-ranging and complex. Due to this, the anti-trafficking legal base of Ukraine is not limited by Article 149 of the Criminal Code of Ukraine, but also includes a number of other Articles of Criminal Code and laws.

Governmental acts

State Program on Counteraction to Trafficking in Human Beings on the period till 2010 (approved by Decree of Cabinet of Ministers of Ukraine № 410 on March 7, 2007)