

# Trafficking of migrant workers from Ukraine:

Issues of labour and sexual exploitation

Tetyana Kiryan & Mariska N.J. van der Linden

Special Action Programme to Combat Forced Labour

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Working Paper

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Issues of labour and sexual exploitation**

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&  
Mariska N.J. van der Linden**

**International Labour Office  
Geneva**

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## Foreword

In June 1998 the International Labour Conference adopted a Declaration on Fundamental Principles and Rights at Work and its Follow-up that obligates member States to respect, promote and realize freedom of association and the right to collective bargaining, the elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.<sup>1</sup> The *InFocus Programme on Promoting the Declaration* is responsible for the reporting processes and technical cooperation activities associated with the Declaration; and it carries out awareness raising, advocacy and knowledge functions – of which this Working Paper is an example. Working Papers are meant to stimulate discussion of the questions covered by the Declaration. They express the views of the author, which are not necessarily those of the ILO.

This Working Paper was prepared by a team of Ukrainian researchers and ILO consultants. It is part of a major research project on the forced labour outcomes of trafficking and irregular migration, implemented by the ILO Special Action Programme to Combat Forced Labour (SAP-FL). Initial studies have focused on ten European source and destination countries, demand and supply factors, the vulnerability of migrants to forced labour and trafficking as well as concrete forms of coercion they experience. The results of these studies will inform SAP-FL's growing knowledge base on the modern forms of forced labour as well as country-based and sub-regional technical cooperation activities.

The authors of this study pioneered a difficult field of research. Not only is trafficking research as such a sensitive issue because of its criminal and “hidden” nature, but the authors were also exploring a relatively new subject, namely trafficking for labour exploitation. In recent years, trafficking for sexual exploitation from Eastern to Western Europe has raised the attention of the media and policy makers. The political instability in the Western Balkans has also been a major pull factor for trafficking of mainly women and minors into the growing sex industry of the region. This paper, however, argues that trafficking for labour exploitation is an emerging issue also affecting labour migration from Ukraine. It also promotes a holistic approach to the eradication of trafficking with the active participation of labour market institutions in national action plans.

The results were first discussed during a tripartite workshop in Kiev in May 2003. A follow-up workshop with representatives from government, workers and employers' organisations as well as NGOs from four different countries of South-eastern Europe took place in January 2004. It resulted in important recommendations some of which are now put into practice by ILO technical cooperation projects in Ukraine. We hope that this report will further stimulate the work of ILO constituents and other stakeholders in the country.

Roger Plant  
Head, Special Action Programme to combat Forced  
Labour  
InFocus Programme on Promoting the Declaration

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<sup>1</sup>The text of the Declaration is available on the following web site: <http://www.ilo.org/declaration>



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## Acknowledgements

The research team included members of the following organizations: The Scientific and Research Institute on Labour and Employment of Population of the Ministry of Labour and Social Policy of Ukraine and the National Academy of Science, the Centre of Social Expertise and Prognosis of the Institute of Sociology of the National Academy of Science of Ukraine, and the International Women Rights Protection Centre “La Strada – Ukraina” (see appendix 2).

Sincere thanks are extended to the Deputy State Secretary of the Ministry of Labour and Social Policy of Ukraine, M. Soldatenko, the Director of the State Employment Centre, N. Ivanova<sup>2</sup>, and to the members of the Special Action Program to Combat Forced Labour, R. Plant, T. Mangahas, B. Andrees, S. Scanlan and the ILO National Correspondent V. Kostrytsya.

We also thank the following for interviewing the respondents in the oblasts: I.Tarabukina, Deputy Minister of Labour and Social Protection of the Autonomous Republic of Crimea, O. Kulishova, Senior Consultant, Donetsk Oblast Business and Professional Women League, B. Dovzhuk, Director, Ternopil Oblast Employment Centre, M. Zilgalova, Director, Women Consultative Centre, Zakarpattia.

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<sup>2</sup> These positions were held at the time when interviews were carried out in 2003.



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## **Executive summary**

### *Objectives of the study*

The main objectives of this research were to investigate forced labour resulting both from trafficking and non-trafficking related migration, in the context of irregular migration from Ukraine. The study, based on questionnaires completed with returned migrants in Ukraine, focus-group interviews with selected migrants, and interviews with experts, focussed on the profiles of trafficked and non-trafficked victims of forced labour as opposed to ‘successful’ migrants. In order to investigate forms of coercion and routes into forced labour, the distinction between trafficked and non-trafficked victims of forced labour was adopted for the purpose of the study to differentiate between those deceived from the outset of the migration project by a recruiter from those that were deceived and coerced at a later stage.

Recruitment methods of both victims of trafficking and other migrants were investigated as well as ways in which the forced labour employment situation in the country of destination was exited. In addition, the study aimed to establish objective criteria of forced labour as an outcome of human trafficking as well as irregular migration.

### *Main Findings*

There exists an array of vulnerability factors affecting trafficking. One of the most important vulnerability factors is the sex of a person: Women are more at risk of being trafficked than men. The same is true for non-trafficked victims of forced labour, though here gender aspects are less emphasized. The study did not find that education and age play a role in risk factors of trafficking. The Russian ethnic minority is more at risk of being trafficked than ethnic Ukrainians, but this only because they form a disproportionately large minority of all migrants compared to their share of the Ukrainian population. Furthermore, successful migrants tend to be more frequently in stable relationships and, if they have children, are more often part of a nuclear family than victims of forced labour in general.

None of the participants considered their pre-migration situation satisfactory, this constituting a major push factor to migrate abroad for work. Housing, followed by clothing, appear to be the most problematic issues. Trafficked victims of forced labour were the worst off in this respect, followed by non-trafficked victims of forced labour, and, finally, by more successful migrants. The perception of the pre-migration situation may indicate that relative deprivation plays a role in the migration decision. Apart from poverty, a major push factor is the lack of prospects in the home country. The perception that there is the potential abroad to improve one’s situation is a significant pull factor.

Intermediaries play a dominant role in the decision making process when it comes to migration, particularly for trafficked victims of forced labour who claim that intermediary pressure played an important part in this decision, thus pointing at the well-known connections between traffickers and ‘intermediaries’. Intermediary pressure had less influence on more successful migrants, non-trafficked victims of forced labour occupying an intermediary position between the other two groups of participants. If intermediary pressure played a big role in the migration decision, the least important source of influence was government information. This indicates that potential migrants are at risk of being misinformed by informal information sources, which increases their vulnerability to abuse, exploitation and forced labour.

The large majority of participants in the survey had ID documents and a visa when going abroad, mostly in the form of passports. Successful migrants had ID documents and visas slightly more often than victims of forced labour, trafficked and non-trafficked. The visa most often used was a tourist visa, followed by seasonal work and au-pair visas.

Russia, Turkey, Italy, Greece and Hungary are the main destination countries for migrants from the Ukraine. The data on the deception as to the destination country and treatment during journey demonstrate a continuum of abuse according to groups of migrants. Migrants not having been subject to forced labour suffer the least abuse, though even they may be deceived and maltreated during the

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journey. Non-trafficked victims of forced labour are more often subject to abuse and deception though not to the same extent as trafficked victims of forced labour.

Once arrived in the country of destination, successful migrants spent about 15 months working abroad, whereas trafficked victims spent about 10 months abroad, and non-trafficked victims of forced labour remained abroad for about 9 months. Thus successful migrants spent a considerably longer time working abroad than either trafficked or non-trafficked victims of forced labour. Most participants worked in construction and agriculture, though many victims of forced labour, trafficked and non-trafficked, also worked in the sex industry.

Working conditions often deviated from those initially agreed. All participants worked more than 5 day / 40-hour weeks. Trafficked victims of forced labour worked the most days and hours, followed by non-trafficked victims and, finally, by more successful migrants. The working environment also left much to be desired: over half of trafficked and non-trafficked victims of forced labour as well as almost a quarter of other migrants felt their workplace was dangerous. Almost two-thirds of trafficked victims, a third of non-trafficked victims and a quarter of migrants were of the opinion that their workplace abroad had been unhealthy.

Even though the workplace and conditions were very far from acceptable, few participants had their work place inspected. There were few public inspections or police raids. The more successful migrants had the highest incidence of public inspection, indicating that they worked in more regulated sectors. The highest incidence of police raids occurred in the work place of trafficked victims of forced labour, most probably reflecting the commonly accepted link between trafficking, sexual exploitation and crime.

The majority of victims of forced labour received payment in kind, though two-thirds to a quarter also received financial compensation. This was particularly the case of trafficked victims of forced labour, a small number of when even received drugs in return for work. Migrants not subjected to forced labour tended to receive financial compensation most often for their work compared to the other two groups of participants, also receiving the least compensation in kind. Non-trafficked victims of forced labour occupied a position between that of trafficked victims and more successful migrants.

The most important forms of coercion experienced by the participants were the withholding of wages and restriction of freedom of movement. Both trafficked and non-trafficked victims of forced labour experienced severe coercion, trafficked victims experiencing more direct coercion in the form of violence and threats of violence. Victims of forced labour considered the restriction of movement and threats of being reported to the police as most serious in preventing them from leaving work. In addition, a majority of trafficked victims and about half of non-trafficked victims did not have free access to their ID documents. The reasons for confiscating ID documents were to prevent the person from leaving work. Retaining workers is also often linked to debt-bondage. Women, who constitute the majority of victims of forced labour, experienced more coercion in general. Many are “bought and resold”, a practice that can be found mainly in the sex industry.

The investigation of forms of coercion used by the employer/trafficker demonstrates that trafficked victims of forced labour are situated at the most negative pole of the forced labour spectrum, particularly when they are female. Trafficked victims of forced labour are more prone to violence on the job, both against oneself and others, receive more threats related to violence, whether against oneself or others than any other migrants considered in this study. Moreover, trafficked victims of forced labour are more prone to debt-bondage situations. Though trafficked victims of forced labour also experienced these forms of coercion with a noteworthy intensity, these did not amount to the severity of coercion experienced by victims of trafficking.

Most trafficked victims of forced labour escaped this situation after having been identified by the police. Only a small number of victims, however, was subsequently referred to assistance; most were arrested and deported. This was also a major reason for not asking the authorities for help to exit forced labour, besides a pervasive lack of awareness of available assistance. A substantial number of

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participants quit their employment abroad simply because they ‘decided to leave’. This was mostly the case with successful migrants, but it also played a relatively important role in the case of trafficked and non-trafficked victims of forced labour. This means that, even in forced labour situations, the migrant still has a certain amount of agency, which points to the idea of forced labour as a process. As the person gives in to coercion and perceives that he or she has fewer and fewer viable alternatives to forced labour, the trafficker/employer has more and more control over him/her. As such, though diminishing with time, the victim of trafficking has a certain ability to act, and may decide to end the forced labour situation.

The distinction between trafficked victims, non-trafficked victims of forced labour and more successful migrants has helped to shed light on routes into trafficking, degrees of coercion, as well as the process of forced labour. Still, since both those who are subject to coercion at the outset of the migration project as well as those subject to coercion at a later stage are victims of forced labour and other forms of severe exploitation, the sociologically interesting distinction between trafficked versus non-trafficking victims of forced labour should not be determined for policy and law reform. It is important to provide protection to all likely and actual victims of forced labour. Any form of compulsion, independently of how the person entered the employment relationship, should be punished.

### *Way ahead*

The Ukraine has done much to combat trafficking in recent years and has taken many positive initiatives. For example, it has developed a core instrument dealing with the issue of trafficking in human beings: The Comprehensive Programme to Counter Trafficking in Human Beings for 2002 – 2005. The programme consists of three chapters, each defining a set of activities aimed at the prevention of trafficking, the prosecution of traffickers and the protection and re-integration of the victims<sup>3</sup>. However, the practice of trafficking in human beings for the purpose of forced labour still exists. Furthermore, the issue of forced labour outcomes of irregular migration that are not directly related to trafficking has not been fully considered. Thus much remains to be done in Ukraine.

Firstly, in order to tackle the roots of the forced labour outcomes of migration, migration management should be improved. This includes the monitoring of recruiters, awareness raising amongst potential migrants and especially amongst high risk groups as well as the creation and sustained functioning of adequate legal channels for labour migration.

On the law enforcement side, the adequate implementation of anti-trafficking legislation should be assured through improved cooperation between relevant ministries and organizations, as well as capacity building. Relevant officials and organizations should be trained in anti-trafficking legislation and methods of identifying traffickers and victims of trafficking, including the identification of those who use the legal disguise of private recruitment agencies. Furthermore, law enforcement officials should be trained on how to deal with victims of trafficking.

At a state level, the programme for assistance and reintegration of victims should be further developed and implemented. This programme should include a network of relevant agencies and NGOs, as well as employers. Importantly, victims should be provided with vocational training and training on the development of micro-enterprises. Cooperation should be sought with organizations in countries of destination that offer assistance to migrants. Victims should also have their rights restored and receive compensation. Trade unions can play an important role here.

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<sup>3</sup> As of July 2005, the Ukrainian government is developing a second phase to this programme.



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## 1. INTRODUCTION

In this section, the socio-economic situation of the country will be considered, as well as the aspects pertaining to labour emigration. Then, the methodology of the study will be looked at. The results section constitutes the main body of the paper. It is divided into three separate parts. The first part will examine vulnerability factors on both a micro and a more macro level. Then the organization of the trip abroad and job placement will be investigated. Recruitment in particular shall be considered in this part of the paper.

Next a closer look will be taken at employment in the country of destination. This section will not only consider working conditions and forms of coercion that keep the migrant in the forced labour situation, but also ways of exiting from forced labour. In order to better understand the problem of trafficking in the Ukraine, it needs to be put into context. This implies looking at the socio-economic and labour market situation of the country and their related migratory aspects, as well as the legislative framework. In the final section the existing literature on trafficking and responses to trafficking will be reviewed.

### **Socio-economic situation in Ukraine**

Trafficking from the Ukraine is taking place against a backdrop of severe economic insecurity brought about by the disintegration of the Soviet Union in 1991. The collapse of the centralised economy and the withdrawal of state subsidies, as well as the privatisation of national enterprises have helped to produce a transition economy marked by increasing poverty, high unemployment and a free fall in the value of wages. Though the picture seems to be getting brighter, albeit at a very slow pace, there is still widespread poverty in the country.

The Ukraine had a Human Development Index rank of 70 in 2002, the HDI value being 0.777(HDR, 2004) and GDP per capita was 4 870 USD (PPP) in 2002 (HDR, 2004). Ukraine's economic expansion is considerable and reached a record 13.5 per cent real GDP increase year-on-year in January-July 2004. This increase is mainly attributable to strong domestic demand and a favourable external environment. This trend is expected to continue, though the growth of real income is expected to be somewhat slower (Economist Intelligence Unit, 2004).

Ukraine had an unemployment rate of 9.1 per cent in 2003 (January-September) and, using ILO methodology, it was estimated to be at 3.6 per cent in 2004 (January) (ILO, 2004). If unemployment levels and the economy appear to be taking an upturn, the situation is the opposite for incomes. The situation of Ukraine's poorest inhabitants has been worsening. At the end of 2003, the actual minimum monthly salary constituted of only around 60 per cent of the minimum monthly subsistence rate as stipulated by law. This gap has been growing steadily with the actual minimum salary being 33 per cent; 44 per cent of the stipulated minimum salary in 2000, 38 per cent in 2001, 41 per cent and 48 per cent in 2002. On a more positive note, average monthly salary was 131 per cent of the minimum monthly subsistence rate in December 2002, and 154.8 per cent in December 2003 (ibid.).

The country ranked 65 on the Gender Empowerment Measure (GEM). The ratio of female income to that of male income was 0.53. In 2002, women held 5.3 per cent of parliamentary seats, made up 64 per cent of professional and technical workers, as well as 38 per cent of administrators and managers. Therefore women are under-represented in jobs higher up the career ladder (HDR, 2004).

Ukraine has traditionally had high literacy rates. This tendency has not disappeared during the past decade. In fact there is a growing number of tertiary education institutions in the country offering a wide range of specialist training in a variety of fields. However, there is a marked shortage of highly skilled labour in recent years; many vacancies cannot be filled due to the lack of workers with adequate skills. This is probably related to the high emigration rates (ILO, 2004).

### **The migration-trafficking nexus**

There are several push and pull factors behind migration. People leave their country for reasons of economic deprivation, high unemployment levels, lack or bad quality of social services such as medical

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care and education, a lack of social order and control leading citizens to feel unsafe, etc. The push factors are complemented by pull factors. Western countries are often perceived to be rich and full of opportunities. Technological advances have made travelling easier and a revolution in global communications is broadcasting to people in poorer countries images, often heavily distorted, of how much better life could be in a richer country. In addition to this, successful migrant workers who return to the country of origin are able to have a life style that those remaining cannot afford. Push and pull factors combine to create a situation of relative deprivation for Ukrainians, where, even if perhaps not living in absolute poverty, they feel that their living standards are below the acceptable.

Driven by push and pull factors, migration flows from the poor East to the wealthy West of the European continent have increased to unprecedented levels. Ukrainian state statistics are based on Ukrainians who leave the country for employment purposes. Therefore state figures give an indication of regular migration mainly. According to these numbers, 33,7000 Ukrainians left for employment purposes in 2000, 26,300 left in 2001 and 36,300 left in the first half of 2002. However, in Russia the number of officially registered Ukrainians total around 100,000 and another 30,000 are officially registered as labour migrants in the Czech Republic. However, these two countries are only two among an array of destination countries (Poznyak, 2002). Therefore regular migration is only the tip of the migration iceberg.

Other studies shed some more light on the size of irregular migration. An investigation carried out by the authors earlier covered eight border regions, including the western oblasts of Volyn, Zakarpattia, Ivano-Frankivsk, Lviv, Rivne, Chernivtsi, and the two eastern oblasts of Donetsk and Lugansk. According to the study, conducted in 2002, 380,500 inhabitants of the above-mentioned regions worked outside Ukraine, which is 70 times more than the number registered by the state statistics bodies. However, this figure excludes those working abroad without a contract as well as those engaged in the sex trade. Therefore the number of Ukrainians working irregularly abroad is even larger than this. In fact, various estimates situate the number of Ukrainian migrant workers abroad between 2 and 7 million (ILO, 2004), within which Ukrainian citizens of Russian origin, a large ethnic minority in the Ukraine, are over-represented (Wolowyna, 2003).

The recent enlargement of the EU, which occurred after the survey was conducted, also has a large influence on the nature of labour migration. This means that countries bordering the Ukraine that did not require visas before or required visas that were easily duplicated have been tightening their visa regimes. Obtaining a visa is expensive as well as time consuming. An example of the effect of the introduction of a visa regime is that of Slovakia, to which annual trips from the Ukraine almost halved after visas were introduced. As a result, migration to the East has been on the increase (Malynovska, 2003).

However, the Ukraine has recently signed bilateral labour agreements with Poland, Slovakia, and the Czech Republic, which do not contradict EU legislation and are therefore a step forward. The Ukraine also has bilateral labour agreements with some Western European countries and others such as Argentina. Yet labour agreements with some main destination countries, such as Russia, are lacking. Partly because of this reason Ukrainians go abroad using the services of intermediaries and private recruitment agencies. There are approximately 450 private employment agencies licensed to provide mediation for job placement abroad. However, private employment agencies provide services for only around 2 per cent of Ukrainians seeking employment abroad; others use the services of tourist agencies and, to a lesser degree, of matrimonial and other agencies (ILO, 2004).

### *Trafficking in human beings*

Though trafficking from the Ukraine is a widely accepted problem both nationally and internationally, little research currently exists on the matter. The research that is available concerns women trafficked for sexual exploitation or the trafficking of children. In addition, there is little information on the numbers of Ukrainians trafficked every year. The Ukrainian Ministry of Interior estimated that there were 400,000 trafficked Ukrainian women in 1998, though local NGOs and researchers believe this number to be much higher (IOM, 2001). Indeed, given the considerable pool of potential migrants,

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discussed above, as well as the covert nature of trafficking and irregular migration, this number is likely to be a gross under estimate.

Available research reveals that Ukrainian women are a popular and valuable ethnic group in the sex market, together with Russian women (Hughes, 2000). The IOM (1998) surveyed 1,189 non-migrant Ukrainian women to assess their migration potential. It was found that women at risk of trafficking had a more pessimistic perception of their living standards as well as of the economic prospects of the country. In addition, the study revealed that the women's migration decisions can be based on false information, in large part due to an inactive mass media, and are influenced by aggressive recruitment methods used by traffickers.





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## 2. METHODOLOGY

The research was carried out between 2002 and 2004. The actual survey took place in 2002. The research method employed a mixed-methods approach and was based on the ILO Rapid Assessment Survey especially elaborated for research on trafficking in South Eastern Europe as well as on interviews with experts and focus groups of selected migrants.

### **Aims of the study**

The major aim of the study was to understand better the emigration flows from Ukraine, particularly with trafficking and non-trafficking related forced labour outcomes. This distinction was adopted in order to investigate possible existing differences between those deceived at the outset of the migration project, i.e. in the country of origin, and later coerced during employment (trafficked victims of forced labour) and those who were not deceived yet became victims of forced labour later on in the migration project. This distinction will shed light, among others, on different forced labour outcomes of migration and routes into it. In addition, these two groups of participants will be compared against those returned migrants who were not subject to any coercion at any stage in the migration project ('successful migrants') in order to answer questions such as: do different groups of participants seek to work abroad for the same or for different reasons? What makes one person more at risk of trafficking? What puts a person at risk to become a victim of forced labour without having been deceived from the outset? In order to answer these questions, the study will examine the vulnerability factors associated with trafficked and non-trafficked victims of forced labour.

This research will also look at job placement abroad and the recruitment channels the participants used - for example, whether use of an intermediary (individual) or an agency (official, semi-official or a seemingly official organization) to provide a job abroad and organize transport to the destination country plays a significant role in the distinction between victims of trafficking/forced labour and successful migrants. Next, the research examines the employment conditions in the country of destination. More specifically, it looks at the different forms of coercion used by employers/traffickers. There are several objective criteria that permit classification of employment situations as forced labour. These include physical violence or the threat of it, threats of reporting the irregular status of the migrant to the police resulting in deportation, social and/or physical isolation, debt bondage, forced drug use, starvation, the confiscation of identity documents, and the withholding of wages or underpayment for non-compliance with the employer. However, it is as yet unclear how many of these criteria are needed to classify a situation as 'forced labour', how pertinent they are, if other criteria exist, and, last but not least, if forced labour resulting from trafficking and forced labour resulting from irregular migration in general are more prone to specific types of coercion. A final objective of this research was to look at how participants exited forced labour situations. Did they escape on their own or were they helped by a third party? This question will be answered by considering the assistance participants received in the country of employment.

The scope of this study does not include the trafficking of minors. Nonetheless, the sample does contain some minors and participants who were minors at the moment of migration. These will not receive specific attention, but will be regarded as part of the trafficking and migration phenomenon in general.<sup>4</sup>

### **Sampling**

The criterion for choosing migrants was that the person had migrated at least once. Participants were contacted using snowballing and were chosen at different starting points in order to maximize the

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<sup>4</sup> For more information, see the IPEC Rapid Assessment study on child trafficking from Ukraine, which can be downloaded from the following website <http://www.ilo.org/public/english/standards/ipecc/newsroom/>.

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representativeness of the sample: Zakarpattia, Ternopil, Donetsk and Autonomous Republic of Crimea. Each of these regions has a different socio-economic and geographical situation, as described below.

*Zakarpattia Oblast* (engl.: district) is situated in the south-west of Ukraine and is separated by the Carpathians from the rest of the country. It borders Hungary, the Czech Republic and Poland, making it easier to go abroad than to the capital. For 100 years the Oblast was under the rule of Austria and Hungary. Because of this it has retained family, cultural and historical ties with these countries. Zakarpattia Oblast is one of the less developed regions of Ukraine: it is not home to large industrial businesses and has very limited land resources, both factors significantly restricting opportunities for job creation. The Oblast generally has the highest levels of unemployment as well as the highest emigration rate.

*Donetsk Oblast* is one of the regions with the most industrial, scientific and agricultural development, as well as having the highest population density in Ukraine. It is also the most urbanized region. Industries present in the Oblast are concentrated in the coal-mining, metal, chemical and heavy engineering sectors. Unemployment is particularly serious in the town of Snizhne due to the closure of all the mines in the area. The post-communist reform and restructuring measures led to the closing down of many enterprises, and therefore to a high number of lay-offs, in turn leading to increased emigration rates. Migration is also precipitated by the region's geographical location: Donetsk Oblast borders Russia, where it is much easier to find a job.

*Ternopil Oblast* is characterized by the lack of jobs in industry, the low quality of arable land and high levels of unemployment. Even though the region does not border another country, its relative proximity to neighbouring countries stimulates the search for work abroad and contributes to the development of small trade (so-called "shuttle activity") that involves frequent border crossing.

The three Oblasts mentioned above all feature mass unemployment, not restricted to one particular social group. Wage labour is not the only income in these areas and many households are involved in subsistence activities.

The *Autonomous Republic of Crimea* is the only region where ethnic Russians form the majority of population (67 per cent). The return, settlement and integration of repatriates remain an important issue for the Crimea. The economic crisis in the region has led to the demolition of the social sector, collapse of health care agencies, education institutions and cultural institutions, frequent delays in payments of pensions, scholarships and wages, and increased the rate of unemployment. The region is situated by the Black Sea, therefore allowing migration to a range of countries, including Turkey, a popular destination.

In these different regions, surveys were carried out with 161 returned irregular migrants, as well as seven focus group discussions. In addition, 40 semi-structured interviews were conducted with experts from different professional fields: Ministry of Labour, Ministry of Education, Ministry of Health Care, Ministry of Internal Affairs, Ministry of Justice, Ministry of Foreign Affairs, State Committee on Family and Youth Issues, State Border Safeguard Committee, Ombudsman Secretariat, Security Service and Prosecutor's Office, representatives of embassies, civic organizations, individuals who work with victims of human trafficking/migrants, researchers, psychologists, local organizations and governments, civic/religious leaders, school teachers, etc. (See Appendix 1 for a detailed list of the experts and key informants).

## **Sample characteristics**

The study makes the distinction between three groups of interviewed migrants. The first basic distinction is that between "victims of forced labour exploitation" and "successful migrants". The latter may have experienced some forms of exploitation and in most cases worked under sub-standards conditions but they were not subjected to forced labour as defined by the ILO (see definition below). Among the forced labour victims were those who were trafficked according to the Palermo Protocol

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definition. In other cases, the link between movement and exploitation was not clear-cut. Many of these respondents arrived on their own, without the help of intermediaries, in the destination country. Where the movement was irrelevant to the exploitation, the person would be described as “non-trafficked victim of forced labour” for the purpose of this study.

The criteria used to establish whether a participant was trafficked or not were based on the definition of trafficking in human beings of the 2000 Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational organised crime (henceforth Palermo Protocol). The Palermo Protocol defines ‘trafficking in persons’ as:

*The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments of benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (art. 3).*

Since there is no consensually agreed upon definition of ‘exploitation’ and since there is a definition of ‘forced labour’, the latter concept has been used in this research to signify severe labour exploitation. Forced labour has been defined by the ILO Forced Labour Convention, 1930 (No. 29) as follows:

*All work or service which is exacted from any person under the menace of penalty and for which the said person has not offered himself voluntarily (Art. 2.1).*

The ‘menace of penalty’, as mentioned in the definition, is seen to include not just penal sanctions, but may also take the shape of the loss of rights or privileges (ILO, 2003). Moreover, the idea of work or service being offered voluntarily implies that the person providing the services or doing the work, is doing so with his/her freely-given consent. Consent is considered to become irrelevant if coercion, persuasion or deception are used in order to place the person in forced labour. In addition, for freely-given consent to be considered as such, it must also be free to be revoked. The workers’ right to choose their own employment remains inalienable (ibid.).

Thus, the definition of ‘trafficking’ as given in the Palermo Protocol and the ILO definition of ‘forced labour’<sup>5</sup> allowed the distinction between trafficked victims of forced labour, non-trafficked victims of forced labour and successful migrants to be made. Questions of the survey pertaining to forced labour, as well as to deception during the initial recruitment by an intermediary in the home country, have been used to differentiate among the three categories of migrants that are of interest in this study.

□ Questions on forced labour/exploitation:

Which of the following factors were very serious, serious, not serious or not applicable in preventing you from leaving your work?

1. Use of violence against me
2. Use of violence against others close to me
3. Debts to employer/intermediary
4. Lack of freedom of movement
5. Withholding of wages
6. Threats of violence against me
7. Threats of violence against others close to me
8. Threats of being reported to the police

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<sup>5</sup> The ILO definition of forced labour explicitly refers to forced labour and services, including forced sexual services. In this study the term ‘forced labour’ will be used for the purpose of simplicity, though implying both forced labour and forced services.

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## 9. Threats of deportation

If participants considered at least one of these factors serious or very serious in preventing them from leaving their employment, then they are considered to have been in a situation of forced labour and highly likely to have been under the control of the trafficker/employer.

### □ Questions on deception:

1. What destination had you agreed on with the organizers of your journey? Was this where you went?
2. Did the terms and conditions of your work correspond to what you had agreed on?

If the participant had been deceived as to the destination country and/or the conditions of employment, then, for the purpose of this research, he/she is considered to have been deceived by an intermediary from the outset.

Those participants that had been **both deceived at the outset of the migration project and coerced** at the final employment stage are considered victims of trafficking for the purpose of this study. In this case, it is assumed that the purpose of deceptive recruitment was to put the migrant in a forced labour situation without his/her consent. If the participant was not deceived from the outset yet still experienced coercion during final employment, this participant is categorized as a 'victim of forced labour'. However, it is very important to note that this distinction is made for the purpose of the study in order to achieve some of the aims set out above as well as being of interest from a sociological point of view. From a legal point of view, both of the groups of victims defined by this research could be considered as 'victims of trafficking'. Furthermore, at a practical level, many organizations will define a migrant as a 'victim of trafficking' regardless of whether he/she was deceived, coerced or persuaded with intention to put him/her in forced labour from the outset. Hence, the defining criterion should be the outcome of the migration process, in this case forced labour.

Due to the lack of data for some respondents, the number of victims of trafficking considered in this research is minimal. If data on deceptive recruitment were missing, for example, but the person had still experienced forced labour, the participant was not included in the category of victims of trafficking. Thus, the number of victims of trafficking in this research may be under estimated.

Using the composite variables of forced labour and deception, we find that 37 (23.1 per cent) participants out of a total of 160 were trafficked victims of forced labour. Twenty-two (13.8 per cent) participants were non-trafficked victims of forced labour, thus they became victims of forced labour/exploitation in the country of employment without having been deceived by an intermediary from the outset with the purpose of putting them into a forced labour situation. A total of 101 (63.12 per cent) of the participants were successful migrants. These latter did not experience forced labour situations in the destination country, though this does not exclude other forms of, possibly severe, exploitation.

## **Limitations of the study**

This study encountered numerous methodological obstacles.<sup>6</sup> From the onset, the fact that there is no agreed upon definition of labour exploitation constituted a problem. Forced labour has been taken as a substitute for labour exploitation for two reasons. The first is that the Palermo Protocol mentions forced labour as a criterion for defining the purpose of human trafficking. The second is that the ILO has a Forced Labour Convention, 1930 (No. 29) with a supervisory mechanism in the form of the ILO Committee of Experts, which has dealt with trafficking under the Convention since it entered into force. As such, the concept of forced labour has a consensually agreed upon definition. It can be regarded as

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<sup>6</sup> For more information on the difficulties of researching trafficking, see Andrees, B. and Van der Linden, M.N.J. (2005) '*Designing trafficking from a labour market perspective: The ILO experience*', International Migration, Geneva, IOM.

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the most extreme form of labour exploitation. Nevertheless, it is often difficult to draw the line between forced labour and other forms of severe exploitation.

Apart from definitional problems, there were problems associated with the design of the study. A major flaw was the fact that the interviewees were all returned migrants. Though this is probably the best way to approach the sampling difficulties involved in a study on a covert and underground topic, it nonetheless implies that the results are less representative. A good example of this is the time spent in forced labour abroad. Basing the period of forced labour on returned migrants means that only those who managed to exit it are considered, not those remaining in forced labour and who are perhaps not able to exit it. Thus the time spent in forced labour is likely to be grossly underestimated.

The sampling problems were aggravated by the fact that a snowballing method was used to identify interviewees for a more quantitative study. Many of the victims of trafficking were contacted via IOM shelters. Though time saving, this means that the representativeness of the findings is weak. Another factor is the difference in size of the two groups of participants. Comparisons between migrants and victims of trafficking are unlikely to yield representative results. Nonetheless, comparisons between the two groups will be made to provide indications as to the mechanisms behind emigration from Ukraine and to the risk factors associated with trafficking in human beings.

A problem associated with the questionnaire was that it was based on a definition of trafficking as a cross-border movement. Trafficked victims of forced labour were defined as those having experienced deceptive recruitment in the country of origin with the intent of being placed in forced labour in the country of destination. As such, the questionnaire does not distinguish internal trafficking. Some migrants may go to the country of destination without being trafficked, yet may be trafficked once they have already entered the destination country. This means that some of the migrants classified as non-trafficked victims of forced labour may in fact be trafficked victims of forced labour. This weakness in the study was only discovered in retrospect. Other studies on trafficking and forced labour commissioned by the ILO have brought to light the fact that many victims of forced labour are recruited in the country of destination. They may travel to the employment country on their own without help from an intermediary or agency. Once arrived, they are recruited into forced labour, often through agencies. Unfortunately this study does not allow the investigation of this type of recruitment.

As to the actual interviewing, it is suspected that social desirability may have influenced the answers. It is generally known and accepted that returning migrants tend to exaggerate the good sides and underplay the more negative ones about their experience abroad. In the case of forced labour and trafficking – particularly for sexual exploitation – there is the risk of social stigma if the matter becomes public. When taking into account that forced labour and trafficking constitute highly sensitive topics, it should not be forgotten that pride, honour and shame may bias the way interviewees answer questions. Again, this could lead to an underestimation of the numbers of victims in this study, as well as the severity of the conditions under which they were made to work.

Though this study may have certain shortcomings, it must not be forgotten that it is covering new ground. Trafficking in human beings remains an under-researched topic, and only a few attempts have been made to look at the wider implications, in particular the forced labour outcomes in other sectors than the sex industry. It is hoped that the results of this study may provide indications as to certain trends, and inspire future research on the matter.

Finally, considering the large number of obstacles that this study encountered, one may ask why it took up the challenge of attempting to distinguish between trafficked and non-trafficked victims of forced labour as the difference between these two categories is not always clear at a conceptual level and even harder to determine at a practical level. However, the distinction between trafficked and non-trafficked victims of forced labour has serious political consequences, as the emphasis on forced labour/exploitation not related to trafficking would require looking at migration as a whole instead of just at the crime of trafficking without putting it into context. It would also require an analysis of the restructuring of economic sectors that goes well beyond an analysis of the demand for sexual services. Since the ILO is primarily concerned with the outcome – in this case forced labour – it advocates

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protection for the victims and prosecution of those who benefit from forced labour regardless of how they organized their journey or where they came from.

### 3. RESULTS<sup>7</sup>

#### Vulnerability factors

The ILO rapid assessment sample consisted of 67 (41.4 per cent) trafficked victims of forced labour, 29 (17.9 per cent) of whom were non-trafficked victims of forced labour and 66 (40.7 per cent) migrants who were not subjected to forced labour. This means that 59.3 per cent of the sample, or 96 participants out of a total of 162, were victims of forced labour, regardless of how they entered this severely exploitative situation. A closer look at the vulnerability factors associated with trafficked and non-trafficked victims of forced labour compared to other migrants will shed light on why some people are more vulnerable to trafficking than others.

Vulnerability factors are characteristics of a potential migrant's individual, social and structural environment that put him/her at risk of trafficking. In this section, micro vulnerability factors will be considered first. These include, for example, civil status and education, unemployment and financial situation. The investigation of vulnerability factors allows for the distinction of those social groups most at risk of trafficking and other forced labour outcomes of migration.

#### Sex



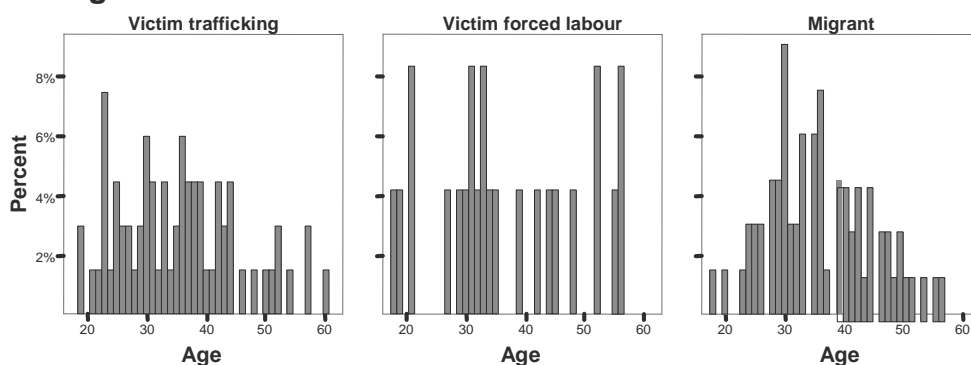
As illustrated by the graph above, the majority of trafficked victims of forced labour were female. Indeed, 43 (64.2 per cent) trafficked victims were women and 24 (35.8 per cent) were men. This reflects findings in literature on trafficking showing that women are more at risk of trafficking, particularly for the purpose of sexual exploitation (see for instance ILO's Global Report 'Stopping Forced Labour, 2001). The gender distribution is more evenly distributed for non-trafficked victims of forced labour with 14 men (48.3 per cent) and 15 women (51.7 per cent), as is the case for other migrants, with 31 men (47.0 per cent) and 35 women (53.0 per cent).

#### Age

<sup>7</sup> This section uses, among other forms of presentation, percentages to illustrate the data obtained in the study for purposes of clarity. However, since the results obtained are not representative, these figures should only be taken as indicative of trends. The graphs illustrate the three categories in the following order: victims of trafficking (and forced labour), victims of forced labour, successful migrants.



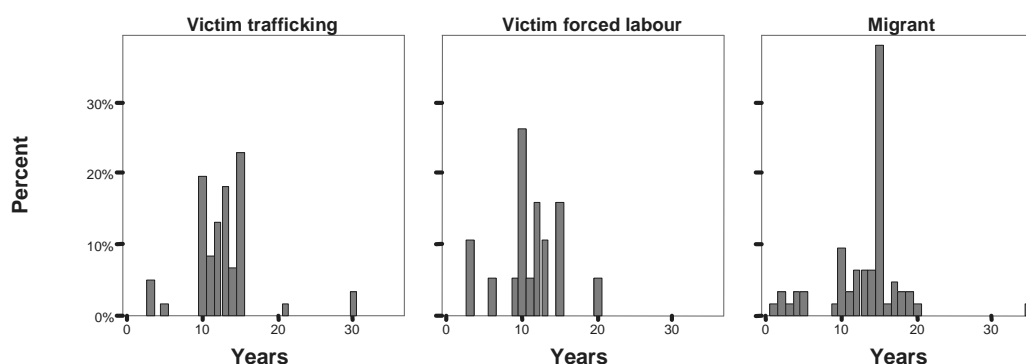
## Age distribution



The age distribution of the three groups of participants investigated in this study does not vary considerably. Trafficked victims of forced labour are on average 35.42 years old (Standard Deviation (SD) 9.9), whereas non-trafficked victims are on average only about one year older (Mean (M) 36.79, SD 11.99), as is the case for other migrants (M 36.27, SD 8.78).

### *Years of formal education*

## Years of formal education before going abroad



Migrants had the most years of formal education, on average (M 13.15, SD 5.19), followed by trafficked of forced labour (M 12.70, SD 4.09), and finally by non-trafficked victims (M 11.00, SD 4.09).

### *Ethnic identity*

The ethnic origins of the three different groups varied little. The majority in all groups had Ukrainian ethnicity, though a relatively large proportion were also of Russian origin: 23.9 per cent of trafficked victims of forced labour, 33.3 per cent on non-trafficked victims, and 29.4 per cent of other migrants. A small proportion were of other ethnic origin: 4.5 per cent of trafficked victims of forced labour, 7.4 per cent of non-trafficked victims and 5.9 per cent of other migrants.

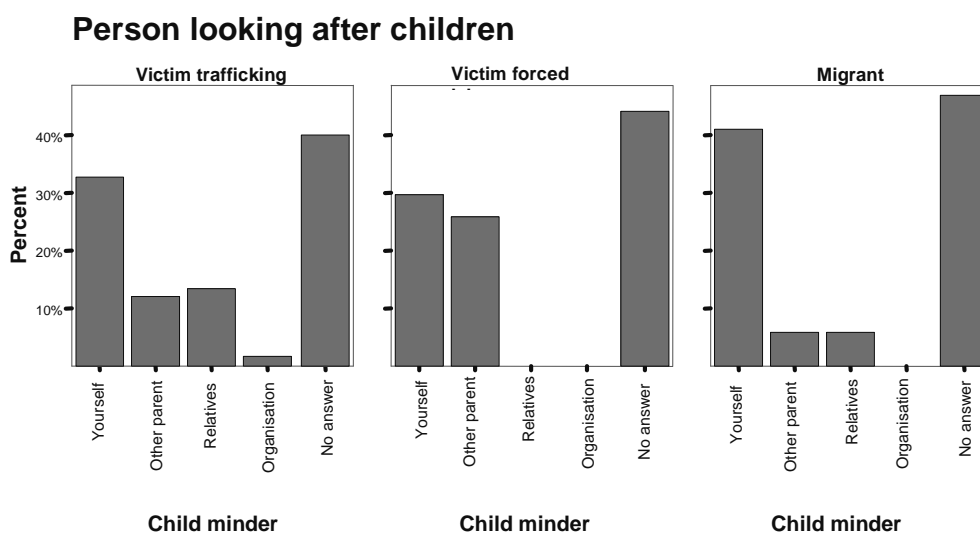
### *Civil and family status*

Trafficked victims of forced labour (37.3 per cent) were slightly often more single than non-trafficked victims (29.6 per cent) and other migrants (33.8 per cent). These last two groups were more often married (non-trafficked victims 40.7 per cent, other migrants 41.2 per cent) than trafficked of forced labour (32.8 per cent). The proportions of divorce and cohabiting were similar for all victims of forced

labour, though other migrants were less often divorced and more often cohabiting: 25.4 per cent of trafficked persons were divorced and 4.5 per cent were cohabiting, 25.9 per cent of non-trafficked victims were divorced and 3.7 per cent were cohabiting, compared to other migrants, 16.2 per cent of whom were divorced and 8.8 per cent were cohabiting.

Though successful migrants were perhaps more often in a stable relationship than victims of forced labour, trafficked or non-trafficked, the majority of all groups had children: 58.2 per cent of trafficked victims, 59.3 per cent of non-trafficked victims and 54.4 per cent of other migrants. Few participants had more than one or two children: 58.5 per cent of trafficked victims had one child and 31.7 per cent had two children, 41.2 per cent of non-trafficked victim had one child and 47.2 per cent had two children, and, finally, 56.8 per cent of migrants not subjected to forced labour had one child and 37.8 per cent had two children.

What is noticeable in the graph below is that of those participants who had children, victims of forced labour had less responsibility for their children. A total of 77.8 per cent of migrants took care of their children compared to only 55 per cent of trafficked victims of forced labour and 53.3 per cent of non-trafficked victims. In 20 per cent of cases, trafficked victims' children were taken care of by the other parent, in 22.5 per cent of cases by relatives and in 2.5 per cent of cases (one victim) by an institution. The children of non-trafficked victims of forced labour, if not taken care of by the participant him/herself were taken care of by the other parent (46.7 per cent). A minority of migrant children were taken care of by the other parent (11.1 per cent) or by relatives (11.1 per cent).



*Summary*

This section on vulnerability factors has shown that trafficked victims of forced labour are predominantly women, whereas other migrants who were not subjected to forced labour and can thus in a way be considered as successful, had almost equal proportions of men and women. Non-trafficked victims of forced labour occupied an intermediary position. Thus being a woman increases the risk of trafficking. This result reflects findings in recent literature on trafficking. However, according to this literature trafficked victims are also less educated and generally younger than migrants who have not been trafficked. This study does not substantiate this claim.

Recent literature on trafficking also posits that ethnic minorities are groups at risk of trafficking. The data obtained in this research does not show that the three groups have considerably different ethnic origins. However, a substantial minority of all groups is Russian, the percentage of ethnic Russians varying between about 24 per cent and 33 per cent according to the type of participant identified in this study. The 2001 Ukrainian census found that 17.3 per cent (Wolowyna, 2003) of Ukrainians declared themselves to be of Russian origin. The proportion of Ukrainians with Russian origin leaving the country is therefore that proportion represented in the general population. This may indicate that having

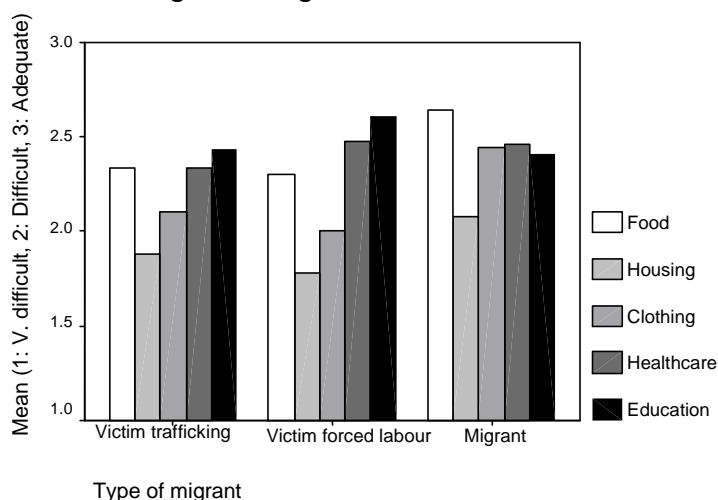
Russian ethnicity, and thus being an ethnic minority, is a push factor to leave the Ukraine. If more ethnic Russians desire to migrate compared to ethnic Ukrainians, the former would still be at a higher risk of trafficking simply because more of them may come into contact with traffickers and others not refraining from unscrupulous exploitation.

There appears to be no considerable difference between the number of children the participants have and the age of their youngest child. Yet the data may indicate that successful migrants are in a more stable family relationship than victims of forced labour in general, trafficked or non-trafficked. Migrants are slightly more often married or cohabiting and are less often divorced. Family relationships appear to be less nuclear in the case of trafficked victims of forced labour, who are the group taking least personal care of their children. Migrants not subjected to forced labour are the group with the highest proportion of participants personally taking care of their children.

### Pre-migration situation

As the graph and table below illustrate, the pre-migration situation with respect to food, housing, clothing, healthcare and education was not very difficult for any of the participants. However, the pre-migration situation with respect to food appears to have been more adequate for migrants than for victims of forced labour, both trafficked and non-trafficked. Housing is the most problematic factor investigated for all groups and the situation with respect to food is considered difficult, though again slightly better for migrants than for victims of forced labour in general. Clothing is the second most problematic issue faced by participants, yet is less problematic for migrants. Healthcare and education, both indicators of the Ukrainian social service system, are not considered adequate, but they are in general considered less serious than the other factors looked at.

Pre-migration situation with respect to food, housing, clothing, healthcare and education



Report

Type of migrant		Food	Housing	Clothing	Healthcare	Education
Victim trafficking	Mean	2.2727	1.8182	2.0455	2.3443	2.4483
	Std. Deviation	.7135	.7628	.6429	.7721	.7762
Victim forced lab.	Mean	2.2963	1.7037	2.0370	2.4583	2.6250
	Std. Deviation	.7240	.7240	.7061	.6580	.6469
Migrant	Mean	2.6324	2.0588	2.4559	2.4677	2.4098
	Std. Deviation	.5705	.8958	.5842	.7622	.8037
Total	Mean	2.4286	1.9006	2.2174	2.4150	2.4615
	Std. Deviation	.6774	.8231	.6586	.7480	.7670

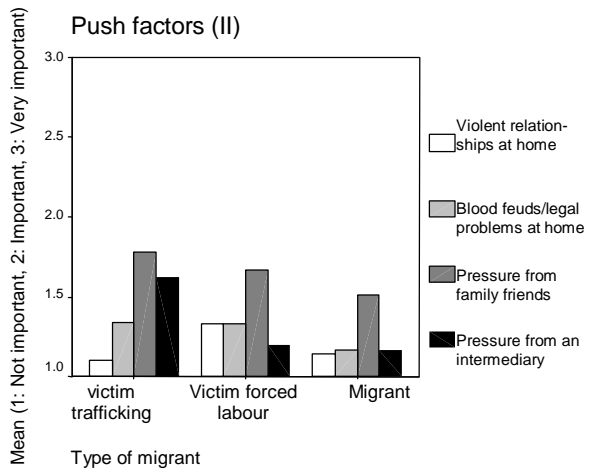
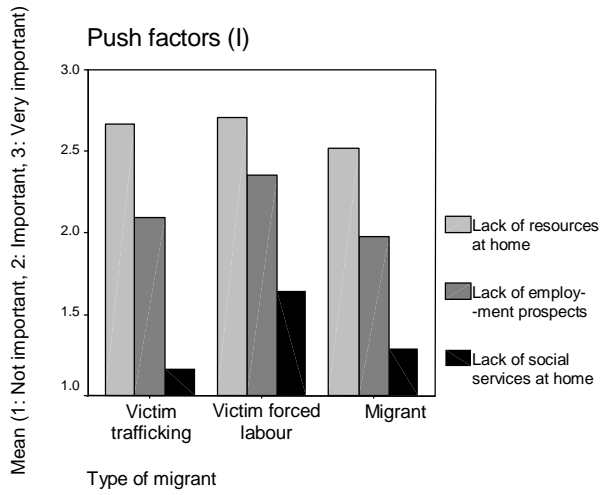
However, a comparison between the participant’s situation and that of others living in the same area draws a similar picture. Trafficked victims of forced labour generally perceive themselves as poor compared to others in their surroundings (56.7 per cent), considerably more so than non-trafficked (40.7 per cent) of forced labour and other migrants (27.9 per cent). Other migrants mostly found their situation average compared to that of others (69.1 per cent), though this perception was less pronounced in the case of non-trafficked victims of forced labour (59.3 per cent) and even less in the case of trafficked victims of forced labour (38.8 per cent).

### Comparison between migrants' situation and that of others living in the same area



#### *Push and pull factors*

This section will start by considering push factors and will then continue to investigate pull factors in more depth. Participants were asked the importance the influence of several push and pull factors on their decision to go abroad to find work.



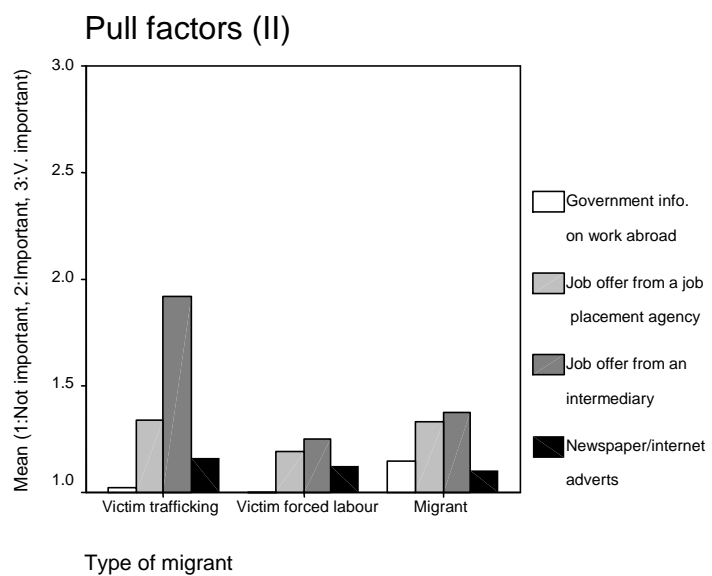
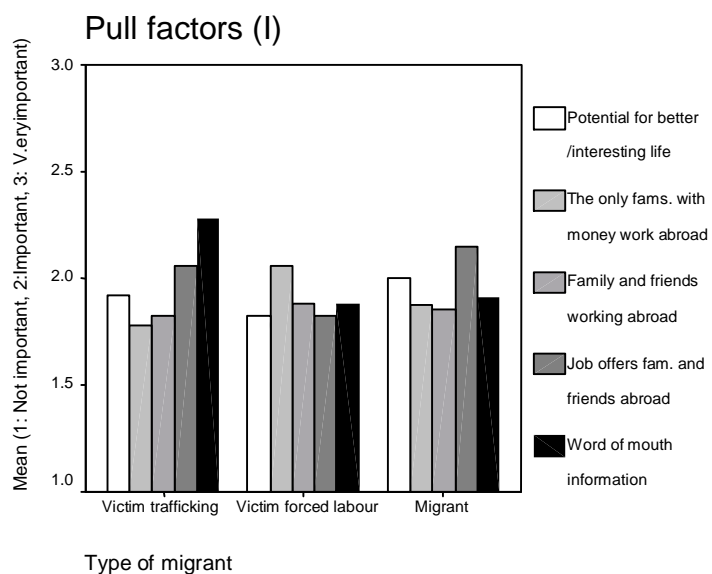
Report

Type of migrant		Lack of resouces at home	Lack of employment prospects	Lack of social services at home	Violent relationships at home	Blood Feuds/Legal problems at home	Pressure from family/friends	Pressure from an intermediary
victim trafficking	Mean	2.6515	2.0781	1.1636	1.1500	1.4167	1.8621	1.6545
	Std. Deviation	.5947	.8029	.4200	.3601	.6455	.8875	.8437
Victim forced lab.	Mean	2.7778	2.5000	1.6471	1.4762	1.4545	1.8095	1.3684
	Std. Deviation	.5064	.6481	.8618	.7496	.5958	.8729	.5973
Migrant	Mean	2.3881	1.9844	1.2917	1.1304	1.2083	1.8276	1.2200
	Std. Deviation	.7776	.7662	.5819	.4005	.5442	.9203	.5817
Total	Mean	2.5625	2.1104	1.2833	1.1969	1.3462	1.8394	1.4355
	Std. Deviation	.6793	.7802	.5824	.4721	.6063	.8931	.7352

The graphs above indicate that the strongest push factor investigated in this study is the lack of resources at home. This reflects results obtained on the pre-migration situation of participants, which showed that food, clothing and housing are basic needs that are hard to meet. The lack of employment prospects, the second strongest push factor, also explains why the participant finds it difficult to make ends meet in a satisfactory manner. This factor had slightly more influence on the decision to migrate taken by non-trafficked victims of forced labour than the decision taken by the other two groups.

The third most important push factor is pressure from family and friends. Interestingly, this pressure plays a larger role in the decision of trafficked victims of forced labour, followed by non-trafficked victims, and had the least influence on other migrants. In a similar fashion, the pressure of an intermediary to go abroad played the largest role in the case of trafficked victim, though having much less influence on the migration decision of the other two groups considered in this study. Yet, pressure from others was considered less important than the lack of resources and employment prospects in the home country. These were considered as between important and very important, whereas pressure from others was considered as between not important and important.

Another push factor having some influence on participants' decision to go abroad was the lack of social services. Though trafficked victims, forced labour victims and successful migrants tended to think this was less important, non-trafficked victims of forced labour gave more weight to this factor.



Report

Type of migrant		Potential for better/more interesting life abroad	Only fams. with money are those with members working abroad	Family and friends already working abroad	Job offers from family and friends working abroad	Word of mouth information	Government information	Job offer from a job placement agency	Job offer from an intermediary	Newspaper/Internet adverts
victim trafficking	Mean	1.9839	1.8103	1.8621	1.9828	2.3077	1.0189	1.4746	2.0000	1.2931
	Std. Deviation	.8394	.8047	.8046	.9270	.7484	.1374	.7736	.9206	.6491
Victim forced lab.	Mean	2.0435	2.1500	1.9583	1.8095	1.9167	1.0556	1.1667	1.5652	1.3500
	Std. Deviation	.8245	.7452	.8587	.8729	.8297	.2357	.5145	.7878	.7452
Migrant	Mean	2.1667	1.9455	1.9500	2.2241	1.9661	1.1569	1.3922	1.4423	1.3393
	Std. Deviation	.7847	.8481	.8321	.8795	.7649	.5049	.6951	.6977	.6948
Total	Mean	2.0690	1.9173	1.9155	2.0584	2.1081	1.0820	1.3984	1.7111	1.3209
	Std. Deviation	.8136	.8169	.8208	.9056	.7836	.3542	.7136	.8540	.6784

In general, the most significant pull factors were the perception that working abroad allowed for a potentially more interesting life, the perception that those families with members working abroad were the only ones with money, already having friends and family working abroad as well as receiving job offers from them, and word of mouth information. These factors were all considered to have an important influence on the decision to migrate.

The most important pull factors differed somewhat according to the group of participants. Trafficked victims of forced labour were most influenced by word of mouth information about work abroad. Non-trafficked victims of forced labour were most influenced by the perception that only those families with members working abroad had money. Other migrants paid more attention to jobs offered to them by family and friends working abroad, thus most likely indicating their access to social networks abroad.

*Expert opinion*

*The majority of people receive positive information about labour migration to a given country, the working conditions there and cases of human trafficking from their social connections and the mass media. The first source of information was mentioned in particular by experts from the Ternopil Oblast.*

It is noteworthy that a pull factor that was only important for trafficked victims of forced labour but not for the other two groups, was the offer of a job by an intermediary. Job offers from agencies and adverts did not have an important influence on the migration situation for any of the three groups.

Finally, government information played almost no role in the decision to go abroad. Yet migrants not subjected to forced labour paid somewhat more attention to this type of information. However, government information remained the least important pull factor, thus indicating a lack of migration management on behalf of the State as well as a lack of legal migration channels for Ukrainians.

*Summary*

This section has shown that none of the participants considered their pre-migration situation satisfactory, thus constituting a strong push factor to migrate. The situation appears to be the most serious in the ability to find housing, followed by clothing. In addition, trafficked victims of forced labour are in general the worst off whereas successful migrants are the best off by comparison. Non-trafficked victims of forced labour occupy an intermediary position.

The results regarding push and pull factors show once again that poverty and the lack of prospects are the strongest push factors and that the potential for improving their situation is the major general pull factor for migrants. However, though the previous section showed that trafficked victims of forced labour are generally in a more difficult situation in terms of basic needs prior to migrating than the other types of migrants investigated in this study, this is not reflected by the influence this situation has on their decision to go abroad.



Trafficking of human beings always occurs via an intermediary. This would therefore explain why trafficked victims of forced labour feel that their migration decision was more influenced by intermediary pressure than other migrants, non-trafficked victims occupying an intermediary position. This finding is corroborated by the fact that trafficked victims are also the most influenced by a job offer from an intermediary.

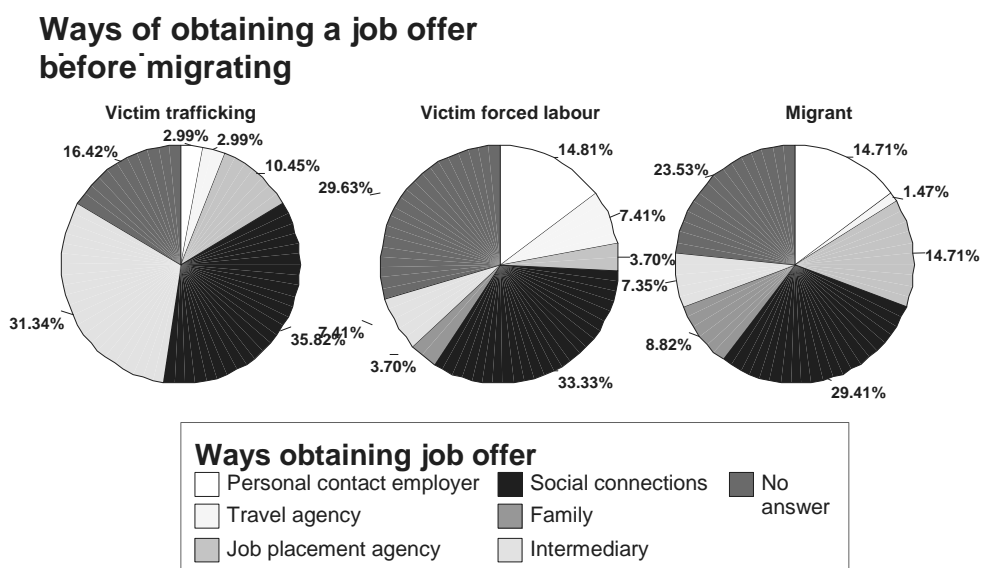
The fact that government information played the smallest role in the migration decision shows that the Ukrainian Government needs to take action in the area of migration management. Potential migrants are at risk of being deceived by informal information sources, hence increasing their vulnerability to abuse, exploitation and forced labour.

### Organization of travel and job placement

Trafficking is closely linked to intermediaries using deceptive recruitment practices. Even those who are not strictly speaking traffickers can be involved. Deceptive recruitment often leads to a situation where the trafficker has complete control over the victim. Non-trafficked victims of forced labour may also experience deceptive recruitment. Although in this case the person is not recruited with the intention of putting him/her in a forced labour situation, it makes the person more vulnerable to such outcomes.

#### Recruitment

The majority of participants had a job offer abroad before they left their home country,<sup>8</sup> as illustrated by the graph below:



Trafficked victims of forced labour (76.1 per cent) and migrants (72.1 per cent) more often had job offers prior to migrating than non-trafficked victims of forced labour (40.7 per cent). All participants with a job offer before leaving obtained this primarily via social connections, i.e. friends, neighbours and acquaintances: trafficked victims of forced labour (35.8 per cent), non-trafficked victims (33.3 per

<sup>8</sup> The survey only investigated recruitment in the country of origin. However, interviews with focus group revealed that recruitment in the country of destination also occurs, particularly in Russia. This type of recruitment also leads to forced labour and would need further research. See also ILO (2005): Forced Labour in the Russian Federation Today, Irregular migration and trafficking in human beings, by Elena Tyuryukanova.

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cent) and other migrants (29.4 per cent). The second means for trafficked victims of forced labour to obtain a job abroad before migrating was via an intermediary (31.3 per cent). This reflects the role of the intermediary in putting the victim into a forced labour situation. Non-trafficked victims, however, were more often in touch with the employer (14.8 per cent), as is the case for other migrants (14.7 per cent). However, as the focus group interviews demonstrated, the line between intermediaries, traffickers and social connections can be a fine one:

#### *Focus group interviews*

*The majority of intermediaries/traffickers recruit their clients via acquaintances. In an estimated 80 per cent of cases, information about an intermediary is passed from one acquaintance to another, which leads to actual recruitment. A considerable number of respondents mentioned that most people in a particular region use the same intermediaries. The intermediary/trafficker may also become a friend or acquaintance of the potential migrant/victim.*

*Almost all the women in the focus group arranged their trip abroad through an intermediary, who is often a friend and acquaintance that the women trust. Often the intermediary/trafficker knows about the financial problems a woman has and takes advantage of her difficult situation. In order to convince migrants to go abroad, intermediaries/traffickers offer a loan for the trip to the country of destination, tell stories of migrants who made a lot of money abroad, show photos of those 'lucky people' who are already working abroad, and introduce the potential migrant to, supposedly, returned migrants who earned good money abroad.*

Few participants obtained a job offer from an agency before going abroad: 2.99 per cent of trafficked victims, 7.41 per cent of non-trafficked victims and 1.47 per cent of other migrants obtained a job offer from a travel agency. Respectively 10.45 per cent, 3.7 per cent and 14.7 per cent obtained one from a job placement agency. Therefore only a few participants appealed to travel agencies. Yet, the authorities believe that agencies such as these may be responsible for trafficking:

#### *Expert opinion*

*Specialists from the Ministry of Internal Affairs believe that bogus travel agencies are being used as a cover for trafficking by criminal groups. The main reasons behind this suspicion are based on inspections of travel agencies. The inspections identified many violations including unofficially arranged departure of buses, absence of certified lists of people and an absence of tourist group leaders.*

Participants were subsequently asked why they felt they had needed assistance in arranging work abroad as well as the journey to the country of destination. Some participants had tried to arrange travel and work abroad without succeeding: trafficked victims of forced labour 19.4 per cent, non-trafficked victims 40.7 per cent and other migrants 23.5 per cent. The main reasons that trafficked victims appealed to others for assistance were because they had few contacts abroad (20.9 per cent). This was also the main reason for non-trafficked victims (37 per cent), though they also stated that the lack of a work permit (25.9 per cent), of information on jobs abroad (25.9 per cent), and the general lack of knowledge on how to organize job and travel arrangements. The reasons other migrants were seeking assistance were more varied, and are provided in the table below.

### Reasons for needing assistance prior to migrating

		Type of migrant		
		Victim trafficking	Victim forced labour	Migrant
Could not get a passport	Very important	4.5%		2.9%
Could not get a visa	Very important	14.9%	11.1%	14.7%
Could not get a work permit	Very important	14.9%	25.9%	13.2%
Had no money for travel or documents	Very important	13.4%	11.1%	8.8%
Had no contacts on jobs abroad	Very important	20.9%	37.0%	11.8%
Had no information on jobs abroad	Very important	16.4%	25.9%	8.8%
Generally did not know how to organise travel and work	Very important	14.9%	25.9%	10.3%
Other	Very important			2.9%

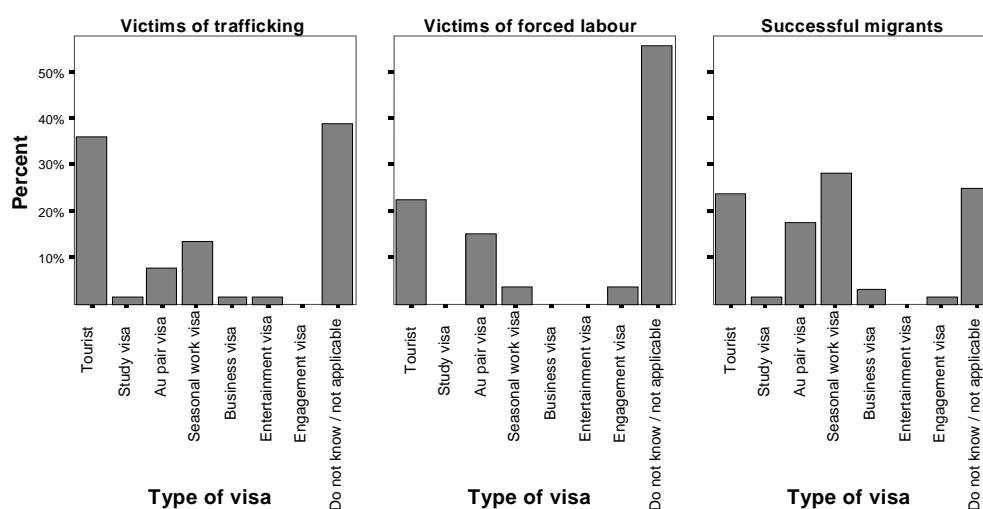
#### *Identity and travel documents*

Most participants had an identity card when travelling abroad: 98.5 per cent of trafficked victims of forced labour, 93.1 per cent of non-trafficked victims and all the more successful migrants were in possession of ID documents. Though fewer participants had passports, the number who possessed a passport was also high: 68.7 per cent of trafficked victims, 69 per cent of non-trafficked victims and 83.3 per cent of other migrants. However, participants less often had a visa to go abroad. This was either because the participants did not need a visa (trafficked victims 32.8 per cent, non-trafficked victims 31 per cent and other migrants 16.7 per cent) or simply because they did not have one (trafficked victims 6 per cent, non-trafficked 17.2 per cent and other migrants 16.7 per cent). Yet the relative majority of participants had visas, particularly the more successful migrants (trafficked victims 58.2 per cent, non-trafficked victims 48.3 per cent and other migrants 75.8 per cent).

The most commonly used visa was the tourist visa (trafficked victims 35.8 per cent, non-trafficked victims 20.7 per cent and other migrants 24.2 per cent), followed by seasonal work visas (13.4 per cent, 6.9 per cent and 27.3 per cent respectively) and au pair visas (7.5 per cent, 13.8 per cent and 18.2 per cent respectively).

This indicates that many participants were irregular migrants for several reasons. First of all, tourist visas are not work permits and thus the participants would have been working informally abroad. Second, the average amount of time spent abroad is about one year (see section below on the nature on employment abroad) indicating that participants would have been overstaying their seasonal work visas and thus, though initially in formal work, ending up in an irregular situation.

## Type of visa



### *Journey and destination*

The main destination countries were Russia, Turkey, Italy, Greece and Hungary. However, the proportions varied according to the type of migrant: trafficked victims went mainly to Russia (31.34 per cent) and Italy (20.9 per cent); this was also the case for non-trafficked victims of forced labour (37.03 per cent and 22 per cent respectively) but other migrants, though also going to Russia (17.64 per cent) and Italy (14.7 per cent), went to Greece (14.7 per cent) as well.

However, there was a considerable number of migrants who did not go to the destination country they agreed on with the organizers of their journey. Some 13.4 per cent of trafficked victims of forced labour, 18.5 per cent of non-trafficked victims and 4.4 per cent of other migrants were deceived as to the destination country. In addition, 13.4 per cent of trafficked victims of forced labour, 7.4 per cent of non-trafficked victims and 4.4 per cent of other migrants were either threatened or beaten during the journey or were witness of this type of abuse of others travelling with them.

### *Summary*

This section has highlighted the importance of social connections for all participants in the migration project. Furthermore, it also highlighted the role of intermediaries in providing jobs for trafficked victims of forced labour. Non-trafficked victims of forced labour less often had a job offer prior to migration compared to trafficked victims and other migrants. This might indicate that they entered the forced labour situation via abusive recruitment in the country of destination (internal trafficking).

The part played by social connections was again highlighted in the results on reasons to seek assistance to organize travel and work arrangements. Social connections provide job offers, information on jobs and life abroad, and constitute important informal channels of migration. Thus they make up in part for the lack of legal channels of migrations and information on these.

The results show that the majority of participants had some form of identity documents when travelling abroad, predominantly ID cards. More successful migrants were slightly more often in possession of ID documents than victims of forced labour. They were also more often in possession of a visa for the destination country, even though the majority of participants in each group had a visa. However, the visa most often used was a tourist visa, followed by seasonal work and au-pair visas. The use of these

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types of visa point to the fact that many participants were most likely in an irregular situation while working abroad.

Russia, Turkey, Italy, Greece and Hungary are the main destination countries for migrants from the Ukraine. The data on the deception as to the destination country and treatment during journey demonstrate a continuum of abuse according to groups of migrants. Migrants not having been subject to forced labour suffered the least abuse, even though they may have been deceived and maltreated during the journey. Non-trafficked victims of forced labour were more often subject to abuse and deception though not to the same extent as trafficked victims of forced labour.

### **Employment in the destination country**

One of the results of the restructuring of the world economy is that many industries and services have relocated to third world countries in order to reduce costs. Those industries and services that cannot be relocated only remain profitable by cutting labour costs. Industries such as these include the horticulture and agriculture, construction and domestic service.

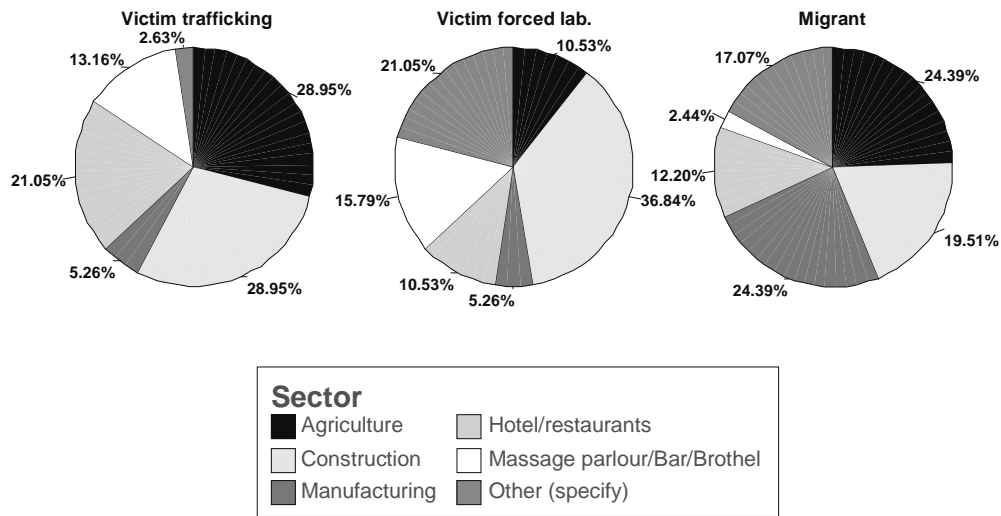
The need for cheap labour, resulting in practices such as subcontracting and outsourcing, as well as contributing to a large extent to the creation and sustained functioning of “ethnic business”, finds its solution in the shape of, mostly irregular, migrants. Migrants are often willing to work longer and harder than native workers, and for lower wages. However, migrant worker rights are not always respected, particularly since large parts of the industries mentioned above are located in the shadow economy.

This section will investigate the sectors employing irregular migrants, the conditions the latter are working in, as well as the forms of coercion experienced by victims of forced labour. In addition, a closer look will be taken at the ways migrants exit forced labour situations.

#### *Sectors*

The sector in which the participants worked while abroad is based on the sector in which the employer/exploiter of the participants was active. Agriculture and construction employed the most participants. However, the massage/sex industry employed more victims of forced labour (13.2 per cent trafficked victims and 15.8 per cent non-trafficked). Manufacturing, on the other hand, employed many migrants (24.4 per cent) but few victims of forced labour (trafficked 5.3 per cent and non-trafficked 4.2 per cent).

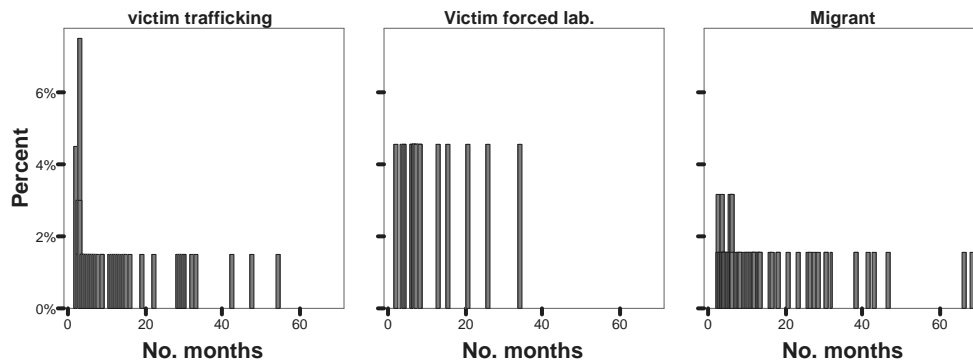
## Sectors in country of employment



### Time spent abroad

The average amount of time spent abroad is about 12.5 months (Mean (M) 12.51, Standard Deviation (SD) 13.02). Migrants not subject to forced labour spent the most time abroad (M 14.99, SD 15.02), followed by trafficked victims of forced labour (M 11.09, SD 12.08), and finally followed by non-trafficked victims of forced labour, who spent the shortest amount of time abroad (M 9.73, SD 7.82).

### Months spent abroad



### Working conditions

In a general sense, the participants felt that the terms and conditions of their work abroad did not correspond to what they agreed to. This was particularly so in the case of trafficked victims: 98.5 per cent felt that the working conditions were not those they had initially agreed to. This was equally the case for 18.2 per cent of the more successful migrants. Unfortunately few non-trafficked victims of forced labour answered this question. However, based on the forced labour continuum, their position is likely to be between the trafficked victims and the more successful migrants.

## Focus group

*The focus group interviews showed that many women expected to have service jobs abroad such as catering, vending, cleaning, etc. However, once in this type of job, the women were allowed to remain working as waitresses and vendors if their employers gained from it financially. If the women were not making enough money, they were 'offered' sex work. If no actual service jobs were available, many women immediately started jobs as sex workers.*

*In general, men expected to work in construction and often did so. The main deception here lay in the wages paid and the working hours: Wages were lower and working hours more than those initially agreed on.*

All participants worked considerably more than regular five day, 40-hour work weeks and can thus all be considered exploited successfully. Migrants had the best working conditions in this respect compared to the other groups of participants: They worked 5.86 days a week (SD 0.81), most working six days a week (41.8 per cent), and an average of 9.88 hours a day (SD 2.47) and the majority worked eight (22.4 per cent), 10 (25.4 per cent) or 12 (22.4 per cent) hours a day.

Non-trafficked victims of forced labour had worse working conditions with respect to working days and hours than migrants. They worked approximately 6.32 days a week (SD 0.74), most working six days a week (48 per cent) or seven days a week (44 per cent). They worked about 11.34 hours a day (SD 3.36), the majority working ten hours a day (39.1 per cent).

Trafficked victims of forced labour had the most working days and working hours. They worked on average 6.58 days a week (SD 0.65), most working seven days a week (67.2 per cent). The situation with respect to working hours was not much better. Trafficked victims worked on average 11.24 hours a day (SD 2.53), most working 12 (29.2 per cent) or ten (21.5 per cent) hours a day.



## Number of working days per week



The participants in the focus group interviews also stated that they had very little time off work:

### *Focus groups interview*

*All the women said they had worked without any holidays and at clients' call. Men in Donetsk had working days lasting 10 to 15 hours. Men from Uzhgorod worked on average 10-12 hours a day, though it occurred that they worked up to 14 hours a day, and this for six to seven days a week.*

Conditions more related to the immediate working environment followed a similar logic to those related to working hours and days: Trafficked victims of forced labour found themselves in the worst conditions, followed by non-trafficked victims, and finally by other migrants. Even though the working conditions of the latter were often not satisfactory, 35.8 per cent of trafficked victims, 11.1 per cent of non-trafficked victims and 8.8 per cent of other migrants did not feel the workplace was safe. Respectively 53.7 per cent, 51.9 per cent and 22.1 per cent, found the conditions in the workplace dangerous. Furthermore, 25.4 per cent of trafficked victims, 11.1 per cent of non-trafficked victims and 10.3 per cent of other migrants did not find the workplace clean. Finally, 59.7 per cent of trafficked victims, 33.3 per cent of non-trafficked victims, and 25 per cent of other migrants felt that their workplace abroad was unhealthy.

The focus group interviews allowed a clearer picture of factors influencing the working conditions. The main factors were knowledge of the country of destination, including knowledge of the local language as well as laws, being in possession of a visa, and having direct contact with the employer. Nationality of the respondent also played an important role as regards working conditions.

### *Focus groups interviews*

*Nationality determined in large part the attitude towards those that work abroad. For example, focus groups composed of women in Donetsk said that Moldovan women were treated worse than Ukrainian women. However, Romanians were treated better than Ukrainians since Romanians did not need a visa to access the Schengen area. Therefore, the division of countries into EU candidate members of the first wave, the second wave, aspiring members and others, such as the Ukraine, had an influence on how migrants were treated abroad.*

*Focus groups composed of men mentioned that nationality influenced the working conditions and wages, which depended on the conditions and wages in the country of origin of the migrant. One said that Ukrainians earned more than Belorussians, who earned more than Moldovians. Men from the focus group in Donetsk said that Ukrainian migrants had lower*



*salaries than Russians and migrants from more distant countries. This is probably linked to the level of development of the country: the lower the level of development, the easier migrants accept bad working conditions and low wages.*

*Another man from the focus group in Uzhgorod, stated that when a person looked for a job him/herself without using an intermediary and established direct contact with the employer, knew the local language and laws, than it was very difficult to be cheated.*

Despite the obvious exploitation, the public authorities or the police inspected very few workplaces employing the participants. The workplaces of non-trafficked victims were inspected the least by public authorities (14.8 per cent) and the police (14.8 per cent). Mostly police inspected the workplace of trafficked victims of forced labour (37.3 per cent), whereas the workplace of other migrants was more often inspected by the public authorities (36.8 per cent). These results indicate that migrants not subjected to any form of forced labour work in more regulated sectors than those that become victims of forced labour and trafficking.

### *Wages*

Migrants not subjected to forced labour most often received financial compensation for work, followed by trafficked victims and non-trafficked victims in a hierarchical order. Participants in all three categories received non-financial compensation for their work. However, this occurred more often in the case of trafficked victims of forced labour, least often in the case of other migrants, with non-trafficked victims occupying an intermediary position. Trafficked victims were the only group receiving drugs as compensation for work, which could indicate that drugs were being used by traffickers as a form of control over their victims.

**Compensation for work**

		Type of migrant		
		Victim trafficking	Victim forced labour	Migrant
Money	Yes	77.6%	66.7%	98.5%
Shelter	Yes	79.1%	70.4%	47.1%
Food	Yes	68.7%	59.3%	41.2%
Down payments	Yes	37.3%	22.2%	2.9%
Clothes	Yes	25.4%	22.2%	5.9%
Alcohol	Yes	9.0%	7.4%	1.5%
Tobacco	Yes	13.4%	7.4%	2.9%
Drugs	Yes	7.5%		

The research yielded little information on how much the participants earned while abroad. However, the results do give insight into how the participants spent the money they earned while abroad. As the table below shows, trafficked victims of forced labour mainly spent it while abroad, whereas non-trafficked victims and other migrants saved it. Participants in each group also send remittances back home.

### *Expert's opinion*

*Remittances are a crucial source of subsistence; about half of all participants received some. Remittances are more important for Western parts of the Ukraine and allow the population of the Ternopil oblast to*

*survive. On average, this region receives around US\$3 million a year from family members abroad.*

Trafficked victims of forced labour spent a significant amount of money on repaying debts compared to the other two groups. This information illustrates the use of debt-bondage in trafficking situations.

#### Ways of spending earnings

		Type of migrant		
		Victim trafficking	Victim forced lab.	Migrant
		Col %	Col %	Col %
Spent it	Yes	50.7%	18.5%	54.4%
Saved it	Yes	35.8%	40.7%	67.6%
Sent money home to family	Yes	19.4%	29.6%	47.1%
Repaid debts	Yes	32.8%	3.7%	4.4%
Other	Yes	7.5%	3.7%	1.5%

#### Summary

Agriculture and construction employed most participants in this study during their stay abroad. However, the sex industry also employed a considerable number of trafficked and non-trafficked victims of forced labour. This reflects the close link between trafficking and sexual exploitation that has been treated abundantly in trafficking literature. The manufacturing industry employed a sizeable number of migrants not subjected to forced labour.

The participants spent a little over a year working abroad, though successful migrants tended to stay longer than this, whereas victims of forced longer spent less time working abroad. Working conditions were often not those initially agreed on. All participants worked more than regular five days/40 hours week. Trafficked victims of forced labour worked the most days and hours, followed by non-trafficked victims and, finally, by more successful migrants.

The working environment also left much to be desired. Over half of trafficked and non-trafficked victims of forced labour as well as almost a quarter of other migrants felt their workplace was dangerous. Almost two-thirds of trafficked victims, a third of non-trafficked victims and a quarter of migrants were of the opinion that their workplace abroad had been unhealthy.

Even though the amount of working hours and days were too high and workplace conditions unsatisfactory, there were few public inspections or police raids of the place of work of the participants. The more successful migrants had the highest incidence of public inspection, indicating that they worked in more regulated sectors. The highest incidence of police raids occurred in the work places of trafficked victims of forced labour, most probably reflecting the commonly accepted connection between trafficking, sexual exploitation and crime.

Finally, though many participants received financial compensation for their work, many received payment in kind. This was particularly the case of trafficked victims of forced labour, a small number of whom even received drugs in return for work. Migrants not subjected to forced labour tended to receive financial compensation most often for their work compared to the other two groups of participants, also receiving the least compensation in kind. Non-trafficked victims of forced labour occupied an intermediary position, between trafficked victims and other migrants.

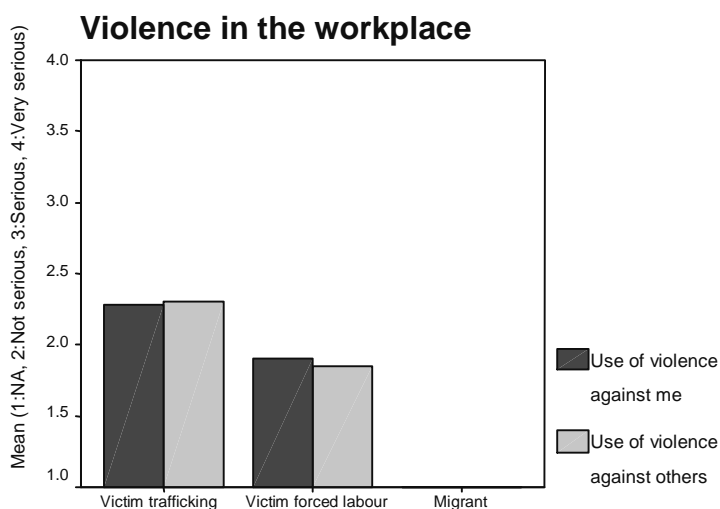
## Forms of coercion

This section investigates some of the main forms of coercion used to keep victims of forced labour in severe exploitative conditions. The forms of coercion included the use of violence, threats of violence, debts to the employer or trafficker, lack of freedom of movement, the withholding of wages and threats of being reported to the authorities and of deportation. All forms of coercion investigated are to be interpreted as being used with the intent of keeping the victim in a forced labour situation.

This section on forms of coercion experienced by migrants in trafficking / forced labour situations also analyses the data according to gender. The reason for this is that being female is generally considered a potential risk factor for violence and abusive relationships. As such it is interesting to see if this association also exists within a forced labour context. Indeed, the results show that this is the case.

### *Main types of coercion*

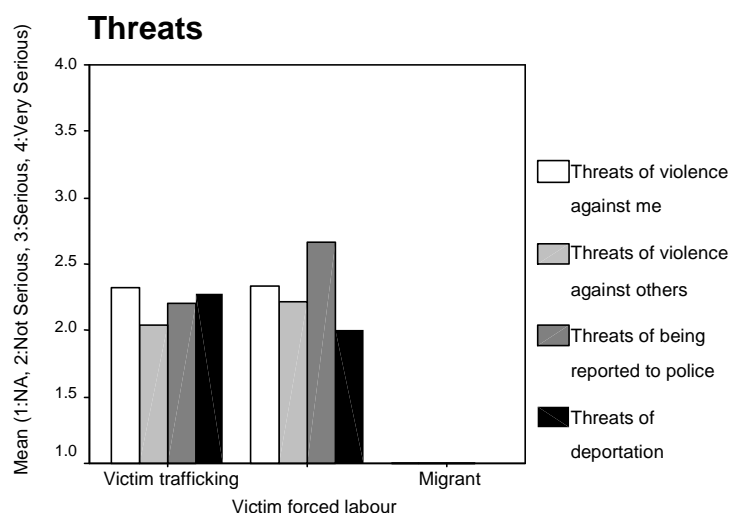
The use of violence to prevent a participant from leaving work (see graph and table below) was used most often in the case of trafficked victims of forced labour. Indeed, 32.3 per cent of the latter considered this form of violence very serious and 12.3 per cent thought it serious in preventing them from leaving. A total of 18 per cent of non-trafficked victims felt that this form of violence had been very serious during their stay abroad and 13.6 per cent felt it had been serious. The use of violence against others close to the participants, such as loved ones or fellow workers, was also considered very serious by 30 per cent of trafficked victims and by 25 per cent of non-trafficked victims. A total of 15 per cent and 15 per cent respectively believed it to be serious in stopping them from leaving work. The more successful migrants never experienced either type of coercion.<sup>9</sup>



<sup>9</sup> As explained in the methodology, the distinction between victims of forced labour (trafficked or not) and other migrants is based on whether they were subject to coercion while abroad. Therefore, none of the participants in the category of 'other' or 'more successful migrants' experienced no or hardly any coercion. Yet this group has been included in the analysis to provide the reader with more clarity.

Type of migrant		Use violence against me	Use violence against others
Victim trafficking	Mean	2.3692	2.3000
	Std. Deviation	1.3059	1.1542
Victim forced lab.	Mean	2.0000	1.8500
	Std. Deviation	1.1952	1.0400
Migrant	Mean	1.0000	1.0000
	Std. Deviation	.0000	.0000
Total	Mean	2.1935	2.1047
	Std. Deviation	1.2791	1.1379

Threats to prevent a person from leaving work were considered more serious by trafficked and non-trafficked victims of forced labour than violence, either against oneself or others (see graph below). Threats of violence against oneself or others, as well as threats of being reported to the police and threats of deportation were considered not serious or serious. The most important threat for trafficked victims was the threat of violence against oneself, which 27.4 per cent considered very serious and 24.2 per cent considered serious. In the case of non-trafficked victims, the threat considered most serious was that of being reported to the police, which 42.9 per cent deemed very serious and 19 per cent believed to seriously prevent them from leaving employment.



Type of migrant		Threats of violence against me	Threats of violence against others close to me	Threats of being reported to the police	Threats of deportation
Victim trafficking	Mean	2.5000	2.1000	2.3226	2.3065
	Std.	1.1839	1.1001	1.3523	1.3255
Victim forced lab.	Mean	2.4286	2.1905	2.7619	2.1818
	Std.	1.3628	1.2498	1.3002	1.2960
Migrant	Mean	1.0000	1.0000	1.0000	1.0000
	Std. Deviation	.0000	.0000	.0000	.0000
Total	Mean	2.3820	2.0460	2.3523	2.2022
	Std. Deviation	1.238	1.1300	1.3480	1.3071

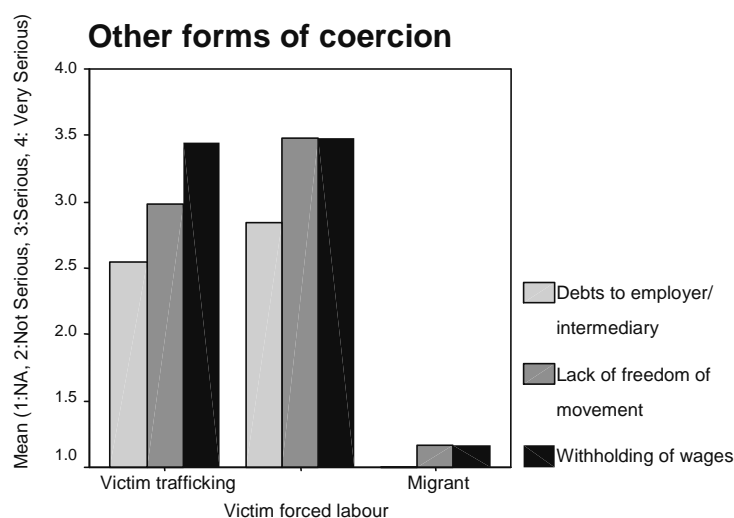
Focus group interviews that took place in Donetsk show the important role of threats in trafficking. The interviews also illustrate that threats are but an element amongst an array of forms of coercion used to extort labour from migrants and may vary according to context:

### Focus group interviews

Two women were coerced into prostitution by threats. One woman was threatened that if she did not obey her family would be harmed. Those who did not obey were beaten and not given food. One girl was raped for refusing to prostitute herself. She was told that she was sold for US\$500 to Israel and she had to repay this sum to her traffickers.

The type of coercion differed according to country. For instance, in Turkey women were punished directly by their employer/exploiter if they refused to cooperate. However, in the Former Yugoslavia victims were threatened with resale to the military zone, where working conditions are harder.

Debt bondage, lack of freedom of movement and the withholding of wages were the most important forms of coercion experienced by the participants, as illustrated by the graph and table below. The lack of freedom of movement and the withholding of wages were considered serious to very serious. Indeed, 75.4 per cent trafficked victims considered the withholding of wages very serious in preventing them from leaving work, and 71.4 per cent of non-trafficking victims were of the same opinion. The lack of freedom of movement was more serious for non-trafficked victims (69.2 per cent considered it very serious) than for trafficked victims (61.2 per cent considered it very serious). Debt bondage in the form of debt to the employer or to the trafficker was deemed a very serious obstacle in preventing the participants from leaving their job abroad by 41.9 per cent of trafficked victims and 42.3 per cent of non-trafficked victims.

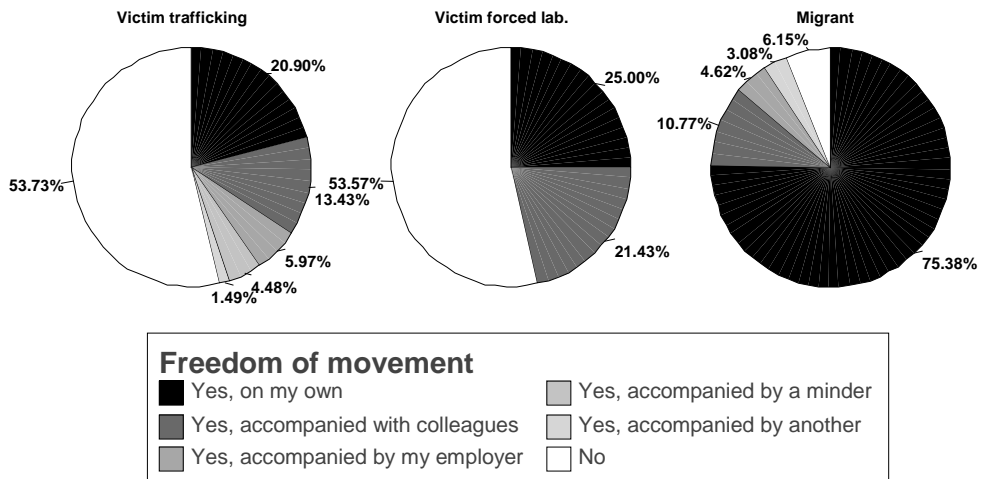


Type of migrant		Depts to the employer/int intermediary	Lack of freedom of movement	Withholding of wages
Victim trafficking	Mean	2.5968	3.0896	3.4923
	Std. Deviation	1.3726	1.2520	.9862
Victim forced lab.	Mean	2.8462	3.5000	3.5357
	Std. Deviation	1.2229	.9055	.8381
Migrant	Mean	1.0000	1.1667	1.1667
	Std. Deviation	.0000	.4082	.4082
Total	Mean	2.5638	3.0808	3.3636
	Std. Deviation	1.3485	1.2427	1.0734

*Lack of freedom of movement*

Victims of forced labour, whether trafficked or not, were the most often subjected to limited freedom of movement by those preventing them from leaving their work abroad. A total of 53.7 per cent of trafficked victims and 55.6 per cent of non-trafficked victims experienced limited freedom of movement compared to 5.9 per cent of other migrants. In addition, victims of forced labour were more often allowed to move freely only if accompanied by others, including colleagues, employers and minders. This was particularly so in the case of trafficked victims but also, though slightly less, in the case of non-trafficked victims. Some other migrants were allowed to move freely if accompanied by colleagues (11.8 per cent) or their employer (4.4 per cent).

**Freedom of movement outside work hours**



The case study below illustrates some of the reasons for limited freedom of movement other than restriction of movement for the purpose of forced labour, the main one being the lack of valid ID documents. However, this can be also used by traffickers to restrict freedom of movement in a more indirect manner, as is explained further in the next section.

*Focus group interview*

*The focus group interview with women in Donetsk showed that in the Former Yugoslavia their movements were restricted because there is a military zone and the women did not have valid papers. However, in Turkey work was impossible without valid ID documents since women working in the sex sector went from a hotel to visit clients, and the absence of documents might cause their arrest.*

*The men who participated in the focus group interview mentioned that they were not directly restricted in their movements by the employer. The migrants restricted their movements themselves as they were frightened of being retained by law enforcement bodies since they were not officially registered.*

Furthermore, though the majority of participants were allowed to talk freely to others during their stay abroad, many were not. This was particularly so in the case of trafficked victims of forced labour, 37.3 per cent of whom were not allowed to talk to others freely, compared to 29.6 per cent of non-trafficked victims and only 4.4 per cent more successful migrants.

### Confiscation of identity documents

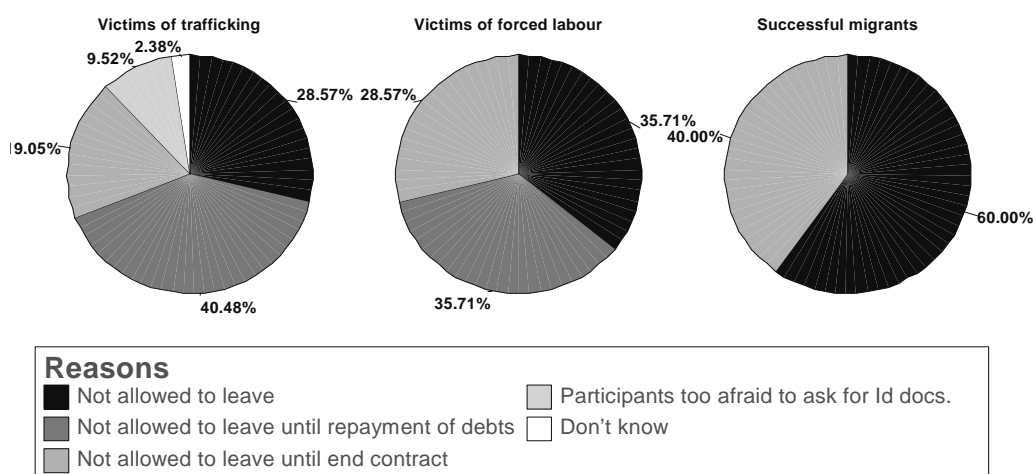
Confiscation of identity documents is often referred to in literature on trafficking and forced labour as a form of coercion to keep migrants in exploitative situations.<sup>10</sup> Therefore this study also paid specific attention to the confiscation of ID documents.

As mentioned before, most participants had ID documents when going abroad. A total of 98.5 per cent of trafficked victims, 83.1 per cent of non-trafficked victims and all other migrants had identity cards and 68.7 per cent, 69 per cent and 83.3 per cent, respectively, had passports. However, once arrived in the destination country, most trafficked victims of forced labour (58.2 per cent) did not keep their ID documents, as was often the case for non-trafficked victims (48.1 per cent). Only the more successful migrants tended to keep their ID documents (11.8 per cent did not keep the ID documents).

ID documents were often kept by employers (trafficked victims 52.2 per cent, non-trafficked 44.4 per cent, and other migrants 86.8 per cent), though they were also sometimes kept by others, such as the intermediary. Most trafficked victims did not have free access to their ID documents (58.2 per cent). Non-trafficked victims were often in a similar situation (40.7 per cent). Other migrants, however, usually had free access to their papers (only 5.9 per cent had restricted access).

There were two main reasons why some participants had their ID documents confiscated: first, the person keeping the documents would not let the person leave until he/she had repaid debts, thus indicating a situation of debt-bondage. Second, the employer / trafficker tried to prevent a person from leaving until the end of the contract or in a general sense.

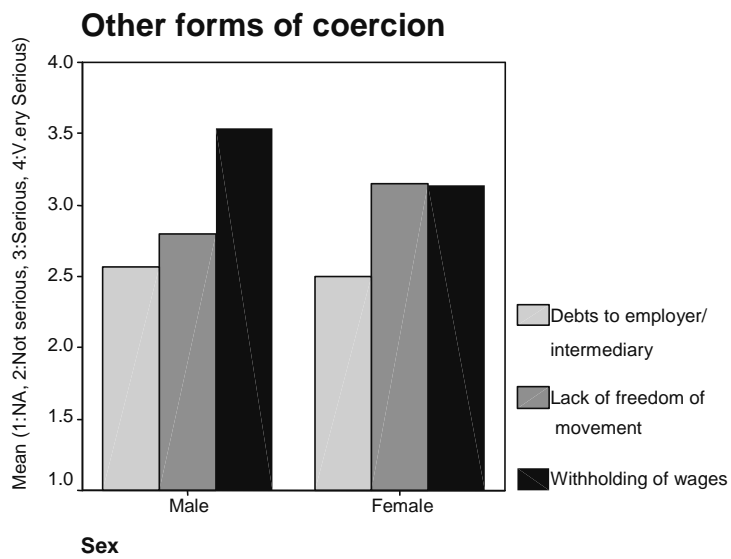
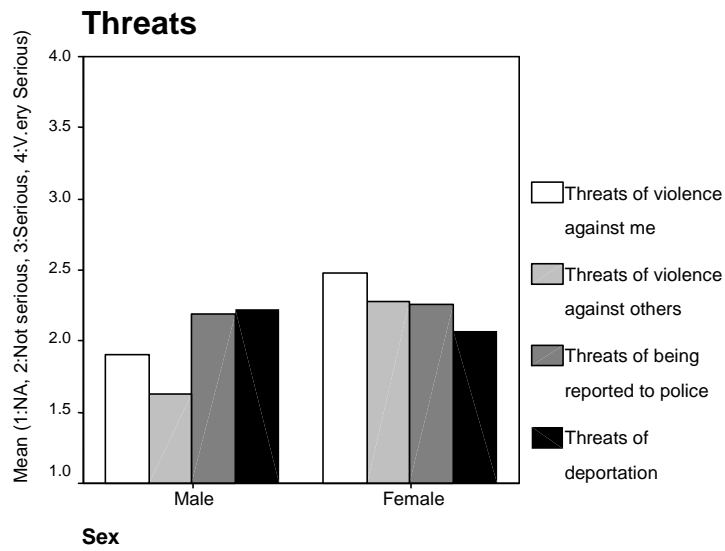
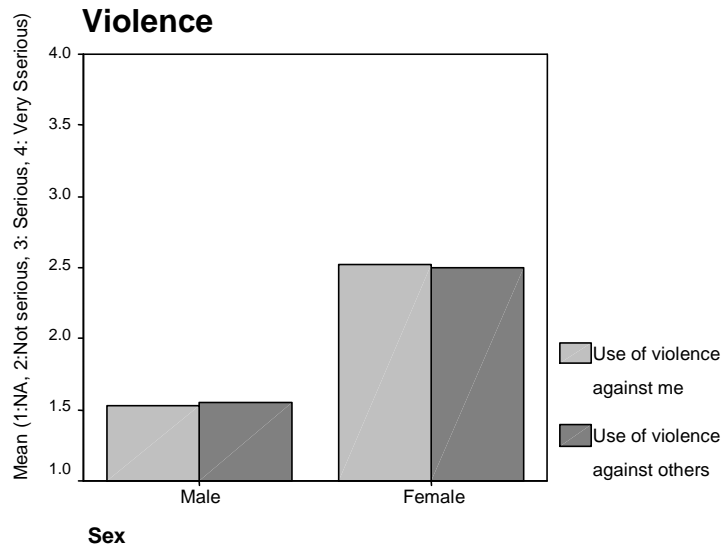
### Reasons for confiscation of ID documents



### Coercion and gender

The graphs below show that women are more often subject to violence, treats and restricted movement than men. This is particularly so in the case of use of violence against the participants, which 10 per cent of men felt was very serious in preventing them from leaving employment compared to 38.2 per cent of women, and the use of violence against others close to the participants, which 5.6 per cent of men felt was very serious compared to 28 per cent of all women in the sample. The only exception to the rule was the withholding of wages to prevent the participant from leaving, which 78.6 per cent of men felt was very serious compared to 63.2 per cent of women.

<sup>10</sup> For some illustrating examples of this form of coercion see Tyuryukanova, E.: (2005) *Forced Labour in the Russian Federation Today, Irregular migration and trafficking in human beings*, Geneva, ILO.





Report

Type of migrant		Use of violence against me	Use of violence against others	Threats of violence against me	Threats of violence against other close to me	Threats of being reported to the police	Threats of deportation	Debts to the employer/intermediary	Lack of freedom of movement	Withholding of wages
Victim trafficking	Mean	2.3692	2.3000	2.5000	2.1000	2.3226	2.3065	2.5968	3.0896	3.4923
	Std. Deviation	1.3059	1.1542	1.1839	1.1001	1.3523	1.3255	1.3726	1.2520	.9862
Victim forced lab.	Mean	2.0000	1.8500	2.4286	2.1905	2.7619	2.1818	2.8462	3.5000	3.5357
	Std. Deviation	1.1952	1.0400	1.3628	1.2498	1.3002	1.2960	1.2229	.9055	.8381
Migrant	Mean	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.1667	1.1667
	Std. Deviation	.0000	.0000	.0000	.0000	.0000	.0000	.0000	.4082	.4082
Total	Mean	2.1935	2.1047	2.3820	2.0460	2.3523	2.2022	2.5638	3.0808	3.3636
	Std. Deviation	1.2791	1.1379	1.2386	1.1300	1.3480	1.3071	1.3485	1.2427	1.0734

As mentioned before, the threat of selling or reselling a victim of trafficking is a form of coercion used to force a victim to comply with the demands of the trafficker. The focus group interviews show that selling and reselling is not uncommon.

*Focus group interviews*

*Reselling happens mainly to young women who do not have a written, but an oral contract or no agreement whatsoever. Women are sold several times and transported from one place to another. The reselling mechanisms differ according to context. For example, in the Balkans victims are resold a very large number of times. One woman in the focus groups had had more than 20 owners. High rates of reselling were widespread during the Balkan conflicts. In Turkey, reselling to the upland areas occurs and is also used as a threat since it is difficult to return from there.*

*Summary*

The most important forms of coercion experienced by the participants were the withholding of wages and the restriction of freedom of movement. Both trafficked and non-trafficked victims of forced labour experienced severe coercion, trafficked victims experiencing more direct coercion in the form of violence and threats of violence. Victims of forced labour considered the restriction of movement and threats of being reported to the police as most serious in preventing them from leaving work. Limited freedom of movement signified predominantly that a participant was not allowed to move freely at all, though some participants were allowed to move around freely if accompanied by others, including colleagues, the employer or minders.

Confiscation of ID documents is another prominent form of coercion. A majority of trafficked victims and about half of non-trafficked victims did not have free access to their ID documents. The reasons for confiscating ID documents were to prevent the person from leaving work and included debt bondage.

Women, who constitute the majority of victims of trafficking and forced labour, experienced more coercion in general. They were also more frequently victims of reselling. This data once again points to the heightened vulnerability of women to trafficking.

The results on coercion point to a forced labour continuum. Trafficked victims are at the most negative pole of this continuum, experiencing the most serious coercion. Non-trafficked victims, however, are not far behind. Yet, as the section on the nature of employment abroad has shown, all participants are subject to exploitation during their work abroad, even those that have not experienced any coercion at all. Therefore all participants find themselves in work that can be considered indecent, even though some suffer significantly more than others.

## Exiting forced labour

A large proportion of trafficked victims left employment abroad by fleeing it, thus testifying to the coercive nature of the trafficking situation. Some 19.4 per cent of trafficked victims fled without help and 16.4 per cent fled with help. The focus group interviews showed that often escape is the only way of breaking out of forced labour, especially for trafficked victims in sex work:

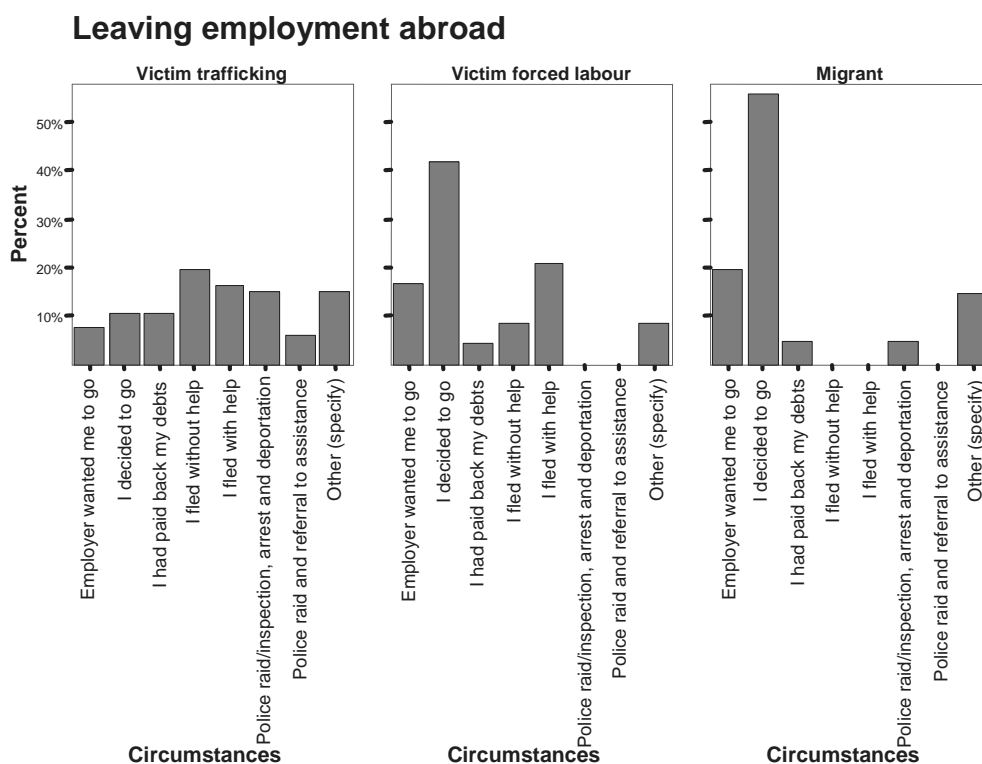
### *Focus group interviews*

*It is more difficult to return home for women involved in sex work. The possibility of not working for some time was often not even mentioned. The only way to leave work was to escape, either on one's own or with help, often from a regular client. Another way to break free for a woman involved in sex work is to ask a client to buy her from her trafficker.*

The second most common way of exiting forced labour for trafficked victims was via police raids: 20.9 per cent of trafficked victims were identified in a police raid, 14.9 per cent were subsequently arrested and deported and 6 per cent were referred to assistance.

Non-trafficked victims of forced labour most frequently exited employment because they 'decided to go' (41.7 per cent). The decision may have implied the loss of rights or privileges, but the persons considered it worthwhile to risk. This indicates a certain degree of decision-making power even in a situation of forced labour. Moreover, a significant proportion of non-trafficked victims fled forced labour without help (20.8 per cent).

More successful migrants predominantly left employment because they 'decided to leave' (55.7 per cent), thus indicating a higher degree of freedom than victims of forced labour, trafficked or not. In addition, a considerable number left because their employer wanted them to (19.7 per cent), which shows the high degree of control of the latter over migrant workers.



## Assistance

The fact that many participants fled forced labour without help and that many others left work because their employer wanted them to is highly likely to be linked to the lack of awareness of available assistance in the country of destination: 83.6 per cent of trafficked victims of forced labour, 79.3 per cent of non-trafficked victims and 60.6 per cent of other migrants were not aware of local NGOs, workers and/or migrants' associations or individuals that could help them. Once again, trafficked victims are most vulnerable in this respect and other migrants the least, non-trafficked victims occupying an intermediary position.

Very few actually tried to contact relevant organizations or individuals, whether they were aware of them or not: four (6 per cent) trafficked victims, none of the non-trafficked victims and six (9.1 per cent) of other migrants. The main reasons for not attempting to contact any assistance, whether aware of it or not, differed according to the group of participants. For trafficked victims of forced labour, it was because they were not able to (20.9 per cent) and because they were afraid of being deported (16.4 per cent). In the case of non-trafficked victims the predominant reason was that they did not believe anyone could help (24.1 per cent) or because they had no need to (13.8 per cent). This was also the main reason why migrants did not contact assistance (31.8 per cent). Other reasons mentioned were that the participant was too frightened to contact assistance, that the participant did not speak the local language, had no ID documents and was frightened of being arrested.

**Reasons for not contacting assistance**

		Type of migrant		
		Victim trafficking	Victim forced labour	Migrant
Had no need to	Yes	3.0%	13.8%	31.8%
Was not able to contact them	Yes	20.9%	13.8%	3.0%
Was too scared to contact	Yes	1.5%		
Had no ID documents	Yes	6.0%		
Did not speak the local language	Yes	6.0%	6.9%	1.5%
Was scared of being arrested	Yes	4.5%	3.4%	
Was scared of being deported	Yes	16.4%	3.4%	9.1%
Did not think they could help	Yes	7.5%	24.1%	4.5%
other	Yes	1.5%		

Though few participants replied to the question pertaining to assistance, the data in the table below shows that many were in need of it. Trafficked and non-trafficked victims of forced labour were generally more in need of assistance than other migrants. For instance, thirteen (19.4 per cent) trafficked victims of forced labour were looking for advice on improving working conditions or help with recuperating wages withheld by exploitative employers, intermediaries, or traffickers, as did to 6 (20.7 per cent) non-trafficked victims, compared to 4 (6.1 per cent) other migrants. Eight (11.9 per cent) of trafficked victims of forced labour were in need of help from the authorities to escape forced labour, as did eight (11.9 per cent) trafficked victims of forced labour, compared to four (13.8 per cent) non-trafficked victims. Advice on health, housing, services, regularizing immigration status, as well as taking legal action against the employer was also sought by participants, and in particular by trafficked and non-trafficked victims of forced labour.

### Reasons migrants were looking for assistance

		Type of migrant		
		Victim trafficking	Victim forced labour	Migrant
Assistance to escape/leave the workplace	Yes	6.0%	6.9%	1.5%
Advice on improving working conditions/non-payment of wages	Yes	19.4%	20.7%	6.1%
Advice on regularizing immigration status	Yes	11.9%	6.9%	6.1%
Advice on health/housing/services	Yes	9.0%	6.9%	4.5%
Advice on taking legal actions against the employer	Yes	7.5%	10.3%	1.5%
Other	Yes		3.4%	1.5%

Even though the participants were obviously in need of assistance, few tried to contact the police, embassies, or other public authorities. Only 12 (17.9 per cent) trafficked victims of forced labour, three (10.3 per cent) non-trafficked victims and three (4.5 per cent) other migrants tried to contact the police or other authorities. There were many reasons for this in the case of trafficked victims: They did not believe the authorities could help (34.3 per cent), that the police were corrupt (34.3 per cent) and because they were scared of being deported (31.3 per cent).

### Reasons for not contacting the authorities

		Type of migrant		
		Victim trafficking	Victim forced labour	Migrant
Had no need to	Yes	10.4%	31.0%	74.2%
Was not able to contact them	Yes	25.4%	20.7%	4.5%
Was too scared to contact them	Yes	22.4%	6.9%	3.0%
Had no ID documents	Yes	20.9%	13.8%	3.0%
Was illegally in the country	Yes	25.4%	31.0%	7.6%
Did not speak the local language	Yes	11.9%	10.3%	3.0%
Was scared of being arrested	Yes	19.4%	10.3%	7.6%
Was scared of being deported	Yes	31.3%	3.4%	22.7%
The police are corrupt	Yes	34.3%	13.8%	3.0%
I did not think they could help me	Yes	34.3%	13.8%	6.1%
Other	Yes	1.5%		

The reluctance to ask the authorities in the country of employment for assistance is demonstrated by the focus group interviews:

#### *Focus group interviews*

*The lack of confidence in authorities, as well as a general attitude of distrust towards them, is influenced by the political situation in the host country and stories about corrupt officials. For example, a majority of women said that their employers bribed law enforcement officials for closing an eye during police raids and inspections as well as to bring back women that had escaped.*

**Reasons for asking the authorities for help**

		Type of migrant		
		Victim trafficking	Victim forced labour	Migrant
Assistance to escape/leave the workplace	Yes	11.9%	13.8%	3.0%
Advice on improving working conditions/non-payment of wages	Yes	6.0%	17.2%	4.5%
Advice on regularizing immigration status	Yes	7.5%	10.3%	4.5%
Assistance with travel documents	Yes	4.5%	6.9%	3.0%
Advice on health/housing/services	Yes	4.5%	3.4%	3.0%
Advice on taking legal actions against the employer	Yes	9.0%	10.3%	3.0%
Assistance to return home	Yes	9.0%	6.9%	4.5%

Based on their experience abroad, the participants were asked to rate how effective several sources of information for migrants could be. In a general sense, local NGOs and migrant organizations were considered the most effective sources by all three groups of participants: trafficked victims 25.4 per cent, non-trafficked victims 31 per cent and other migrants 25.8 per cent considered these sources as potentially very effective. Other migrants also believed that consulates could be very effective sources of information (27.3 per cent), which might be associated with the fact that other migrants are likely to be in a regular status compared to victims of forced labour and therefore are less reticent to contact authorities.

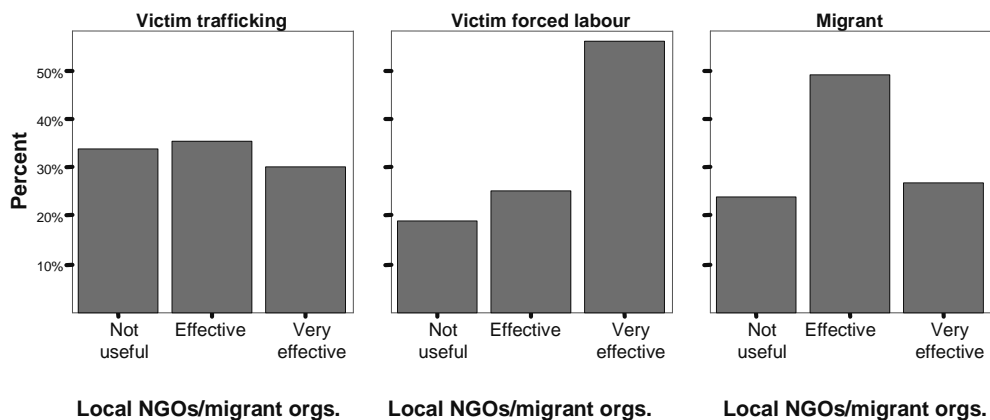
**Estimated effectiveness of consulates as sources of information**



## Estimated effectiveness of churches/mosques as sources of information



## Estimated effectiveness of local NGOs and migrant organizations as sources of information



## Estimated effectiveness of notice boards at bus and train stations as sources of information



### *Future migration projects*

It is important to take account of the estimated effectiveness of information sources as considered by the returned migrants who constituted the sample for this study as most would like to go abroad again

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even though few would have liked to stay on in the job they had when abroad. This feeling was most pronounced for trafficked victims (73.1 per cent would not like to have stayed on), followed by non-trafficked victims (51.7 per cent) and finally by other migrants (40.9 per cent). Yet some would have liked to stay in the destination country in order to find another job: 43.3 per cent of trafficked victims, 44.8 per cent of non-trafficked victims and 63.6 per cent of other migrants. Moreover, the majority of all groups desired to work abroad again in the future, particularly more successful migrants (78.8 per cent), followed by non-trafficked victims (69 per cent), and finally by trafficked victims of forced labour (59.7 per cent).

This data once again illustrates the forced labour continuum, where trafficked victims are the most discontented with their working conditions and successful migrants the least discontented, non-trafficked victims occupying an intermediary position. However, a large proportion of more successful migrants would not have liked to stay in their job abroad, showing that all participants were in highly unsatisfactory work conditions.

### *Summary*

The fact that trafficked victims of forced labour, compared to the other two groups of participants in the study, exited forced labour most often by escaping it or via police raids is another illustration of the forced labour continuum, trafficked victims situated at the most negative pole. They find themselves in the most coercive situations and appear to be the most under control of their trafficker/employer.

Trafficked victims were the only participants in the study to exit forced labour following a police raid. This association between trafficking and crime can have two meanings, which may be complementary. First of all, it may reflect the commonly accepted link between trafficking and organized crime. However, it could also reflect the legal regulation on trafficked victims in the destination country and action of law enforcement authorities that go along with it. Police action to combat trafficking is often aimed at women trafficked for commercial sexual exploitation. Therefore police raids could be focusing on the sex industry and thereby overlook victims of trafficking and forced labour in other sectors.

What is worrying is that of those trafficked victims who were identified during police raids were often arrested and deported and very few were referred to assistance organizations. This either means that the police did not recognize trafficked victims and identified them as irregular migrants instead, or that the victims were identified as such but did not receive adequate protection by the authorities in the country of destination. In the first scenario the police should be trained to correctly identify victims of trafficking. The second scenario indicates serious shortcomings on behalf of the authorities of the destination country to protect victims.

The most important reason for successful migrants and non-trafficked victims of forced labour to leave their job abroad was by their own decision. However, this reason was more important in the case of successful migrants. It also played a role in the case of trafficked victims of forced labour. These results appear contradictory when taking into account the forced labour criteria, as well as the predominance of the lack of freedom of movement in forced labour situations.

However, the fact that victims of forced labour, trafficked and non-trafficked, do leave forced labour situations out of their own free will points to the idea of forced labour as a process instead of as a fixed state. As migrants give in to coercion and perceive less and less viable alternatives to the forced labour situation, the trafficker/employer has more and more control over them. This process can be described as an ever-narrowing labyrinth. The migrant has possibilities to leave employment and may decide to do so, yet these possibilities become fewer as the forced labour situation lasts. As such, though diminishing with time, the victim of forced labour has a certain ability to act, and may decide to leave the forced labour situation. At this point individual circumstances and personal traits come into play.

It is important to note the lack of awareness of assistance in general amongst the participants as well as the fear of approaching the authorities for assistance. Victims as well as more successful migrants are afraid of being arrested and deported, which is not surprising when considering that many victims are

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arrested and deported when identified by the police during raids. Many also believe that the police are corrupt which does not bode well for the credibility of the law enforcement system in the country of destination. A serious lack of information dissemination combined with fear of the authorities results in a potent mix of vulnerability factors.

Yet the participants would have liked assistance in three main areas, the first dealing with the improvement of working conditions and help with non-payment of wages by the employer or the intermediary. Secondly, participants would have liked advice pertaining to regularization of immigration status. Finally, participants, mainly victims, were seeking assistance to escape or leave the workplace. Trafficked and non-trafficked victims were in more need of assistance than more successful migrants.

Considering the lack of awareness of assistance and the clear need for it, the participants' replies to the question pertaining to effective information sources are important to take into account. Local NGOs and migrant organizations were thought to have the most potential as effective information sources.



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## 4. CURRENT RESPONSES TO TRAFFICKING<sup>11</sup>

Ukraine has done much to combat trafficking in recent years and has taken many positive initiatives. In February 2004, it ratified the UN Convention against Transnational Organized Crime and the Palermo Protocols on trafficking and smuggling. Ukraine also signed, in March 2004, and is currently preparing to ratify, the European Convention on the Legal Status of Migrant Workers (1977). The Ukrainian Government intends to explore further the issue of ratification of ILO Conventions Nos. 97, 143, 179, and 181. The Forced Labour Convention, 1930 (No. 29), and the Worst Forms of Child Labour Convention, 199 (No. 182) were ratified in 1956 and 2000, respectively.

In addition to appropriate ratifications, the government has developed a core instrument dealing with the issue of trafficking in human beings: the Comprehensive Programme to Counter Trafficking in Human Beings for 2002 - 2005, adopted by the Cabinet of Ministers on 5 June 2002. The programme consists of three chapters, each defining a set of activities aimed at the prevention of trafficking, the prosecution of traffickers and the protection and re-integration of victims.

The Inter-Agency Coordination Council to Counter Trafficking in Human Beings coordinates implementation of the programme; the Cabinet of Ministers set up the Council on 25 December 2002. The programme also envisages setting up Regional Permanent Commissions for the Coordination of Efforts and Exchange of Information on Prevention of Trafficking in Human Beings.

There is, however, concern among various governmental and civil society organizations about the lack of commitment and efficiency of the Inter-Agency Coordinating Council in its efforts to implement the Comprehensive Programme.

### Prevention of trafficking in human beings

Unemployment being a major push factor to migrate, an efficient employment strategy is key to the prevention of trafficking. In Ukraine, the main principles of the State Employment Policy include, among others, ensuring equal opportunities to all, the promotion of effective employment, prevention of unemployment, creation of jobs, and development of entrepreneurship, collaboration with trade unions, employers' associations in the areas of development, implementation and monitoring of activities to promote employment, as well as international cooperation, including employment of Ukrainian citizens abroad and foreigners in Ukraine.

The State Employment Programme for 2001-2004 included provisions on international labour migration and, in particular:

- ❑ Conclusion of inter-state and inter-governmental agreements on employment and social protection;
- ❑ Cooperation within the framework of the CIS in the sphere of labour migration and social protection of labour migrants and their family members;
- ❑ Cooperation with the Russian Federation and other neighbouring countries on joint regulation of labour activity;
- ❑ Stricter enforcement of legislation applying to private employment agencies.

The Comprehensive Programme to Counter Trafficking in Human Beings for 2002-2005 also includes provisions on the promotion of employment and Small Enterprise Development, which correspond to the priority areas defined by the State Employment Programme. In addition, the Programme to Regulate Migration Processes for 2003-2005 includes the following actions:

- ❑ Drafting a new law regulating Private Employment Agencies (PEAs) and allowing more efficient monitoring;
- ❑ Improvement of legislation on tourism to prevent tourist agencies from taking part in recruitment and job-broking related activities;

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<sup>11</sup> This chapter draws heavily on SAP-FL/ILO and ITC/ILO: (2004) *Managing a national programme against trafficking in human beings: Addressing the labour market dimensions (Albania, Moldova, Romania and Ukraine)*, Turin, ILO.

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- ❑ Preparation for the ratification of the European Convention on the Legal Status of Migrant Workers (1977);
  - ❑ Finalization of arrangements for the ratification of the European Social Charter (revised) 1999;
  - ❑ Further investigation of the possibility to ratifying the following ILO Conventions: the Migration for Employment Convention (Revised) 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention 1975 (No. 143), the Recruitment and Placement of Seafarers Convention 1966 (No. 179), and the Private Employment Agencies Convention 1997 (No.181);
  - ❑ Conclusion of more international agreements on social protection and employment of Ukrainian citizens abroad as well as the monitoring of the implementation of such agreements;
  - ❑ Consideration and evaluation of the possibility to create a database with information on Ukrainian citizens employed abroad; and
  - ❑ Development of an information system on migrant rights of Ukrainians abroad.

Therefore, current legislation adequately links various labour market actions to migration and anti-trafficking actions. However, in the implementation of labour legislation there is little emphasis on anti-trafficking measures. In addition, the existing bilateral labour agreements do not include main destination countries and authorities do not feel they have enough political clout to conclude more relevant agreements. Finally, the labour market actions taken do not include the provision of information for potential migrants on migration and trafficking issues even though NGOs operate information hotlines for potential migrants.

### **Law enforcement responses**

A special provision on trafficking was introduced in the Criminal Code in 1998. In the new Criminal Code of 2001, the definition of trafficking is as follows:

*Sale, other paid transfer of a person, as well as the conclusion of any other illegal deal against a person, which may be connected with legal or illegal transportation of this person across the state border of Ukraine, with or without his/her consent, for further sale or other transfer to another person(s) for the purposes of sexual exploitation, use in the pornographic industry, engaging in criminal activities, debt bondage, adoption for commercial purposes, use in armed conflicts, labour exploitation.*

Since the introduction of this provision, in October 2003, 530 criminal cases of human trafficking have been or still are under investigation in Ukraine. However, the conviction rate remains low. Additionally, though private employment agencies are being monitored, there are still many loopholes for abuse. Business activity defined as "mediation for job-placement abroad" is licenced by the Ministry of Labour and Social Policy of Ukraine, in accordance with the Law on Licensing of Certain Types of Business Activity, the Decision of the Cabinet of Ministers on Approval of the List of Licensing Bodies, and the Joint Order of the Ministry of Labour and Social Policy of Ukraine and State Committee of Ukraine on Regulatory Policy and Entrepreneurship. The inspection of licenced private employment agencies mediating employment abroad is carried out once a year. Additional checks may be conducted if a complaint is submitted to the Licencing Agency (Ministry of Labour and Social Policy).

The local State Employment Service representatives, who submit their report to the Ministry of Labour, carry out the inspections. On the basis of these materials, the Licencing Commission at the Ministry reviews the case and makes a decision regarding alleged violations. If a minor crime has been committed, the agency is normally instructed to correct the harm, in the case of repeated offence, the Licencing Commission revokes the licence. Considering the presence of many semi-legal or illegal private employment agencies under cover, for example pretending to be matrimonial agency, this approach is likely to be insufficient to protect migrant workers from trafficking and other forced labour outcomes of migration. In addition, the monitoring of private recruitment agencies, just like the prosecution of traffickers, is facing several problems. First of all, besides a lack of resources, there is no adequate coordination between police and labour inspectors leading to minimal sharing of information.

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There is also little coordination between law enforcement and the embassies of countries of destination, which issue visas to Ukrainians desiring to go abroad, implying that the available information is not used to the best advantage.

### **Assistance to victims**

In Ukraine, networks of NGOs are active in combating trafficking. They normally receive support from various international organizations (e.g. OSCE, IOM, and UNDP). NGOs maintain several hotlines, including a nation-wide free hotline operated by La Strada that offers assistance to potential migrants as well as victims of trafficking.

IOM supports a rehabilitation centre in Ukraine, which accommodates victims of trafficking prior to their return home, or prior to finding a new home. The centre offers a range of services, including medical and psychological assistance, legal advice, etc. Furthermore, in accordance with the Cabinet of Ministers' decision on a model statute concerning the rehabilitation of victims of trafficking, centres are being set up, funded by regional or local authorities. The Ministry for Family, Children, and Youth Affairs (formerly the State Committee for Family and Youth Affairs) is the coordinating national body supervising the functioning of the centres. There are currently plans to open five such centres in Ukraine.

The State Employment Service (SES) does not distinguish victims of trafficking as a separate category. This is primarily due to the fact that most victims are not willing to disclose their past; many of them having low levels of trust in public authorities. However, the State Employment Service does provide a wide range of services to the unemployed; including professional orientation, job placement, vocational training, etc. In Ukraine, the SES also provides opportunities for starting private businesses with a one-off disbursement of unemployment benefits that are available to their clients.

Unfortunately there is a general lack of resources to fund the activities to protect and reintegrate returned victims of trafficking. There is also a lack of communication between relevant organizations. Trade unions have not been involved in counter-trafficking activities and therefore there is a lack of involvement of social partners.

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## 5. RECOMMENDATIONS

The following recommendations are based on the present study, and in particular on suggestions given by the experts interviewed. This chapter also borrows from a three-day workshop that took place in 2004 in Turin, Italy where anti-trafficking strategies were discussed at the sub-regional level, involving Moldova, Romania, Ukraine and Albania (ILO, 2004).

### General

In a broad sense, the socio-economic conditions of the country should be improved. After all, these are the structural factors driving emigration. More specifically, the functioning of the labour market should be improved. This means not only improving adequate job supply in the country and the transmission of the job offers to the applicants by appropriate institutions, but also adapting education to make it more responsive to labour market demands.

Measures should be taken to facilitate employment and self-employment, particularly for the most vulnerable group, which consists of Ukrainian women. This can be done by providing assistance with job hunting, training programmes aimed at acquiring job searching skills, providing free public employment services to those with very low income and financial, and other State support to entrepreneurial activity, particularly for women in small and medium sized businesses. Also, vocational (re)training could be provided for the unemployed. Additionally, the minimum wage, though it has been established, should be efficiently implemented. The social equity principle should be applied to labour taxation, those earning the minimum wage paying proportionately less tax than those earning substantially more.

Finally, the involvement of trade unions, employers' organizations and NGOs in the national coordination committee against trafficking should be encouraged. All institutional actors involved should take part in capacity building. Moreover networks between relevant actors at national and international level, with the support of international agencies such as the ILO, should be promoted. It is also advisable to carry out research to fill in information gaps on trafficking and irregular migration, which can be shared via an e-portal, also allowing relevant actors to communicate and the resources of the network to be used to their best advantage. Moreover, the dissemination of good practice examples of other countries combating trafficking could be achieved using the e-portal.

### Legislation

At a legal level, though anti-trafficking legislation exists, its implementation needs to be assured. In order to help achieve this, an institution could be established with the function of monitoring anti-trafficking legislation and its implementation. A re-invigoration of the inter-ministerial anti-trafficking group could go hand in hand with this, as well as increased cooperation among relevant actors at all levels of society.

The ratification of the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143) should be considered by the Ukrainian State. It is also advisable to involve a group of Ukrainian experts in the process of development of the European Convention on Human Trafficking Prevention.

The Committee of the Verkhovna Rada of Ukraine on Human Rights, National Minorities and Relationship between Nationalities, other Committees of the Verkhovna Rada of Ukraine, the Cabinet of Ministers, respective ministries and central agencies, the National Academy of Science, the National Bank, the General Prosecutor's Office, the Council of Ministers of the Autonomous Republic of Crimea, and oblast state administrations are recommended to consider proposals submitted by the Ombudsman of the Verkhovna Rada concerning the harmonization of Ukraine law with international standards on protection of rights of Ukrainian citizens abroad (in accordance with Resolution of the Verkhovna Rada of Ukraine No. 714-IV dated 3 April 2003). Bringing legislation into conformity with

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international standards also involves amending Article 149 of the Criminal Code to include provisions stating that border crossing is not a requirement for the establishment of the trafficking offence, making recruiters legally responsible for providing migrant workers with written contracts and insurance, as well as compensation.

There is a lack of resources to finance action against trafficking. An amendment to the criminal law ordering the confiscation of all assets that traffickers, as well employers of victims and auxiliaries, have obtained from their illegal activities might resolve this problem. Confiscated assets could also be used to compensate victims of trafficking, either directly or by creating a fund to support anti-trafficking activities and compensation for victims.

## **Law enforcement**

Research should be done on the causes of the low conviction rates of traffickers, and action taken to improve this situation. In the meantime, law enforcement officials should be better trained on trafficking issues, and this should also be extended to labour inspectors. In addition, NGOs and social workers should be trained. The training should encompass the recognition and identification of traffickers, victims of trafficking and trafficking situations, and the appropriate actions to be taken in different situations.

Labour inspectors and police could collaborate more efficiently to monitor recruitment, especially by focusing on recruitment agencies. But before this can happen, the authority and responsibility of various law enforcement agencies in terms of inspection of private employment agencies should be clearly established. Then, to promote cooperation and coordination, regular consultation meetings and communal training on the monitoring of recruitment should take place. To allow all actors access to the most up-to-date information, a database could be created and maintained on recruiters, employers and migrants, accessible to both police and labour inspectors.

Coordination between law enforcement and labour authorities in countries of origin and destination should also be improved through combined training, consultation meetings and the creation of communal databases. The embassies of employment countries should work closely with migration, employment and law enforcement authorities in order to provide potential migrants with the correct information and to prevent the issuance of visas to traffickers for their victims.

Furthermore, the monitoring of private employment agencies should be extended from the monitoring of licenced agencies to 'disguised agencies', such as bridal, entertainment, model and tourist agencies. Here the cooperation of police and labour inspectors is crucial as labour regulations and criminal law start to overlap.

## **Migration management**

Trafficking should be put in the larger context of migration management. Good practice examples of migration management, such as the Philippines, can be used in improving migration management. The involvement of members of the Coordination Council should be promoted, and a special coordination committee should be established on the trafficking of women. In a general sense, the possibilities of establishing inter-agency agreements and councils, including social partners and NGOs, should be increased.

Involving the Public Employment Service in the monitoring of recruitment means involving it more in labour migration related issues. Its staff should be trained to improve services (i.e. less bureaucracy and more transparency of procedures) so that legal channels become less cumbersome to use and more appealing to the potential migrant. The Public Employment Service should increase its visibility and presence at a regional, but especially at a local level. It should target the most disadvantaged groups.

It is suggested that an institution specialized in migration, such as a State Migration Authority, or an existing agency, take responsibility for all migration matters. This State institution would occupy itself

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with broadening and improving legal channels of migration, information campaigns on migration, preparing future migrants for their work abroad and managing state remittances. It could also contribute to monitoring private employment agencies via methods such as licencing and, eventually, self-regulation through codes of conduct, rating, awards and blacklisting.

Furthermore, more bilateral labour agreements with main destination countries should be concluded. In order to have more political clout, it would be advisable to investigate strategies to market and promote the Ukrainian work force. Representatives of the authorities of the countries of destination, such as embassies, should be cooperated with to achieve these agreements.

### **Assistance to victims**

Assistance to returning victims of trafficking should be further developed, with more extensive training of shelter staff on migration and reinsertion issues. Victims of trafficking should have access to vocational training, including on women's entrepreneurship. In order to achieve this, it is advisable to create a network of social partners, including employers, to support victims of trafficking. Assistance to victims abroad should also be stimulated. The activities of labour attachés abroad can be increased.

Efficient complaint mechanisms should be put into place for victims of labour exploitation, as well as for victims of abusive recruitment practices. Trade unions could play a stronger role in this area. They could represent the worker in the home country, but they could also play an important role representing workers abroad. In collaboration with trade unions in employment countries, compensation for the worker could be obtained through judiciary procedures in the destination country. These could be undertaken by a local trade union and substantiated by evidence from the trade union in the home country.

### **Awareness raising**

Last but not least, there should be increased awareness raising on topics such as recruitment, migration and jobs abroad, as well as on the dangers of trafficking and forced labour outcomes. Awareness raising is the most efficient means to prevent trafficking and forced labour, though it should be used in combination with the other strategies mentioned above. It can be done through media campaigns, education in schools, training of officials, civil society, and so on.

The information should be particularly targeted at those most at risk of trafficking, i.e. women. However, awareness raising should not be restricted to potential migrants at the pre-migratory stage. Those migrants who have already made the decision to leave should be informed about the assistance that is available abroad, for example from labour attachés. Returning migrants should be made aware of the assistance available in Ukraine.



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## Appendix 1: Experts interviewed

Donetsk Oblast	Department for Organized Crime Combat, city of Donetsk Department on Family, Youth and Tourism Issues Office on Human Trafficking Crime Combat, city of Donetsk Donetsk Oblast Employment Centre Department of Citizenship, Passport and Immigration, Head of Citizenship and Passport Office Donetsk Oblast Prosecutor's Office Donetsk Oblast Court of Appeal Donetsk Oblast Business and Professional Women League
Zakarpattia Oblast	Criminal Investigation Department in Zakarpattia Oblast Oblast Civil Women's Organization "Vesta" Cross-Border Point "Zakarpattia" Secretariat of Ombudsman of the Verkhovna Rada of Ukraine Department on Family and Youth Issues in Zakarpattia Oblast International Office of the Organized Crime Combat Department, Zakarpattia Oblast Oblast Family Planning Association
Ternopil Oblast	City Civil Organization "Nation Renaissance" International Department of State Security Service in Ternopil Oblast Human Trafficking Combat Agency Family and Women's Agency, Department on Family and Youth Issues of Ternopil Oblast State Administration Vocational Guidance and Training Office, Employment Centre of Ternopil Oblast Administration Dean of the Cathedral in Ternopil (Greek Catholic Church) Social and Environmental Society "Youth. Environment. Development" Director of Secondary School No. 6
Autonomous Republic of Crimea	Department on Family and Youth Issues
Sevastopol	Employment Centre Illegal Drugs Turnover Combat Department Youth Women Initiatives Centre Human Trafficking Combat Agency of the Ministry of Internal Affairs, Autonomous Republic of Crimea

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Simferopol	City Prosecutor's Office State Committee in State Border Safeguarding Non-government organization "Hope and Future" Ministry of Labour, Autonomous Republic of Crimea
Kyiv	Human Trafficking Combat Agency, Ministry of Internal Affairs of Ukraine International Programme Coordinator, Ukrainian National Association for Youth Cooperation "Alternativa – V" "Karitas-Spes" Reception centre for minors, Ministry of Internal Affairs of Ukraine Employment Centre, Ministry of Labour and Social Policy of Ukraine State Committee of Ukraine on Family and Youth Issues State Centre of Social Service for Youth Swiss Embassy in Ukraine Polish Embassy in Ukraine

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## Appendix 2: Members of the research team

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A. Yaroshenko	Scientific Secretary, Scientific and Research Institute of Labour and Employment, Ministry of Labour and Social Policy and Academy of Science of Ukraine
V. Pokryshchuk	Department Head, Scientific and Research Institute of Labour and Employment, Ministry of Labour and Social Policy and Academy of Science of Ukraine
O. Varetska	Department Head, Scientific and Research Institute of Labour and Employment, Ministry of Labour and Social Policy and Academy of Science of Ukraine
Y. Privalov,	Director, Centre of Social Examination and Projections, Institute of Sociology, Academy of Science of Ukraine
G. Mimandusova	Deputy Director, Centre of Social Examination and Projections, Institute of Sociology, Academy of Science of Ukraine
L. Trofimenko	Sociologist, Centre of Social Examination and Projections, Institute of Sociology, Academy of Science of Ukraine
K. Koshchenkova	Sociologist, Centre of Social Examination and Projections, Institute of Sociology, Academy of Science of Ukraine
T. Voitenko	Sociologist, Centre of Social Examination and Projections, Institute of Sociology, Academy of Science of Ukraine
K. Levchenko,	President of International Women’s Rights Centre “La Strada Ukraina”
L. Savych	Coordinator of Preventive and Education Programmes, International Women’s Rights Centre “La Strada Ukraina”
I. Shvab	Coordinator of Social Programmes, International Women’s Rights Centre “La Strada Ukraina”
T. Doroshok	Social Assistance Manager, International Women’s Rights Centre “La Strada Ukraina”
I. Zhovtobruk	Head, Zakarpattia Oblast Civil Women’s Organization “Vesta”



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## List of Working Papers of the InFocus Programme on Promoting the Declaration

- No. 1 Bonded Labour in Pakistan, by Aly Ercelawn and Muhammad Nauman, June 2001.
- No. 2 A Perspective Plan to Eliminate Forced Labour in India, by L. Mishra, July 2001.
- No. 3 Défis et opportunités pour la Déclaration au Bénin, by Bertin C. Amoussou, August 2001.
- No. 4 Défis et opportunités pour la Déclaration au Niger : Identification des obstacles à la mise en œuvre des principes et droits fondamentaux au travail et propositions et solutions au Niger, by Moussa Oumanou, August 2001.
- No. 5 Égalité de rémunération au Mali, by Dominique Meurs, August 2001.
- No. 6 Défis et opportunités pour la Déclaration au Burkina Faso, by Seydou Konate, September 2001.
- No. 7 Child Labour in the Russian Federation, by Svetlana Stephenson, June 2002.
- No. 8 Intersecting risks: HIV/AIDS and Child Labour, by Bill Rau, June 2002.
- No. 9 Los principios y derechos fundamentales en el trabajo: su valor, su viabilidad, su incidencia y su importancia como elementos de progreso económico y de justicia social, de María Luz Vega Ruiz y Daniel Martínez, Julio 2002.
- No. 10 The Links between Collective Bargaining and Equality, by Adelle Blackett and Colleen Sheppard, September 2002.
- No. 11 Annotated bibliography on forced/bonded labour in India, by Dr. L. Mishra, December 2002.
- No. 12 Minimum wages and pay equity in Latin America, by Damian Grimshaw and Marcela Miozzo, March 2003
- No. 13 Gaps in basic workers' rights: Measuring international adherence to and implementation of the Organization's values with public ILO data, by W. R. Böhning, May 2003.
- No. 14 Equal Opportunities Practices and Enterprises Performance: An investigation on Australian and British Data, by Prof. V. Pérotin, Dr. A. Robinson and Dr. J. Loundes, July 2003
- No. 15 Freedom of Association and Collective Bargaining, a study of Indonesian experience 1998-2003, by Patrick Quinn, September 2003
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- No. 17 Normalised and Disaggregated Gaps in Basic Workers' Rights, by W.R. Böhning, November 2003
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- No. 20 A rapid assessment of bonded labour in Pakistan's mining sector, by Ahmad Salim, March 2004.
- No. 21 A rapid assessment of bonded labour in hazardous industries in Pakistan: glass bangles, tanneries and construction, by the Collective for Social Science Research in Karachi, March 2004.
- No. 22 A rapid assessment of bonded labour in domestic work and begging in Pakistan, by the Collective for Social Science Research in Karachi, March 2004.
- No. 23 A rapid assessment of bonded labour in the carpet industry of Pakistan, by Zafar Mueen Nasir, March 2004.
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- No. 27 Las desigualdades étnicas y de género en el mercado de trabajo de Guatemala, de Pablo Sauma, Marzo 2004.
- No. 28 Libertad de asociación, libertad sindical y el reconocimiento efectivo del derecho de negociación colectiva en América Latina: el desarrollo práctico de un principio fundamental, de Maria Luz Vega-Ruiz, Abril 2004.
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- No. 32 Chinese migrants and forced labour in Europe, by Gao Yun, August 2004 (English, French & Chinese version)
- No. 33 Trafficking of migrant workers from Romania: issues of labour and sexual exploitation, by Catalin Ghinararu & Mariska N.J. van der Linden, September 2004.
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- No. 40 El Trabajo Forzoso en la Extracción de la Madera en la Amazonía Peruana, de Eduardo Bedoya Garland y Alvaro Bedoya Silva-Santisteban, Marzo 2005
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