



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

From January-June 2017, the International Organization for Migration (IOM), Mission in Ukraine identified and assisted **639 victims of trafficking (VoTs)** who suffered from forced labour and sexual exploitation in 23 different countries, including Ukraine. This represents an **increase of 30%** compared to the victims identified in January-June 2016. Heightened vulnerabilities of the population to risks of human trafficking are possibly connected 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 the first six months of 2017 (67% in 2016). The EU continued to occupy second place, with 21% of victims returning from its member States (17% in 2016). Out of those, 78% of victims were trafficked to Poland, and the remaining 22% were exploited in Italy, Lithuania, Sweden, the Czech Republic, Slovakia, Germany, Cyprus, Austria and the United Kingdom. Other countries of destination in 2017 were Turkey, United Arab Emirates, Georgia, Moldova, Belarus, Kazakhstan, Lebanon, China, India and Sri Lanka. The number of domestic trafficking cases also increased, reaching 12.5% in 2017 in comparison with 9% in 2016. This includes two victims trafficked to the Autonomous Republic of Crimea and 37 victims of trafficking and exploitation in the non-government controlled area (NGCA) in Eastern Ukraine.

Men prevailed in the 2017 caseload (62%) and more than half (56%) of the victims identified in 2017 were **under the age of 35**. In January-June 2017, IOM Ukraine has identified and assisted 19 child VoTs, almost four times the amount recorded in the same period last year. The increase in identification of child VoTs is a result of a targeted effort and increased capacity of governmental and non-governmental organizations to identify and reintegrate child VoTs. Assisted children were predominantly exploited within Ukraine (68%), but also in the Russian Federation, Turkey, Moldova and Belarus. Of children assisted by IOM, girls constituted 52%, while the remaining 48% were boys. Children were exploited in three spheres: forced begging (37%), labour exploitation (31.5%) and sex exploitation (31.5%).

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 the local newspapers, street advertisements or employment agencies. 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 the first half of 2017 were trafficked for forced labour (88% 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; in Crimea this vulnerable group comprises 54% of population, in the NGCA in Eastern Ukraine – 33%. Twelve per cent of Ukrainians, or about 5 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%). However, the Russian Federation is the most preferred country for 69% of potential labour migrants from Crimea, 63% from the self-proclaimed Donetsk People's Republic, and 84% from the self-proclaimed Luhansk People's Republic. The survey has also revealed that an estimated 70,000 Ukrainians (approximately 61,000 in Ukraine government controlled area, 4,000 in Crimea and 5,000 in the NGCA) have been trafficked abroad in 2015-2017, which, combined with the estimations done before 2015, totals almost 230,000 trafficked persons from Ukraine since 1991.¹

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 meeting addressed gaps in combatting human trafficking, specifically in detection, investigation and prosecution of trafficking related cases by criminal justice actors. The resolution of the meeting was made obligatory for all involved agencies by the Cabinet of Ministers of Ukraine. Notably, the number of human trafficking cases registered by the

¹ *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.

Ukrainian National Police significantly increased in the first half of 2017 – 144 such cases as of 30 June 2017 in comparison to 60 in the first half of 2016.

Concurrently, the National Counter-Trafficking (CT) Coordinator (Ministry of Social Policy) was particularly successful in its efforts to enhance victim identification, which resulted in a significant increase in the number of certified VoTs in the first 6 months of 2017 compared to 2016 (101 statuses in January – June 2017; 67 in the same period of 2016).

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 registered in the Ukrainian Parliament on 23 February 2017. The amendments to the Law, if approved, will introduce additional provisions in order to guarantee free legal aid for VoTs, provide labour opportunities and legal stay for foreigners. The amendments to the law provide for a recovery and reflection period so a foreigner or a stateless person who has applied for the status of a victim of trafficking in Ukraine would be granted the right to make a decision on their cooperation with law enforcement authorities within 30 days. As of June 2017 the draft law has passed and received approval of three Parliament committees – Committee of People with Disabilities, Committee of Social Policy and Committee of Legal Policy.

The 2017 Trafficking in Persons (TIP) Report² 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."*³ While recognizing increased efforts of the GoU, the TIP report provides the following recommendations to improve the country's response:

- Vigorously investigate and prosecute trafficking offenses, including public officials complicit in trafficking crimes, and ensure convictions result in proportionate and dissuasive sentences;
- Certify more victims to ensure they are afforded their rights under the trafficking law and modify the procedure for granting victim status to lessen the burden on victims to self-identify and divulge sensitive information;
- Provide adequate resources for and fully implement the 2016-2020 national action plan; increase training for law enforcement, prosecutors, and judges in the investigation and prosecution of trafficking cases, particularly on forced labour, a victim-centred approach, and how to gather evidence outside of victims' testimony;
- Develop victim/witness protection measures and take active measures to end intimidation of victims during legal procedures; increase training for officials on victim identification, particularly in proactive screening for labour trafficking and of vulnerable populations, such as women in prostitution, children in sex trafficking, foreign migrant workers, and internally displaced persons;
- Increase law enforcement monitoring of recruitment firms engaged in fraudulent practices associated with exploitation;
- Increase funding for services to support trafficking victims, including rehabilitation centres;
- Increase cooperation with law enforcement officials in countries where Ukrainians are subjected to human trafficking;
- Harmonize the trafficking law and the Law on the Legal Status of Foreigners to ensure foreign victims are entitled to remain in the country and access to victim services.

In June 2017, the Ministry of Social Policy of Ukraine prepared the country report for the second evaluation round of Ukraine's implementation of the Council of Europe Convention on Actions against Trafficking in Human Beings by the Group of Experts on Action against Trafficking in Human Beings (GRETA). The GRETA visit to Ukraine will take place in fall 2017, and include meetings with the GoU, international community and civil society.

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

- 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 since 1998;

² Trafficking in Persons Report 2017, <https://www.state.gov/documents/organization/271345.pdf>

³ Ibid.

- 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, development of witness protection systems, among other areas;
- Since 2000, IOM has provided **reintegration assistance to 13,485 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 3,222 victims of trafficking. Almost 900 former victims have benefited from IOM's Economic Empowerment Programme, creating hundreds of new jobs and contributing tens of thousands of UAH 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 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;
- Since July 2014, the IOM Mission in Ukraine has disseminated **close to 200,000 copies** of safe migration and trafficking prevention information materials to IDPs throughout Ukraine.

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