



TRAFFICKING IN PERSONS (TIP) IN UKRAINE – SITUATION ANALYSIS, JANUARY - DECEMBER 2017

In 2017, the International Organization for Migration (IOM), Mission in Ukraine identified and assisted **1,259 victims of trafficking (VoTs)** who suffered from forced labour and sexual exploitation in 28 different countries, including Ukraine. This is the highest number of VoTs assisted by IOM since 2000 and represents an **increase of 9%** compared to the victims identified in 2016. Heightened vulnerabilities of the population to risks of human trafficking connected, *inter alia*, with the protracted conflict and the political, social and economic instability in Ukraine.

The Russian Federation remained the top **destination country** for trafficking from Ukraine with 61% of cases in 2017 (67% in 2016). The EU continued to occupy second place, with 23.4% of victims returning from its member States (17% in 2016). Out of those, 82% of victims were trafficked to Poland, and the remaining 18% were exploited in Italy, Sweden, Germany, Lithuania, Slovakia, Finland, the Czech Republic, Cyprus, Austria, Denmark and the United Kingdom. Other countries of destination in 2017 were Turkey, Brazil, China, the United Arab Emirates, Georgia (specifically the self-proclaimed Republic of Abkhazia), Moldova, Belarus, Kazakhstan, Lebanon, India, Ghana and Sri Lanka. The number of domestic trafficking cases rose to 125 in 2017 in comparison with 107 in 2016. This includes one victim trafficked to the Autonomous Republic of Crimea and 25 victims of forced labour in the non-government controlled area (NGCA) in eastern Ukraine.

Men prevailed in the 2017 caseload (62%) and more than half (51.5%) of the victims identified were **under the age of 35**. In 2017, IOM Ukraine has identified and assisted 28 child VoTs (12 in 2016). In addition, six children at high risk of trafficking were also provided with assistance. The increase in identification of child VoTs is a result of a targeted effort and the increased capacity of governmental agencies and non-governmental organizations to identify and reintegrate child VoTs. Assisted children were predominantly exploited within Ukraine (76.4%), but also in the Russian Federation, Turkey, Moldova, Germany and Belarus. Of children assisted by IOM, girls constituted 58.8%. Children were trafficked for sexual exploitation (11 cases), labour exploitation (9 cases) and exploited for forced begging (8 cases).

The majority (82%) of victims identified in 2017 had university or vocational education and 72% came from cities and towns, which is a reflection of the deepening economic hardship in Ukraine. **Recruitment** was chiefly carried out locally, through informal contacts (72%), Internet (14%), and to a lesser extent through local newspapers, street advertisements or employment agencies. IOM observed an increase of recruitment through private ads placed by individuals¹, 59 cases in 2017 (4.7% of the caseload) compared to 26 cases in 2016 (2.2% of the caseload). The average **period of exploitation** was two months, after which the victims were either released by their exploiters once they were deemed worthless or escaped after they realised they were being exploited.

Following the stable trend of the past years, an overwhelming majority of victims identified in 2017 were trafficked for forced labour (90% compared to 94% in 2016). The most prevalent sectors for this type of exploitation have been construction, manufacturing and agriculture.

According to a representative population survey, commissioned by IOM and conducted by GfK Ukraine from April-June 2017, the estimated number of Ukrainian labour migrants working abroad has almost doubled, from 516,000 in 2015 to 915,000 in 2017. Furthermore, the share of labour migrants working abroad unofficially is 40%. Twenty-one per cent of the population would agree to cross the border illegally, work in locked premises, or give their passports to their employer. Twelve per cent of Ukrainians, or about five million people, said they planned to find a job abroad in the near future (an increase from 8% in 2015). The attractiveness of the Russian Federation as a country of destination continued decreasing (18% of those willing to work abroad in 2011, 12% in 2015 and 9% in 2017). At the same time, the attractiveness of Poland has increased to 40% in 2017 (7% in 2006, when the first similar survey was conducted, 30% in 2015). Germany was ranked second among countries where Ukrainians would most like to work (32%); followed by Italy (17%) and the U.S. (15%). The survey also revealed that an estimated 70,000 Ukrainians were trafficked abroad between 2015-2017, which, combined with the estimations from before 2015, totals almost 230,000 trafficked persons from Ukraine since 1991.²

Government response to human trafficking

Recognizing the increasing risks of TIP and the corresponding consequences for the country's population, the Government of Ukraine (GoU) announced that 2017 would be the "*Year for Combatting TIP in Ukraine*", thereby acknowledging combatting TIP as a strategic priority for the Ministry of Interior of Ukraine. In February 2017, the inter-ministerial council was appointed by the Prosecutor General's Office and chaired by the General Prosecutor. The Council addressed gaps in combatting human trafficking, specifically in detection, investigation and prosecution of trafficking related cases by criminal justice actors. Implementation of the actions agreed on at the Council was made obligatory for all involved agencies by the Cabinet of Ministers of Ukraine. Notably, the number of human trafficking cases registered by the Ukrainian National Police significantly increased in 2017 – 346 in comparison to 116 in 2016. The number of TIP verdicts, however, remains relatively low – 23 in 2017, a decrease from 28 in 2016.

The National Counter-Trafficking (CT) Coordinator at the Ministry of Social Policy was particularly successful in their efforts to enhance victim identification, which resulted in a significant increase in the number of certified VoTs – 198 VoTs were assisted by the State in 2017, compared to 110 in 2016.

¹ Private advertisement placed on local bulletin boards, bus stops and so on

² *Estimating the Extent of Human Trafficking from Ukraine* (2009), research commissioned by IOM and done by Drs. Dwayne Ball and Ronald Hampton, University of Nebraska – Lincoln, as well as *Human Trafficking Survey: Belarus, Moldova, Ukraine* (2012, 2015) survey reports commissioned by IOM and done by GfK Ukraine.

The National CT Coordinator in Ukraine took the lead in harmonising the Counter Trafficking Legislation in Ukraine to international best practices. The draft Law of Ukraine *On Amending Certain Legislative Acts of Ukraine to Strengthen Countering Trafficking in Human Beings and Protection of Victims of Trafficking* was adopted by the Parliament in the first hearing in November 2017. The amendments to the Law, if approved, will introduce additional provisions in order to guarantee free legal aid for VoTs, provide labour opportunities, as well as legal stay for foreigners. The amendments to the law provide for a recovery and reflection period so a foreigner or stateless person who has applied for the status of victim of trafficking in Ukraine would be granted the right to a 30-day period to make a decision on whether or not to cooperate with law enforcement authorities.

Two other draft laws submitted to the Parliament of Ukraine in 2017 to amend CT legislation are as follows:

- Law on Amending Art. 149 of the Criminal Code of Ukraine to Align with International Standards (adopted by the Parliament in the first hearing);
- Law on Amendments to Certain Legislative Acts of Ukraine regarding the Activities of Intermediaries Facilitating Employment Abroad (referred to a committee for review before the first hearing).

Review of international monitoring mechanisms:

The 2017 Trafficking in Persons (TIP) Report³ was launched at the US Department of State in June, and upgraded Ukraine's ranking from the Tier 2 Watch List to Tier 2, stating *"the government demonstrated increasing efforts by investigating, prosecuting, and convicting officials complicit in trafficking, increasing interagency coordination and training for government officials, and taking some steps to improve law enforcement efforts. The government also improved its efforts to protect trafficking victims in Ukraine, increasing subsistence payments to victims and drafting legislation that would better protect foreign victims."*⁴ While recognizing increased efforts of the GoU, the TIP report provides a number of recommendations to further improve the country's response that include recommendations regarding resource allocation, legislation harmonization, and strengthening of investigation and prosecution of crime, among others.

In 2017, the Group of Experts on Action against Trafficking in Human Beings (GRETA) conducted the second evaluation round of Ukraine's implementation of the Council of Europe Convention on Actions against Trafficking in Human Beings. Results of the evaluation and recommendations will be available in spring 2018.

Main challenges

- Growing numbers within risk groups (as well as additional risks groups appearing) and a lack of socio-economic alternatives to unsafe migration;
- Increasing number of cases of trafficking and exploitation among conflict-affected population, including challenges in identification and referrals;
- Decentralization and ongoing administrative reform require adjustments to the National Referral Mechanism (NRM) for Victims of Trafficking, to ensure adequate allocation of funds and human resources for prevention and protection activities on the local level;
- Need to proactively identify and prosecute trafficking with the purpose of labour exploitation, including cases of internal trafficking;
- Need to proactively identify and assist child VoTs, especially among children in institutional care and street children;
- Need to formalize the status of NGOs within the NRM and establish mechanisms that would ensure their access to state funding;
- Need to facilitate the transition of the Medical Rehabilitation Centre - established and run by IOM - to government ownership;
- Lack of Supreme Court clarifications on article 149 (regarding human trafficking);
- Need to increase prevention efforts targeting at-risk groups vulnerable to new forms of exploitation (drug smuggling, exploitation of IDPs).

IOM Ukraine's Counter-Trafficking Programme

- Since 1998, the IOM Mission in Ukraine has cooperated with the Government of Ukraine on human trafficking prevention and reintegration through a network of over 30 local NGOs, and other international organizations;
- IOM supports the **National Counter-Trafficking and Migrant Advice Hotline 527**, which assists up to 20,000 persons annually (www.527.org.ua);
- IOM cooperates with law enforcement by providing **capacity building on the investigation and prosecution** of trafficking-related crimes, networking with countries of transit and destination, and the development of witness protection systems, among other areas;
- Since 2000, IOM has provided **reintegration assistance to 14,105 victims of trafficking**, which included legal aid, medical care, psychological counseling, family support, vocational training, and other types of assistance based on individual needs. IOM operates a Medical Rehabilitation Centre which has provided free-of-charge, comprehensive medical care to 3,334 victims of trafficking since 2002. Over 900 former victims have benefited from IOM's Economic Empowerment Programme, creating hundreds of new jobs and contributing tens of thousands of Hryvnia in taxes to local administration budgets;
- IOM implements a variety of **human trafficking prevention** activities targeting vulnerable and at-risk populations, including youth, IDPs, unemployed, potential labour migrants, and also state officials and non-government professionals, who might be in contact with potential victims. **Awareness raising** and outreach to the general population is, among others, done through the designated counter-trafficking website www.stoptrafficking.org;
- In 2017, the Ukrainian singer and winner of Eurovision 2016, Jamala, became a counter-trafficking Goodwill Ambassador for the IOM Mission in Ukraine. Jamala supports IOM in its extensive work aimed at countering and preventing modern slavery by appearing in the information campaign *Danger Might be Invisible at First*. Jamala delivered the key-note address at the Seventh Combating Human Trafficking Awards Ceremony held by IOM in December 2017, which brought together more than 250 high-ranking government officials, civil society leaders and representatives of the diplomatic community in Ukraine in a joint effort to draw attention to the fight against modern-day slavery.

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³ Trafficking in Persons Report 2017, <https://www.state.gov/documents/organization/271345.pdf>

⁴ Ibid.

