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Norwegian Ministry of Foreign Affairs



COMBATING HUMAN TRAFFICKING IS ONE OF THE NATIONAL PRIORITIES

October 18 – European Anti-Trafficking Day

HIGHLIGHTS

- Human trafficking is a crime
- Human trafficking is a violation of Human Rights.
- Despite significant efforts Human Trafficking is still common in Ukraine
- New forms of human trafficking and types of exploitation emerge, which require appropriate and relevant response measures
- Ukraine has obligations to fight human trafficking
- This crime is condemned by the international community, to which Ukraine is an active member
- Anti-trafficking implementation is a part of the international obligations of Ukraine
- Human trafficking is linked to corruption, impunity and lack of fair justice. It is a marker of negative trends in the development of the state

IMPORTANT FOR DECISION-MAKERS

Trafficking in human beings is a settlement of an illegal agreement, the object of which is a human being, it is the recruitment, transportation, harbouring, transfer or receipt of a human being for the purpose of his/her exploitation, sexually or otherwise, by means of deception, fraud, blackmail, abuse of vulnerable human condition, force, threat of force, using official positions, materials or the dependence of the victim on another person, which is considered a crime under the Criminal Code of Ukraine.

Law of Ukraine on Combating Trafficking in Human Beings

Human trafficking can take place both at the border and within the country. Key forms of exploitation of human trafficking victims:

- labour exploitation
- sexual exploitation
- forced labour or services provision
- exploitation in pornographic industry
- debt bondage
- servitude
- organ removal
- forced marriage
- forced pregnancy and childbirth
- experimenting on a human without consent

New forms:

- exploitation in armed conflicts
- involvement in criminal activity
- forced begging
- adoption with the aim of making profit or exploitation
- exploitation under pretended surrogacy

INTERNATIONAL OBLIGATIONS OF UKRAINE

First definitions of human trafficking and the first International document were related to combating trafficking in women – International Agreement for the Suppression of the “White Slave Traffic” (1904), International Convention for the Suppressions of the “White Slave Traffic” (1910).



International anti-trafficking documents ratified by Verkhovna Rada:

1. United Nations Convention against Transnational Organized Crime (2000), ratified by Ukraine in 2004, and the Protocols Thereto: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and The Protocol against the Smuggling of Migrants by Land, Sea and Air;
2. UN Convention of Elimination of All Forms of Discrimination Against Women (1979), ratified in 1981;
3. Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000), ratified in 2003;
4. UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), ratified in 1954;
5. ILO Convention №29 Concerning Forced or Compulsory Labour (1930), ratified in 1956;
6. ILO Convention №182 On Prohibition and Immediate Action to Eliminate the Worst Forms of Child Labour (1999), ratified in 2000;
7. Council of Europe Convention on Action Against Trafficking in Human Beings (2005), ratified in 2010;
8. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS№201), (2007), ratified by Ukraine in 2012.

In September 2017 Ukraine signed the Council of Europe Convention against Trafficking in Human Organs (CETS № 216), which has not been ratified yet.

Ukraine reports about the implementation of its international obligations to the following institutions:

- CEDAW (Committee on the Elimination of Discrimination against Women)
- UN Human Rights Committee
- Council of Europe (Group of Experts on Action against Trafficking in Human Beings)
- CESCR (the Committee on Economic, Social and Cultural Rights)
- UN Committee against Tortures
- UN Committee on the Rights of the Child
- ECSR (European Committee of Social Rights)
- UN Human Rights Council

MONITORING OF THE IMPLEMENTATION OF THE INTERANTIONAL OBLIGATIONS

Key monitoring mechanisms related to the implementation of anti-trafficking obligations of Ukraine:

Report of the Group of Experts on Action against Trafficking in Human Beings (GRETA)

The Group of Experts on Action against Trafficking in Human Beings is a body set up in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings and is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

Committee of the Parties is a body set up in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings with the following mandate:

- election of the members of GRETA,
- recommendations to a Party to the Convention concerning the measures to be taken as a follow-up to GRETA's Report, or measures aiming to promote cooperation with the respective Party for appropriate implementation of the Convention.

The first evaluation round of the implementation of the Convention by Ukraine took place in 2013-2014, second round – in 2017-2018. The report acknowledges certain progress in a number of areas. However, experts are still concerned with the situation in Ukraine and call to take immediate actions.

Recommendations for the Government of Ukraine based on the results of the second round evaluation

- strengthen efforts to prevent trafficking for the purpose of labour exploitation;
- ensure that all presumed and identified victims of trafficking receive adequate assistance and support, according to their needs;
- adopt such legislative and other measures as may be necessary to ensure that a legal person can be held liable for a criminal offence established in accordance with the Convention;
- ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, including administrative offences, to the extent that they were compelled to do so, as contained in Article 26 of the Convention;
- develop and maintain a comprehensive and coherent statistical system on trafficking in human beings;
- make full use of the available measures to protect victims and witnesses of trafficking in human beings;
- establish an independent National Rapporteur or designate as the equivalent of a National Rapporteur a separate organizational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions.

ANNUAL TRAFFICKING IN PERSONS REPORT OF THE US DEPARTMENT OF STATE



“Human trafficking is a stain as well on all of humanity. We detest it because it flagrantly violates the unalienable rights that belong to every human being. Every person, everywhere, is inherently vested with profound, inherent, equal dignity”

Michael Pompeo, presentation of the Trafficking in Persons Report 2019

Office to Monitor and Combat Trafficking in Persons at the US Department of State makes annual reports on trafficking in persons. These reports, in particular, highlight anti-trafficking activity of the United States and other countries, and evaluate the efforts of each country in acknowledging the problem of human trafficking and its combating.

The 17th Trafficking in Persons Report of the US Department of State in 2019 places Ukraine to Tier 2, which means that the Government of Ukraine does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.

Among the recommendations of the report:

- Punish convicted traffickers with proportionate and dissuasive prison sentences.
- Vigorously investigate and prosecute trafficking offenses, including public officials complicit in trafficking crimes
- Identify and certify the status of more victims
- Increase law enforcement investigations of recruitment firms engaged in fraudulent practices
- Increase training for law enforcement, prosecutors and judges in the investigation and prosecution of trafficking cases, particularly on forced labour
- Undertake a systemic effort to implement victim-witness protection measures etc.

GENERAL SITUATION IN UKRAINE

Ukraine is a country of origin, transit and destination for victims of human trafficking.

Human trafficking in Ukraine dates back to the 90th of the XX century, when Ukrainians first received the opportunity to travel abroad. At that time, human trafficking in Ukraine had a face of sex trafficking in women.

Balkan countries, which were going through war; Turkey, Italy, Spain, Germany, Hungary, Czech Republic, Greece and other countries were the key destination countries those years.



A woman was recruited to be a cleaner at a private hotel in Germany. It appeared to be a brothel, where, aside from the cleaning, she was forced to provide sexual services.

Call to the National Hotline on Prevention of Domestic Violence, Human Trafficking and Gender Discrimination

Nowadays the most common form of human trafficking is trafficking for labour exploitation. The criminals mostly recruit people with high and professional education, however, internally displaced persons, poor citizens, graduates of institutional care and street children are still in the risk group. The new tendency is recruiting potential victims via Internet on employment websites or social networks. There is also a tendency to recruit people with disabilities or mental disorders with the purpose of exploitation in begging.

The most popular countries of destination are: Russian Federation, Czech Republic, Poland, Turkey, and Ukraine itself.

IDP family went to Poland to work at the meat refrigeration enterprise, where they sliced beef and chicken. At first the working conditions were tolerable, despite 10-12 hours working day. However, afterwards their employers started to humiliate, penalize and charge them for coffee/tea, warm clothes and rent etc. After all of this there was little or no money left. Cold working conditions caused health problems for the couple.

Call to the National Hotline on Prevention of Domestic Violence, Human Trafficking and Gender Discrimination

Statistics from the hotlines, which receive calls from the citizens, demonstrates the urgency of the problem. National Toll Free Hotline on Prevention of Domestic Violence, Human Trafficking and gender Discrimination, run by CSO “La Strada-Ukraine”, since its foundation in 1997 till 2018 received around 195 000 calls. 253 450 people called to the National Counter-Trafficking and Migrant Advice Hotline, supported by IOM, in 2006-2018.

A man with the IDP status moved to Odessa with his family. He worked on construction for 3 months without any contract. The employer promised to pay him 50 000 UAH. He worked hard, which caused some issues with his back. But he wasn't paid at the end.

Call to the National Hotline on Prevention of Domestic Violence, Human Trafficking and Gender Discrimination



According to the Law of Ukraine on Combating Trafficking in Human Beings adopted on September 20, 2011, National Mechanism for Interaction of the Agents for Combating Trafficking in Human Beings was created. This mechanism includes the following agents: the Cabinet of Ministers of Ukraine; the central state executive authorities; the local state executive authorities; diplomatic institutions of Ukraine abroad; local governments, as well as civil and non-governmental organizations; charitable funds; centres of social and psychological assistance, shelters; religious organizations; citizens (lawyers, psychologists etc.).

Within the implementation of this law, Ukraine adopted a number of legal documents, particularly, the Procedure of Interaction of the Agents for Combating Trafficking in Human Beings, the Procedure for the Payment of Onetime Financial Assistance to Victims of Trafficking, Procedure of creation and functioning of unified state register of human trafficking-related crimes.

Despite all the efforts, people still find themselves in the situations of human trafficking, and require assistance, particularly, in receiving status of the victim of human trafficking. A person, who self-identified him/herself as victim of human trafficking, can refer to the hotline for consultation, the local administration at the place of living with the application to receive the status of the victim of human trafficking, National Police or non-governmental organizations for help. The Decree of the Cabinet of Ministers of Ukraine #417 dated May 23, 2012 regulates the procedure of providing a status of the victims of human trafficking to a person. However, in practice victims often face bureaucratic delays, failed terms for handling the applications, gaps in coordination between agents.

CIVIL INITIATIVES

Ukrainian civil society organizations are active participants and initiators of the human trafficking prevention, assistance to victims, implementation of the national law, and monitoring of the national policy implementation in the area. They are supported by international organizations and donors, particularly by International Organization for Migration (IOM) and OSCE Project Coordinator in Ukraine.

Examples of national awareness-raising campaigns:



- **Public art-installation “Invisible”** was initiated by IOM and civil society organizations. It focuses the attention of the society on the problem of human trafficking and tells real-life stories of the victims living among us, but often left unnoticed. One hundred and twenty figures represent 120 000 Ukrainians who according to IOM suffered from human trafficking since 1991. Twelve figures have printed real-life stories of the victims of modern slavery.



- **National anti-trafficking information campaign “Danger Might Be Invisible at First”** starring the popular Ukrainian singer Jamala, who is the counter-trafficking Goodwill Ambassador for IOM. The campaign was initiated by International Organization for Migration (IOM) funded by USAID project and supported by Ukrainian Ministries of Social Policy and Internal Affairs. Civil society organizations participate in its implementation.

- **Red Card information campaign was launched before Euro 2012.** The campaign was implemented in cooperation with the State Service for Youth and Sports of Ukraine, UN Child Fund UNICEF, CSO “La Strada-Ukraine”, UniCredit Foundation and ICCO and KerkinActie. Popular Ukrainian sportsmen and singers became the faces of the campaign: Andriy Shevchenko, Vasyl Virastiuk, Gaytana, Ani Lorak. The Red Card campaign aimed to address Ukrainians, especially young people, with urgent social issues, like sexual exploitation, violence etc.

Ukrainians can receive preventive, consultative and legal assistance on the hotlines:

National Toll Free Hotline on Prevention of Domestic Violence, Human Trafficking and Gender Discrimination (0-800-500-335 free for fixed phones and 116 123 – free for cells. 24/7. Anonymous. Confidential).

This hotline is run by Civil Society Organization “La Strada-Ukraine”. The key objective of the hotline is telephone and in-person and psychological, legal consultations.



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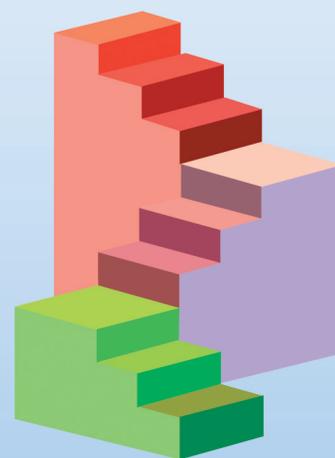
National Counter-Trafficking and Migrant Advice Hotline (527 for cells and 0-800-505-501 for fixed phones) is a confidential support service providing information and assistance to victims of human trafficking and risk group representatives, ensuring credible information about current migration realities and risks for Ukrainian migrants, particularly about human trafficking and risks of illegal crossings of the border or entries to foreign countries. This hotline is run by International Organization for Migration (IOM Ukraine).

Migrant Advice Hotline (527 for cells and 0-800-505-501 for fixed phones) is a confidential support service providing information and assistance to victims of human trafficking and risk group representatives, ensuring credible information about current migration realities and risks for Ukrainian migrants, particularly about human trafficking and risks of illegal crossings of the border or entries to foreign countries. This hotline is run by International Organization for Migration (IOM Ukraine).

Calls to the hotlines within Ukraine are free of charge.

KEY COUNTER-TRAFFICKING STEPS TO TAKE:

- Make amendments to the law on a number of issues outlined by GRETA report, for instance: release from punishment human trafficking victims, if they were compelled to participate in unlawful activity;
- Ensure that all presumed victims of trafficking receive adequate assistance and support;
- Penalize convicted traffickers with more severe penalty;
- Support and develop the service providers system for human trafficking victims, including the services provided by civil society organizations;
- Support anti-trafficking hotlines;
- Continue prevention work, active public work;
- Ratify the Council of Europe Convention against Trafficking in Human Organs;
- Develop a comprehensive and coherent statistical system on trafficking in human beings;
- Strengthen the cooperation between the National Mechanism of Interaction agents and non-governmental organizations and foreign governments;
- Increase training for specialists working in the counter-trafficking area.



This digest is designed in cooperation with the Government Commissioner for Gender Equality within the project on “Advocacy for improvement of the national anti-trafficking response and policy” supported by the International Organization for Migration and the Norwegian Ministry of Foreign Affairs.

Government Commissioner for Gender Equality Policy is the official authorized by the Cabinet of Ministers of Ukraine to organize the implementation by the Cabinet of Ministers of Ukraine of the duties on ensuring equal rights and opportunities between women and men in all aspects of the social life.

CSO “La Strada-Ukraine” is the civil society organization working to ensure gender equality, build peace, prevent all types of gender based violence, especially domestic violence, counteract human trafficking and protect the rights of the children, by contributing to the implementation of human rights standards in all aspects of life of the society and the state.

Thoughts and views in this publication do not necessarily reflect the position of the International Organization for Migration (IOM) and its member-states or the Norwegian Ministry of Foreign Affairs.

Compilers: Y. V. Anosova, H.H. Zhukovska, O.A. Kalashnyk, A.O. Kryvuliak, M.M. Legenka, K.V. Cherepakha, O.V. Shved

CONTACT US:

CSO “La Strada-Ukraine”

Ukraine,
03113, Kyiv-113, PO box 26
Telephone/fax: +380 44 205 36 95
E-mail: info@la-strada.org.ua

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Web-site: <http://la-strada.org.ua/>

National Toll Free Hotline on Prevention of Domestic Violence, Human Trafficking and Gender Discrimination

116 123 (for cells)

or

0 800 500 335 (for fixed phones)

National Counter-Trafficking and Migrant Advice Hotline

527 (for cells)

or

0-800-505-501 (for fixed phones)

and:

Government Commissioner for Gender Equality Policy:

<https://www.facebook.com/GovernmentCommissionerforGenderPolicy/>

Current publication uses pictures from the following resources:

<https://reliefweb.int/sites/reliefweb.int/files/resources/2019-Trafficking-in-Persons-Report.pdf>

<http://iom.org.ua/ua/art-instalyaciya-mom-pryvertaye-uvagu-do-problemy-suchasnogo-rabstva>

<https://www.facebook.com/jamalaofficial/photos/a.147880118592157/1556626061050882/?type=3&theater>