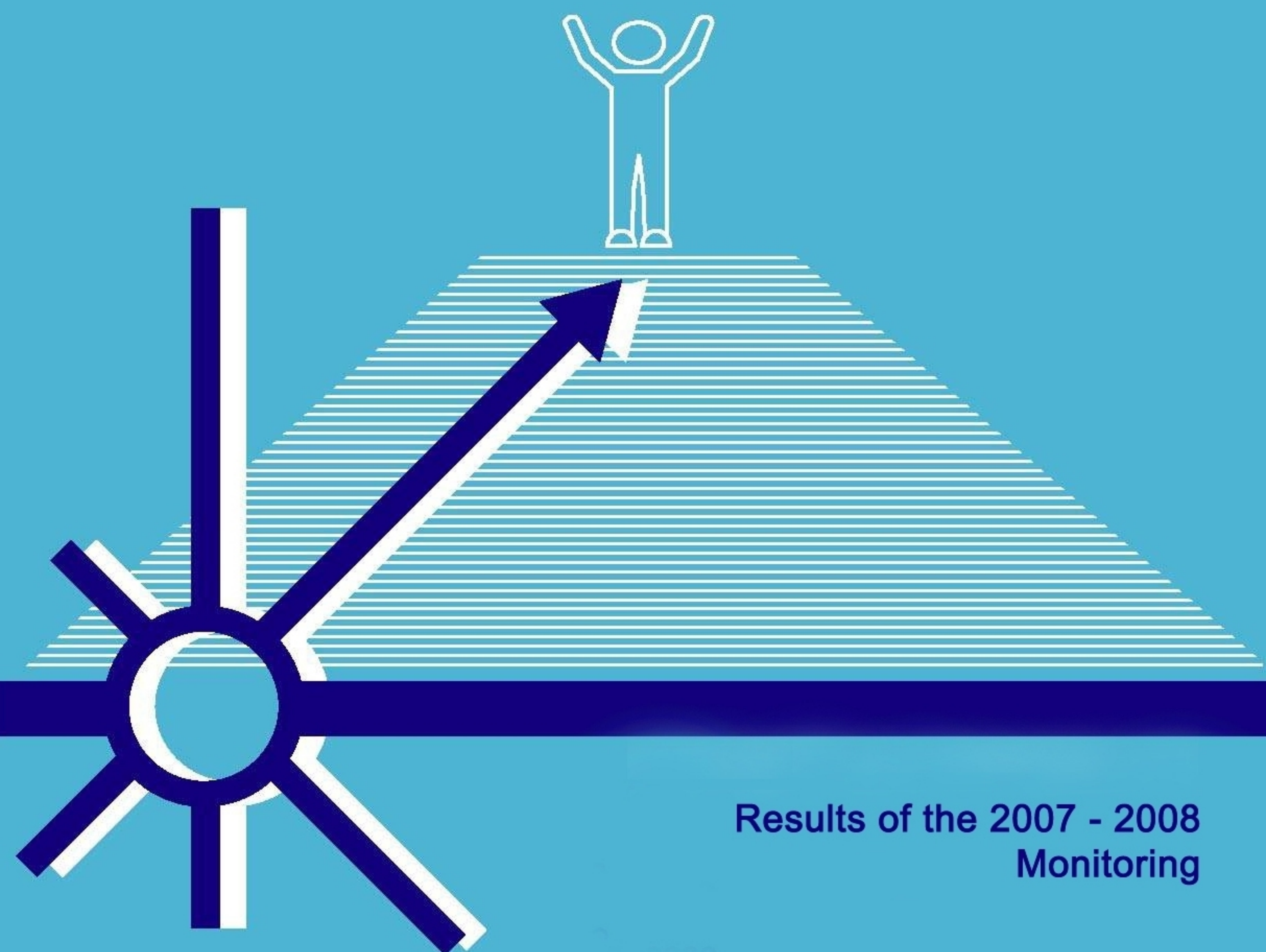


# Status Report on Implementation of the State Programme on Combating Trafficking in Human Beings for the period until 2010

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Results of the 2007 - 2008  
Monitoring

Kyiv 2009

**Ministry of Ukraine on Family, Youth and Sports Affairs**  
**International Women's Rights Centre “La Strada-Ukraine”**

**Status Report**  
**on Implementation of the State**  
**Programme on Combating Trafficking**  
**in Human Beings for the period until**  
**2010**

***Results of the 2007–2008 Monitoring***

Kyiv 2009

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Status Report on Implementation of the State Programme on Combating Trafficking in Human Beings for the period until 2010 in Ukraine: Results of the 2007–2008 Monitoring./ Under the editorship of K.B. Levchenko. – K. : Ukraine, 2009. – 72 p.

The book presents the results of monitoring over the implementation of the State Program on Combating Trafficking in Human Beings for the period until 2010, which has been initiated by the International Women's Rights Centre “La Strada-Ukraine” and conducted in cooperation with the Ministry of Ukraine on Family, Youth and Sports Affairs to study the problems and work out recommendations on the improvement of these activities.

The book is intended for the representatives of public authorities, public and international organizations as well as for the general public.

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# Chapter 1. Trafficking in human beings: definition, causes of its existence, socio-political context, organization of monitoring

## 1.1. Trafficking in human beings as a violation of human rights

Trafficking in human beings is considered as a violation of human rights for which any state must be answerable. A milestone in the assertion of such a concept was the World Conference on Human Rights held in Vienna in 1993. The defence of human rights has served as a basis for the developed of a number of international instruments on combating trafficking. Among them were the following: the Hague Ministerial Declaration (1997), UN Convention against Transnational Organized Crime (2000), Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the above-mentioned Convention, Brussels Declaration (2002), Council of Europe Convention on Action against Trafficking (2005) and many others emphasizing human trafficking as a violation of human rights.

The problems that arise are connected with the transition from declarative provisions to the formation of the policy of “positive actions” based on enhancing and strengthening the status of a person in society and his rights. In the future, it shall exclude the possibility to sell or buy people.

The following basic rights are violated while trafficking in persons:

*The right to life, liberty and personal integrity:* arbitrary detention or arrest means that they have been carried out in violation of current legislation; the detention period is not specified and no specific accusations are made.

*Freedom from slavery:* among the types of violence is forced labour without payment or debt dependency.

*The right to freedom from torture, cruel or inhuman treatment:* individuals who have suffered from trafficking in human beings often undergo physical and psychological violence, degrading treatment, rape and torture.

*Equality before the law:* very often the attitude of judges and the judiciary to the people who have suffered from trafficking in human beings depends on gender, race, ethnicity, availability or lack of legal status or origin. Representatives of the judiciary and law courts often bring accusations not against traffickers, but against people who suffered from human trafficking.

*Freedom of movement and residence:* this right is violated when passport and documents for entry and stay of a person has been withdrawn or he is held a prisoner.

*The right to work, to form and join trade unions:* those who had been sold cannot create or join trade unions and cannot do anything to improve working conditions.

*The right of everyone to an adequate standard of living:* persons who have suffered from human trafficking are often unable to properly eat, are forced to live in bad conditions, and they may be denied medical care. They are threatened with infections in the case of banning to use contraceptives.

*The right to rest:* the violation of human rights is the compulsion to work overtime without days-off. This clause is often violated as to housemaid, children working in summer or during holidays, labourers who leave to work for owners.

*Freedom of marriage:* women's rights are violated when they do not have equal rights with men in marriage or when women are forced to marry against their will.

The actual trafficking in human beings is a violation of human rights. In addition to this, it is often the result of the violation of other human rights. Thus, the data provided by the NGOs testify that most women, who became victims of trafficking, regularly suffered

from domestic violence<sup>1</sup>.

## 1.2. What is monitoring?

Monitoring is a systematic collection and processing of information that can be used to improve the decision-making process either indirectly (through public awareness) or directly (as a tool for feedback aimed at implementation of project, evaluation of programmes and development of policy).

The purpose of monitoring is to determine whether the programme is effective; that is, whether the activities, which have been scheduled and conducted, give expected results and whether these results provide the accomplishment of specific tasks and achievement of strategic goals. On the basis of the obtained results it is possible to improve activities at the operational level or restate strategic goals at strategic level. Monitoring can also be defined as regular monitoring and observation over defined objects, and as a part of management, which includes continuous observation and analysis of the studied objects and monitoring over change dynamics.

Monitoring fulfils one or more of the three organizational functions: identifies critical phenomena of social life as well as those phenomena which are in the state of change, and which presuppose the development of a plan of action for the future; can help establish relations with the environment, provide feedback and possibility to take previous successes and failures of specific policies or programmes into consideration; may be useful for achieving compliance with rules and contractual obligations (see Fig. 1.1).

Data obtained from the monitoring and results of the estimate are of vital importance for the review of the activity against human trafficking<sup>2</sup>.

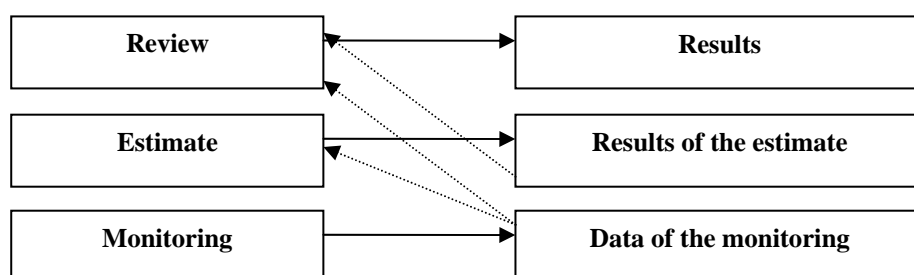


Figure 1.1.

However, this section regarding monitoring as well as some others are not mentioned

<sup>1</sup> Domestic violence is not only the violation of human rights; it was recognized as one of the “coercing” factors that push women into the meshes of traffickers. The officials of the Women's Resource Centre, NGO supporting the “hot line” for potential victims of trafficking in Dnipropetrovsk, have notified the representatives of Amnesty International of the fact that about 50% of women victims of trafficking, with whom they worked, were victims of domestic violence before leaving abroad. Polls conducted by the International Organization for Migration showed that 80% of women who received their assistance were, first, victims of domestic violence and only then victims of trafficking. (based on the reports of Amnesty International “Domestic violence: blaming victim”: <http://www.helsinki.org.ua/index.php?id=1164375558>). International Women's Rights Centre “La Strada-Ukraine” received a large number of applications concerning domestic violence on the National Hot-Line on Prevention of Human Trafficking, which, in 2004, forced the Centre to open a separate Hot-Line having a separate phone number exclusively for preventing violence and protecting the rights of children. See more about the problem of domestic violence in a separate chapter “Basic problems of human rights violation in the case of domestic violence. Monitoring over the State Program (see Chapter 4).

<sup>2</sup> Monitoring over the implementation of the State Programme on Combating Trafficking in Human Beings for the Period until 2010. Compilation of informational and methodical materials – K.: 2008. – 104 p.

in the State Programme on Combating Trafficking in Human Beings for the Period until 2010 approved by the Cabinet of Ministers on March 7, 2007. Thus, the practice of organizing and conducting monitoring over different social programmes and projects remains the prerogative of non-governmental organizations. Meanwhile, the Ministry of Family, Youth and Sports, non-governmental and international organizations jointly monitor the State Programme<sup>3</sup>.

### ***1.3. Definition of the trafficking in human beings***

Having ratified the Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime (2000) in 2004, Ukraine has recognized the wide definition of trafficking in human beings, which is not limited to trafficking in women for the purpose of sexual exploitation only, as referred to in the UN Convention for the Suppression of Trafficking in Persons and of the Exploitation of Prostitution of Others (1949).

Trafficking in persons shall mean 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 or 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.

Adoption of the international definition of trafficking in you to bring the legal framework for activities aimed at combating stereotypes which dominate in society and according to which trafficking in human beings is identified with prostitution. General theoretical discussions concerning the definition of concepts and phenomena have significant practical implications for a strategy of struggle, elimination and prevention of some phenomena, including trafficking in human beings. Blurry definition of concepts leads to unclear understanding, to the fact that one concept explains different phenomena, and it results in inconsistencies or lack of action<sup>4</sup>.

In particular, almost every publication in mass media on trafficking in human beings is still accompanied by photographs of women - sex workers. Even the titles of these materials speak for themselves, for example: "Woman is not a merchandise", "Girls on call", "Trustful Ukrainian women become sex merchandise", "I am a sex slave", etc.

Such a stereotype served as a basis for the stigmatization of victims of trafficking as people who were involved in sex business (without distinction between free will and coercion). Accordingly, it became difficult to provide victims of trafficking with appropriate assistance. In addition, victims of trafficking feared cooperation with law enforcement authorities, rejected giving testimony against criminals, as were afraid of punishment for prostitution. Actually this fact was actively used by the traffickers, who blackmailed victims

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<sup>3</sup> Monitoring of the State Program on combating trafficking in human beings for the period until 2010 was conducted during June 22-26, 2009 in the cities of Zhytomyr, Vinnytsia, Khmelnytsky, Rivne, Lutsk. Monitoring was conducted by the Ministry of Ukraine for Family, Youth and Sports and the International Organization for Migration. Joint meetings were also held on the implementation of the State Program on combating trafficking in human beings for the period until 2010 with the participation of representatives of regional departments of Family, Youth and Sport, departments on organized crime, regional employment centres, services for children, public organizations during business trips to these cities. Information report will be prepared as a result of monitoring. [http://www.kmu.gov.ua/sport/control/publish/article?art\\_id=105056](http://www.kmu.gov.ua/sport/control/publish/article?art_id=105056)

<sup>4</sup> Levchenko K.B. "Trafficking in Persons" and "Trafficking in women": the problems of forming terminology of contemporary documents// Visnyk UVS, Kharkiv. – 2000. – No. 11. – P. 24 – 30.



saying that cooperation with the police will reflect on the victims, and “we will pay off”<sup>5</sup>.

In addition, only women were considered victims<sup>6</sup>. Thus, men who suffered from this crime were either stigmatized or regarded as non-victims. This fact led to repeated violations of rights, which occur when person tries to obtain assistance through rehabilitation and reintegration programmes.

Activities, that have been carried out by non-governmental and international organizations since 1997 and which are aimed at informing and explaining the nature of the problem of trafficking in persons, various forms of exploitation, risk groups and categories of victims, have caused some changes in understanding of the problems by both specialists and general public.

#### ***1.4. Socio-political context of the procedures connected with combating trafficking in human beings in Ukraine in 2007 – 2008.***

The organization of activities against trafficking in human beings in Ukraine has been developing recently in a very complex socio-political atmosphere; and this fact largely explains the achievements and flaws of these activities.

Effective monitoring provides an overview of common problems and socio-political context of such activities.

Thus, 2007 has been identified as the year of instability in Ukraine, and of deep parliamentary crisis, which led to early parliamentary elections. In fact, the Parliament did not work from February to December 2007, and that resulted in the rejection of a number of important laws, in particular in the sphere of combating violence, of children's rights protection, of implementation of gender equality.

Instability has also been indicated in the activity of executive branch. Changes in personnel, which occurred after each change of government, brought to the power a large number of people who are generally unfamiliar with the issues of trafficking in human beings, domestic violence, gender equality, and human rights.

This situation aggravated the activities of NGOs, and led to the postponement of the already developed and scheduled programs.

The Cabinet of Ministers approved the State Programme on Combating Trafficking in Human Beings for the period until 2010 on March 7, 2007. But its final version was significantly reduced in comparison with the draft-project developed jointly by governmental, international and non-governmental organizations in 2005. Thus, the Programme does not include the system of monitoring over its implementation, as well as provisions regarding the establishment of the office of the State coordinator for combating trafficking in human beings and regarding the building of the national referral mechanism for victims of trafficking in human beings, etc.

The funding of the Programme has amounted to only 1469.7 thousand hryvnias for the whole period of its implementation. Inter-Agency Coordinating Council for the Prevention of Trafficking in Human Beings has never been in session during 2006-2007. Moreover, it was eliminated. To substitute for the above-mentioned Council, the Cabinet of Ministers has adopted Decree No 1087 of September 5, 2007 establishing Inter-Agency Council on the Issues of Family, Gender Equality, Demographic Development, and Combating Trafficking in Human Beings; as the result of this, the purpose of the Agency's

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<sup>5</sup> According to the Toll-Free Hotline of the International Women's Rights Centre “La Strada-Ukraine”.

<sup>6</sup> The first State Program on combating trafficking in human beings, which was adopted in 1999 (Decree of the Cabinet of Ministers of Ukraine No. 1768 of September 25, 1999) was called “Program on preventing trafficking in women and children”. Projects of public organizations were exclusively based on the prevention of trafficking in women. For example, 1997 – 1999 La Strada program was called “Prevention of trafficking in Persons in Central and Eastern Europe”. La Strada refused to limit activity exclusively on the problem of trafficking in women only in 2000.

activity was somewhat lost.

The Convention of the Council of Europe on Combating Trafficking in Human Beings, which Ukraine signed in November 2005, has not been ratified during 2006-2008 either.

The year of 2008, as well as the previous one, was characterized by the unstable situation in the country. The activities of Verkhovna Rada were blocked; changes in personnel continued. The national program, entitled “The National Action Plan on Implementing the United Nations Convention on the Rights of the Child” has not been adopted this year again<sup>7</sup>.

Two inter-agency sessions under the auspices of the CMU focusing on combating trafficking in human beings have become significant events in 2008. One of the meetings was devoted to the measures aimed at improving the situation in the field of combating trafficking in human beings which should be taken by the central and local executive authorities; the report on the study entitled “The estimate of the needs of the referral mechanism for victims of trafficking in human beings in Ukraine” (supported by the office of the OSCE Project-Coordinator in Ukraine) and situation regarding combating trafficking in children in Ukraine were discussed during the second session.

In 2008, Verkhovna Rada also passed the Law on Amending Some Legislative Acts of Ukraine concerning Improvement of Legislation of Ukraine on Combating Domestic Violence, which came into force on January 1, 2009.

The end of the year was characterized by the deteriorating “gas crisis” and the beginning of the international economic crisis. All these events pushed the solution of problems related to trafficking in human beings, domestic violence and other social problems to the sidelines. The economic crisis caused dramatic increase in unemployment. This can lead to increased migration of nationals to find work, intensification of activities of dishonest intermediary firms on employment and recruiters. On the other hand, Ukrainian labour migrants, who lost their sources of income, are returning from other countries. According to experts, the crisis in society may also cause a surge of violence, in particular domestic violence.

### ***1.5. Main factors of trafficking in human beings: current views***

The reasons (internal and external) causing dissemination of trafficking in human beings in post-Soviet countries are also dynamically developing.

Thus, the traditional ones are considered the following: unemployment, low standards of living, legal ignorance of the population, superficial view of the easy life in Western countries, lack of real information about the problem, sexualization of life, promotion of sex, internationalization of economy, active international labour migration, and expansion of opportunities for Ukrainian citizens to travel, especially outside the country, etc.

Our estimates made several years ago are still topical. If 5 or 8 years ago unemployment was the main factor, today both victims and experts emphasize that very low income and extremely poor payment for highly skilled labour (doctors, health care workers, and teachers, the absolute majority of whom are women), rather than unemployment, lead to poverty and despair. Unique is a fact that standards of living of the population, which in accordance to international norms refers to “middle class”, have drastically reduced. All these factors stipulate citizens to look for a work abroad. Meanwhile, the most accessible area of employment for Ukrainian women abroad is sex industry, especially illegal one. Direct communication with women who want to work abroad and those who returned from

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<sup>7</sup> The Program was adopted by the Parliament of Ukraine on March 5, 2009.

there shows that lack of awareness of Ukrainian citizens concerning the employment abroad, as well as the consequences of illegal stay there still play negative role in promoting trafficking in human beings in Ukraine.

Ineffectiveness of political and economic transformations in the country, corrupt officials, declarative social policy, dramatic separation of the political elite from the absolute majority of the population, impossibility of implementing “dreams” existing during the first years of independence led to the manifestation of another factor - disbelief in the positive changes in the country. Young people do not see prospects for life and a self-realization in the Ukrainian society in such a gloomy situation. Parents do not see prospects for their children. Higher education does not guarantee normal, secured life. Departure abroad is regarded not only as a temporary solution to financial problems the family, but also as a strategy of life for the young generation. In this case, it is clear that information campaign cannot be regarded as an effective method of combating. It is of vital importance to change the management of social and political processes in society.

The situation is exacerbated by the fact that the migration quickly acquires criminal character, because legal opportunities for working abroad are not enough for everyone. Moreover, among the factors affecting the spread of trafficking in human beings, experts increasingly point out the general criminalization of society.

Legal factors have also undergone certain changes. Law against trafficking in human beings has been passed. However there is no really working system to protect victims from the traffickers in Ukraine, there is no law on social protection of Ukrainian citizens abroad, either.

The causes of trafficking also have some external factors which include opening of borders – the fact that facilitates opportunities for tourism and job search; internationalization of shadow economy; formation of international criminal associations; expanding gap between rich and poor countries concerning living standards; loyal legislation on prostitution in many countries; globalization of economy and migration. And it absolutely clear that it is difficult and almost impossible to eliminate these global factors. However in order to limit their impact it is necessary to study, comprehend and incorporate in the activity against trafficking in persons.

The existence of so-called social networks is an important factor that emerged and developed at the beginning of the new century. According to the study of the International Labour Organization, the majority of migrants, who are either successful people or victims of trafficking, have one of their relatives or close friends working abroad. This fact promotes awareness of opportunities for employment abroad and facilitates the process of departure. The greatest risk of becoming victims of trafficking is seen for those who leave abroad to be illegally employed through a mediator who pays the costs for visa and passport, and purchases tickets. These costs are an additional motivating factor preventing people from refusing the trip if there are some doubts concerning its security; and since migrants have debts, they cannot voluntarily leave their jobs.

## ***1.6. Influence of financial crisis on trafficking in human beings***

As it has already been noted, the end of 2008 was characterized by the development of global financial crisis. Experts expressed different predictions concerning its consequences for the Ukrainian labour migrants. Thus, according to some experts, this can lead to a mass return of Ukrainian labour migrants who lost sources of income from other States. Taking into consideration the dramatic decrease in employed people in Ukraine, labour migrants are sure to join the list of those who are unemployed when they come back<sup>8</sup>.

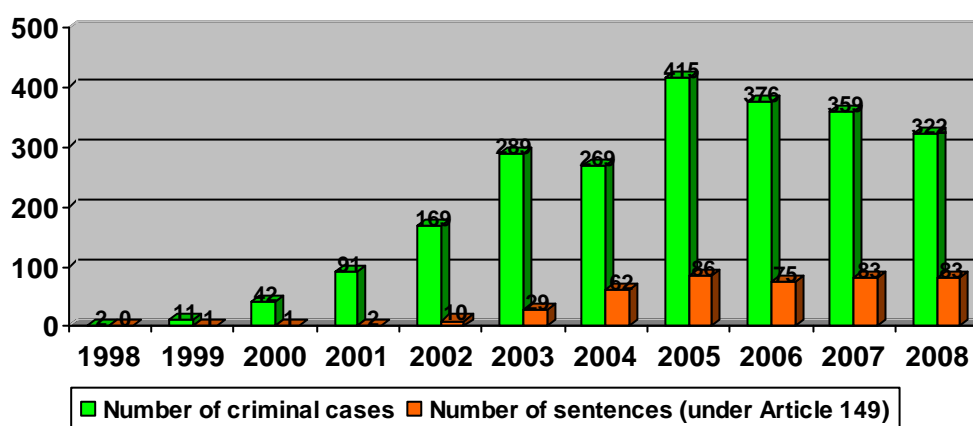
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<sup>8</sup> <http://www.ua.rian.ru/economy/20081231/78072285.html>  
<http://korrespondent.net/business/economics/756410>

Nevertheless other experts, including the representatives of the Ministry of Labour and Social Policy, deny the mass return of labour migrants to Ukraine. According to some estimates, the movement of labour migrants is quite natural: they come to their relatives on holidays, but then returned to their jobs abroad. However, there has emerged a tendency of labour migration within the country, when oblasts that lack manpower invite employees from the oblasts where the rate of unemployment is extremely high. Ex-Minister of Foreign Affairs of Ukraine Arseniy Yatsenyuk assured that despite the policy of the European Union and Russia on limiting the number of labour migrants who have left these countries to work abroad, the Ukrainians are not coming back because there is a demand on their high professionalism<sup>9</sup>.

### ***1.7. Problems connected with the inefficient activities of the judicial branch***

Reports given by international organizations and observation of experts in the sphere of combating trafficking in persons give grounds to state the generally poor performance of the judiciary, which becomes apparent in the ineffectiveness of court proceedings. Thus, data on the number of criminal cases opened under article 149 and the number of cases under which sentences were passed are compared in the chart below (Chart 1.2).



**Chart 1.2.**

According to the chart presented above<sup>10</sup>, the problem of low efficiency of court proceedings and consideration of judgement for criminals remains a serious obstacle on the way to implementing the right of victims of trafficking to trial.

The problem should be solved by means of educational activities and training programmes conducted for the judiciary, including at the Academy of Judges, by strengthening anti-corruption legislation and monitoring over building mechanisms which make it impossible for judges to abuse power.

<http://www.dt.ua/2000/2675/64965/>

<sup>9</sup> <http://mycityua.com/news/country/2009/03/11/085501.html>

[http://www.newsru.ua/arch/ukraine/23apr2009/ne\\_powertajutsja.html](http://www.newsru.ua/arch/ukraine/23apr2009/ne_powertajutsja.html)

<http://www.ukranews.com/ukr/article/194167.html>

<http://www.epravda.com.ua/news/4a0164389ec0c/>

<sup>10</sup> It was taken from the leaflets of the International Organization for Migration. The results of activities in 2008.

## Chapter 2. Problem questions of combating trafficking in human beings in Ukraine (2007–2008)

The problem of trafficking in human beings, organization of activities aimed at preventing this crime and assisting victims of trafficking have remained topical during 2008.

The most problematic areas of the state policy on combating trafficking in persons are legal investigation and prosecution of criminals, as well as provision of necessary assistance to victims of trafficking in accordance with the requirements and standards of the relevant international instruments, in particular Council of Europe Convention on Action against Trafficking in Human Beings which contains basic principles of the countries' actions in this area<sup>11</sup>, OSCE Action Plan combating trafficking in human beings<sup>12</sup> and other instruments.

### *2.1. National Referral Mechanism for victims of trafficking in human beings*

National referral mechanism for the victims of trafficking in human beings - the mechanism of cooperation within the framework of which state agencies perform their obligations to ensure and protect human rights of persons affected by trafficking, and coordinate efforts in strategic partnership with civil society<sup>13</sup>. Establishment and implementation of such a mechanism are considered by the international community as an important and necessary condition for the formation of effective policies on combating trafficking in human beings and protect the rights of victims.

However, the State Program on combating trafficking in human beings in Ukraine does not include relevant provisions on building such a mechanism.

Office of the OSCE Project Coordinator in Ukraine carries out active work to build in Ukraine National Referral Mechanism for victims of trafficking.

The study of the needs of the National Referral Mechanism for the victims of trafficking in Ukraine started in 2007 was completed in 2008. The study was conducted by a group of independent consultants (one international and two national) at the request of the OSCE Project Coordinator in Ukraine and at the instance of the Ministry of Family, Youth and Sport, and funded by the Ministry of Foreign Affairs of Denmark within the framework of the Danish programme on Combating Trafficking in Human Beings in South - Eastern and Eastern Europe. Report on investigation entitled "Estimate of the needs of the National Referral Mechanism for victims of trafficking in human beings in Ukraine" was submitted to the Interagency Council on the Issues of Family, Gender Equality, Economic Development and Combating Trafficking in Human Beings and approved at its session on July 3, 2008.

According to the results of the investigation and on the basis of the decision made by Interagency Council on the Issues of Family, Gender Equality, Economic Development and Combating Trafficking in Human Beings, the Ministry for Family, Youth and Sport has proposed that the OSCE Project Coordinator in Ukraine should prepare and implement the project on building National referral mechanism in Ukraine using the advanced international experience. The operation report was developed; its implementation was approved for 2009-2011. In particular, it has been planned to take measures to improve the legislation on the

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<sup>11</sup>Council of Europe Convention on Action against Trafficking in Human Beings was not ratified by the Parliament in 2008 either.

<http://www.lastrada.org.ua/content/doc/Convention%20on%20Action%20against%20Trafficking%20in%20Human%20Beings1.doc>

<sup>12</sup> [http://www.osce.org/press\\_rel/2003/pdf\\_documents/07-3447-pc1.pdf](http://www.osce.org/press_rel/2003/pdf_documents/07-3447-pc1.pdf)

<sup>13</sup> "Needs Assessment of the National Referral Mechanism for Victims of Trafficking in Human Beings in Ukraine". Report on 2008 OSCE Research.



issues of identifying and assisting victims of trafficking, to work out the mechanisms of interaction and cooperation between various government agencies and services and public organizations.

The implementation of practical aspects of the functioning of National referral mechanism is scheduled to take place at the two pilot regions. Several factors will be taken into consideration in the process of defining these regions; among them are: difference between demographic and socio-economic situation in the regions, difference in geographical position, etc.

Apart from the above-mentioned project, the OSCE Project Coordinator in Ukraine has recently held a number of other activities which indirectly contribute to the development of National Referral Mechanism in Ukraine. Among such activities the following ones are worth mentioning: seminars and trainings for the representatives of various government agencies and departments, e.g. service of district police inspectors, regional authorities, medical community and others. These activities dealt with the issues of identifying and assisting victims of trafficking. A number of publications highlighting various aspects of assisting such persons have been issued. Draft report is posted on the website of the Ministry of Family, Youth and Sports.

## ***2.2. Reports of international organizations and other states on the assessment of Ukrainian activity aimed at combating trafficking in human beings***

In order to implement the National Act on Combating Trafficking in Human Beings, the US Department of State prepares Status Reports on combating trafficking in human beings in all countries. Collecting and analyzing information, the State Department divides countries into three groups: first group, second group and third one in accordance with the implementation level of the policy on combating trafficking in human beings. Such reports have been prepared since 2001. According to experts of the US State Department, Ukraine shall be referred to such groups<sup>14</sup>:

**Table 2.1.**

2001	2002	2003	2004	2005	2006	2007	2008	2009
	2	2	2	2 Watch list	2	2 Watch list	2	2 Watch list

According to the **US State Department Report on trafficking in human beings of June 4, 2008**<sup>15</sup>, the government of Ukraine does not fully adhere to minimum standards for eliminating trafficking in human beings; however, the Government makes a lot of effort to do it. The authorities also took a modest but important step in imposing penalties to convicted traffickers, prosecuting trafficking in human beings for the purpose of labour exploitation, training of judges and conducting preventive campaigns. It has been recommended in the report that Ukraine continue to take measures to ensure that significant prison term be imposed on traffickers, take measures to overcome the involvement of civil servants to trafficking; continue to hold specialized trainings for prosecutors and judges; increase funding aimed at protecting and assisting victims of trafficking and take measures to reduce demand for commercial sex (the report was published in 2009).

<sup>14</sup> <http://www.state.gov/g/tip/rls/tiprpt/index.htm> The report is published according to the results of the year approximately at the beginning of June of the next year.

<sup>15</sup> [http://kiev.usembassy.gov/files/080604\\_TIP\\_Report\\_2008\\_Ukraine\\_Ukr.html](http://kiev.usembassy.gov/files/080604_TIP_Report_2008_Ukraine_Ukr.html)

It has also been noted also that Ukraine has demonstrated progress in prosecuting and punishing persons who committed crimes related to trafficking in human beings. The Prosecutor General ordered the prosecutors to be more rigorous in the issue of imposing sentence on convicted traffickers and to appeal every sentence which does not stipulate imprisonment in July 2007. As a result, the percentage of traffickers sentenced to imprisonment rose from 36 during the first six months to 44 during the second six months of 2007. Despite the numerous reports on trafficking-related corruption in 2007, Ukraine was unable to demonstrate any measures taken to actively investigate, take the matter to court, prosecute and convict government officials involved in this crime. Government provided financial support for the regular formal training structures combating trafficking in human beings across the country. The Government cooperates with other governments on the issues related to combating trafficking in human beings. However, it recognizes the need to simplify the procedures of mutual legal assistance between Ukraine and countries of destination of the victims of this crime. At the same time, preventive measures which shall be taken by Ukraine largely depend on funding by international donors. The Government of the country has not increased funding for victims; local authorities have not supported these measures.

The state has made some progress in preventing trafficking in human beings during the reporting period. In 2007 the government broadcast public information programme entitled “Do not look at jobs abroad through pink glasses”, and collaterally placed the same posters on billboards. The government spent about 53,465 US dollars to publish and disseminate information materials; local authorities have also made additional contribution to preventive measures. The Government has not taken any measures to reduce demand on commercial sex. Ukrainian National Defence Academy in cooperation with International Organization for Migration have conducted training on combating trafficking in human beings for Ukrainian peacekeepers who will perform international tasks over the past three years. During the reporting period, the Ministry of Internal Affairs cooperated with Interpol to prevent people who committed offenses related to child sex tourism from entering Ukraine.

**2008 Human Rights Reports: Ukraine<sup>16</sup>.** It was published by the State Department's Bureau of Democracy, Human Rights and Labour on February 25, 2009; it contains a separate chapter 5 on the problems of discrimination, domestic violence and trafficking in human beings. According to the estimates of the State Department, corruption within the judicial and police systems has impeded the fight against trafficking. A small number of trafficking-related corruption charges brought against officials questioned the desire of the authorities to take serious disciplinary measures, especially against high-level officials. Experts on trafficking in human beings believed that prosecutors were weakest chain in the process of combating this phenomenon because they had negative stereotypes of victims and were unable to rigorously pursue criminals. Difficulty in obtaining evidence from abroad was another factor that contributed to the fact that a small number of cases were brought into court.

Although some of the victims gave testimony against traffickers, the majority did not want to do this due to the distrust of law enforcement bodies and courts, negative attitude of society towards the victims of trafficking, weak witness protection programmes and confidence in that investigators and judges do not understand the real risk posed to victims by traffickers. Scepticism about the fact that civilian courts will impose substantial compensation kept victims from filing civil claims in criminal cases. Some government bodies took steps to solve these problems during the year. Two courts in Ivano-Frankivsk were equipped with separate rooms for witnesses. Thus, witnesses and victims of trafficking

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<sup>16</sup> [http://kiev.usembassy.gov/files/090325\\_human\\_rights\\_report\\_2008\\_Ukr.html](http://kiev.usembassy.gov/files/090325_human_rights_report_2008_Ukr.html)

in human beings and other serious crimes had the opportunity to testify in safe environment and, if necessary, and testify confidentially through video or telephone. This solution to the problem of testimony has allowed judges to protect the rights of victims, witnesses and defendants during examination of evidence by court and gave prosecutors an opportunity to provide witnesses who were afraid of giving testimony with security and protection during the trial.

Local non-governmental organisations ran a number of shelters in big cities. Facilities for these shelters were provided by local authorities for nominal price. Public funding of such shelters remained limited. However, Toll-Free Hotline continued to operate and assist individuals who experienced exploitation abroad.

The Government consistently cooperated with NGOs on programmes aimed at combating trafficking in human beings during the year. Local authorities included NGOs as partners in regional programmes, however most of the funding for information materials, free or inexpensive offices and shelters were granted by the international donors. Nevertheless, local authorities provided NGOs with modest financial and non-monetary assistance for information companies, trainings, educational materials and transport services, in particular small grants ranging from 500 UAH (about 65 USD) to more than 19 000 UAH (about 2 450 USD). Local authorities also provided with free facilities for trainings and educational activities.

The government endeavoured to improve the assistance of its diplomatic missions in the countries where the victims stayed. During the first nine months of 2007, consular offices of Ukraine stationed abroad helped to repatriate 353 citizens who suffered from trafficking in human beings to their homeland. Ministry of Foreign Affairs established centres for providing free advice to citizens about their rights in foreign countries in Kiev and five other major cities.

### **Global Report on Trafficking in Persons (February 2009)<sup>17</sup>**

Global Report on Trafficking in Persons, which was issued today by the United Nations Office on Drugs and Crime within the framework of UN GIFT, provides new information about the crime of trafficking in human beings.

When the report was promulgated in New York, the Executive Director of the United Nations Office on Drugs and Crime Antonio Maria Costa claimed that “many governments still deny the existence of this problem. They even ignore it when it comes to reporting or filing lawsuits connected to trafficking in human beings”. He noted that while the number of accusations of trafficking in human beings increased, 2 countries out of those 5 which are listed in the Global Report have not made any accusations.

According to reports, the most common form of trafficking in human beings (79%) is sexual exploitation. Victims of sexual exploitation are predominantly women and girls. Strange as it may appear, 30% of the countries providing information about the gender of the traffickers state that the majority of these traffickers are women. The fact that women sell women is considered a norm in some parts of the world. Another common form of trafficking in human beings is forced labour (18%), although this may be denied because it is rarely defined as a separate issue, as opposed to trafficking with the purpose of sexual exploitation.

About 20% of victims of trafficking all around the world are children. However, children constitute the majority in some regions of Africa and the river of Mekong (up to 100% in some countries of West Africa).

Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime is the main international treaty in this area which came into force in 2003. The report

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<sup>17</sup> <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

testifies that the number of countries fulfilling the terms of Protocol has more than doubled over the last few years (from 54 to 125 out of the total of 155 countries). However, there still are a lot of countries that do not have sufficient legal instruments or desire to comply with the terms of the Protocol.

### **Human Rights in Ukraine: 2008. Report of Human Rights Organizations<sup>18</sup>**

The report deals with the state of human rights in Ukraine in 2008, which was studied by various non-governmental human rights organizations and experts in this field. Each chapter of the book contains a list and analysis of violations of law in 2008. Report contains a separate chapter on the situation of trafficking in human beings in Ukraine. The recommendations, which are presented in this chapter, are the following:

**1. *The most important measures which should be taken in the legislative sphere:*** to ratify the Council of Europe Convention on Action against Trafficking; to ratify the Council of Europe Convention on combating sexual exploitation of children and corruption of minors; to amend Article 301 of the Criminal Code of Ukraine by providing a definition to the term “child pornography”; to finalize and submit to Verkhovna Rada a comprehensive Law “On combating trafficking in human beings”; to develop and adopt national standards for social services in the field of combating trafficking in human beings.

**2. *The most important measures which should be taken in the sphere of public administration and coordination of activities:*** to complete the establishment of a separate Interagency Coordinating Council on combating trafficking in human beings; create certain pages on websites of government authorities depicting their activities on combating trafficking in human beings; annually prepare and issue local reports reviewing the state of affairs in combating trafficking in human beings; establish the National Rapporteur Institutions On Trafficking in Human Beings and National Coordinator to Combat Trafficking in Human Beings; include the topic on preventing trafficking in human beings in the process of training specialists who work in the field of combating trafficking in human beings; introduce monitoring over the implementation of State Programme on Combating Trafficking in Human Beings in accordance with the indicators of implementation effectiveness.

**3. *To work out mechanism of social order from state structures so that they could provide services to public organizations; measures to provide assistance to victims of trafficking.***

### **2.3. Research on combating trafficking in human beings in Ukraine: review of the results, major conclusions and recommendations**

Several studies on combating trafficking in human beings in Ukraine have been conducted in 2008, in particular:

***Needs Assessment of the National Referral Mechanism for Victims of Trafficking in Human Beings in Ukraine (2008).*** The research was conducted by a group of independent consultants at the request of the Office of the OSCE Project Coordinator<sup>19</sup>.

The report contains assessment of the situation in Ukraine, in particular regarding the identification, referral, assistance and protection of victims of trafficking. Measures taken by the governmental agencies and public organizations to solve problems and meet the needs of victims of trafficking have been reviewed. According to the results of the study, there has been worked out recommendations on the improvement of procedures on identifying victims

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<sup>18</sup> <http://library.khpg.org>

<sup>19</sup> [www.osce.org/ukraine](http://www.osce.org/ukraine)

<sup>18</sup> [www.iom.org.ua](http://www.iom.org.ua)

of trafficking in Ukraine, protecting their rights and increasing access to support available within the framework of the current National Referral Mechanism for victims of trafficking in human beings in Ukraine.

***Regional Research of the Internal Trafficking in Human Beings (2008)*** was conducted at the request of the International Organization for Migration. The report of the research deals with the internal trafficking in human beings in Ukraine, Moldova and Belarus. This study was aimed at investigating the extent of internal trafficking in human beings in Ukraine, Moldova and Belarus, as well as assessing the level of awareness with and understanding of this phenomenon in these three countries. Methods used to study the issue included collection and analysis of data and other information from the relevant agencies, in particular governmental organisations, nongovernmental organisations, international organizations, scientific institutions, as well as study of public opinion. The study made it possible to work out the following recommendations to prevent internal trafficking in human beings: to ratify the Council of Europe Convention on Action against Trafficking in Human Beings; to study the tendencies of internal migration and internal trafficking in human beings; to systematically conduct information campaigns; to provide public funding of targeted services, etc.

***Human Trafficking Survey: Belarus, Bulgaria, Moldova, Romania, and Ukraine (2006-2008)***. The report presents the results of the two stages of national public opinion polls conducted in 2007-2008 in Belarus, Bulgaria, Moldova, Romania and Ukraine. The main objective of the study was to determine public attitudes towards employment abroad and trafficking in human beings, as well as to assess changes in the state of trafficking in human beings in the three countries out of five during the study. The study was conducted by the International Organization for Migration<sup>18</sup>.

***Prevention Trafficking in People in the System of Vocational Education: Situation Analysis.*** The study was conducted by centre “La Strada-Ukraine” in cooperation with the Institute of Innovative Technologies and content of education of the Ministry of Education and Science of Ukraine. The study was aimed at determining the state of activity against trafficking in persons at vocational technical schools of Ukraine. 101 teachers and 1011 students of the vocational technical schools situated in 6 regions of Ukraine: Vinnytsya, Donetsk, Luhansk, Ternopil, the Crimea and the city of Kyiv have been investigated; expert interviews have been conducted.

**The results of the survey:** the level of awareness among students of the problem of trafficking in human beings is very high. Students brilliantly know how one may get entangled in the meshes of traffickers and how to protect themselves before the trip. However, the respondents pointed out that relatives (57%) and those who have visited foreign countries (68%) are the most authoritative sources of information about travelling abroad. Disturbing is the tendency of students to rely on data received from those who have been abroad. Such persons are more likely to be recruiters.

According to teachers, the level of mastering the skills of safe behaviour is quite low. Preventive measures are usually obstructed by the following two factors: this topic is not included in the curriculum, lack of educational-methodological materials on prevention of trafficking in human beings.

The results impel to intensify the prevention of trafficking in persons at vocational technical schools and professional competence of teachers.

***Violation of Women's Rights. Causes and Consequences of Trafficking in Human Beings.*** The study was conducted jointly by the International Association of “La Strada”. The research covers 9 countries in where the “La Strada” Programme is functioning: Belarus, Bulgaria, Bosnia and Herzegovina, Macedonia, Moldova, the Netherlands, Poland, Ukraine and Czech Republic. The study touches upon the problem of violation of women's



rights as a reason and as a result of trafficking in human beings. This may be clearly seen in such three specific, however closely related, aspects of women's life as: social status of women, their position at the labour market and in the migration processes. Having studied the situation in these countries, the researchers have worked out several recommendations to improve the situation of women in these important spheres of life. Among them are the following: to enforce the law, especially when it comes to laying responsibility for all forms of violence against women and ensuring investigation and punishment for such crimes; to ensure the establishment and functioning of monitoring agency into which experts from non-governmental organizations shall be involved; to collect data on violence against women in order to develop a strategy to combat the manifestation of this violation of human rights; to provide legal basis necessary to combat discrimination at the labour market and sexual harassment at the workplace; to base immigration policy upon human rights approach, but not be limited to demographic or economic needs; provision of protection and assistance to victims of trafficking should be based on human rights approach but not conditioned by cooperation with law enforcement authorities. The study and the list of recommendations can be found at the website of International Association "La Strada" (English).<sup>20</sup>

***Attitudes of the Public towards the Institution of Temporary Custody: Results of the Public Opinion Polls (2008).*** The public opinion poll was conducted by the Centre "La Strada – Ukraine" and Kiev International Institute of Sociology. 35.4% of respondents agree that the temporary custody of children is the protection of the child's rights; other 36.2% of respondents also tend to agree with that statement. 38.8% of respondents did not agree with the view that temporary custody of children removes responsibility from parents. The overwhelming majority of Ukrainians (66.9%) believes that temporary custody of the children of labour migrants is the guaranteed care of the child during the temporary absence of parents. 59.3% of citizens of Ukraine who took part in the survey believe that temporary custody of children can not be classified as a vain expenditure of public money and effort.

#### **Research on the problems of labour migration in Ukraine supported by the Fund "OpenUkraine"<sup>21</sup>:**

***"Foreign Labour Migration of the Ukrainian Population."*** According to the results of the survey, the number of citizens of Ukraine who at least once over the last 42 months went abroad to work constitutes almost 1.5 million persons or 5.1% of the population of working age. Nearly half of them (48.5%) were in the Russian Federation, and almost as much were in the European Union countries, mainly in Italy (13.4%), Czech Republic (12.8%), Poland (7.4%), Spain (3.9%) and Portugal (3.0%).

Urban residents account for more than half of labour migrants (54.7%). However, the level of their participation in labour migration is almost twice lower in comparison with the rural population, which is respectively 4.0% and 7.9% of the population of working age.

Labour migration is much more common among men - they make up two thirds of the total number of labour migrants. There is a significant differentiation between the participation in labour migration: from 13.2% of the population of working age in the western regions to 1.4% in the northern ones.

The results of the monitoring testify the cyclical and seasonal nature of labour migration. On average, one labour migrant departed abroad 3.5 times over the last 42 months. Thus, Russian Federation and Italy dominated the countries of destination for those who exited the country only once.

Duration of stay of labour migrants was 7 months. It mainly depends on how country of stay is close to Ukraine and on the number of departures. This can be testified by the data

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<sup>20</sup> [www.lastradainternational.org/lsidocs/431%20LSI-%20violation%20of%20womens%20rights.pdf](http://www.lastradainternational.org/lsidocs/431%20LSI-%20violation%20of%20womens%20rights.pdf)

<sup>19</sup> <http://openukraine.org/ua/programs/migration/research-program/>

presented below. At the same time, 1.3 million people worked abroad during the last six months (from the beginning of 2007 till June 1, 2008). 35.1% of labour migrants out of the quantity specified above had permission to stay and work, other 39.3% had temporary registration and the rest were without official status.

According to age groups, the significant part was represented by the youth aged 20 - 34 years (41.6%) and persons aged 35-49 years (44.5%). The average age of labour migrants is 36 years. This figure ranges from 35 years in the Russian Federation to 40 years in Italy. The overwhelming majority of labour migrants (59.5%) had complete secondary education, 17.3% had basic and incomplete higher and 13.5% had complete higher education.

The most common types of economic activities of labour migrants are: construction (51.6%), housework (16.3%), wholesale and retail trade (8.1%), agriculture (8.5%), and industry (5.4 %).

The classification of labour migrants in accordance with their economic activities stipulates their subdivision into vocational groups. The largest group included such categories as: skilled migrants who work with tools (37.9%); simple occupations, in particular people involved in housework (33.1%) and people working in the sphere of trade and consumer services (16.6%). Professionals, experts and technical staff constituted only 6.0% of labour migrants.

Taking into consideration the availability of a significant number of relevant vacancies at the labour market in Ukraine, it is clear that the main cause of labour migration is not unemployment but low wages. It may be testified by the fact that 6 out of 10 labour migrants pointed out that the main cause of employment abroad was low level of pay for the same job in Ukraine. Among those who plan to travel abroad in the next 6 months (till the end of 2008), one in five respondents indicated that employment or return to their work was the purpose of their trip. According to members of households, three out of four labour migrants who were abroad at the time of the survey plan to go back to Ukraine.

***“Labour Market in Ukraine: Migration Challenges”.*** The results of the investigation have indicated a potential threat to the supply of women’s labour (2.65 million people till 2016) because of aging and low level of economic activity. On the other hand, the reduction of the number of economically active male population (2 million people till 2016) will be less painful for the economy because of more gradual transition to retirement age and higher economic activity. Migration policy and labour market policy will become increasingly relevant in case of future shortages of human resources. However, to solve problems at the labour market, it is necessary to implement a set of structural reforms, many of which were launched a long time ago. Having analyzed the situation at the labour market and migratory flows of manpower, the authors pointed to the need for certain reforms, among them are:

- **Reform of the system of social charges.** To ensure the return of migrants to Ukraine and retention of potential emigrants at home, it is a necessary to increase wages in the country. One of the factors of such an increase is the reduction of social contributions, which are paid by employers (it forces them to conceal a large part of the salary) and introduction of the unique social contribution.

- **Reform of the pension system.** It is necessary to gradually increase the retirement age, and balance the retirement age for men and women to increase the availability of labour market under the conditions of aging of population. It is also important to expand the base for contributions to the solidarity pension system.

- **Reform of the housing market.** Strategy of developing of the housing market must be worked out; in particular structural obstacles must be eliminated to increase the availability of housing.

- **Reform of education.** It is necessary to reform the system of education, especially its financing to balance the flows of educational migration.

- **Stimulation of small and medium-sized enterprises development.**

- **Reform of regional policy.** Programme on building the infrastructure of settlements and ensuring equal standards of living in urban and rural areas must be worked out under conditions of uneven development of regions. To achieve this aim, it is vital to develop a new indicator of territorial depression, which would also include social and environmental indicators, and oblast potential indicator. Effective regional policy will contribute to decrease in flow of population from oblasts to other countries or other oblasts and ensure harmonious development of Ukrainian territories.

- **Intensification of active policy at the labour market.** To improve the adaptation of the population to the requirements of the labour market, it is necessary to actively inform the population on existing proposals, coordinate training and retraining with the real demand at the regional labour markets, maintain system of vocational education, systematically analyze the needs of enterprises of various sectors in manpower in order to formulate the appropriate education order form state.

- **Policy of support to Ukrainian labour migrants.** It is important to continue pursuing the policy of lobbying the interests of Ukrainian workers in other countries, of enforcing the Agreement with the EU on the Status of Labour Migrants and of ensuring conditions for the legal employment of Ukrainian migrants, of establishing mechanisms of pension payments and payments on other types of insurance from abroad.

- **Active immigration policy.** It is important to implement more active immigration policy under the conditions when the number of population is decreasing and the entry flow to the country is increasing. In particular it refers to issues of legitimacy of immigrants' job placement and need for quotas, qualification and education requirements for immigrants, study of the distribution of flow of immigrants among the sectors of economy to formulate the need of the national economy in foreign labour force.

***“Needs of the Ukrainian labour migrants”.*** The main results and needs identified by the study are the following:

Driving factors compelling people to decide on labour migration have been common for both labour migrant and potential labour migrants. It has been also found out that the same causes force migrant to go in search of living again. Typically, such a decision is caused by three types of factors, which are often combined:

- financial instability in the family, physical problems and difficulty in solving them using ways of earning money available in Ukraine;
- example of labour migration by other people, especially friends and relatives;
- discomfort caused by the general instability in the country, prevalence of corrupt practices, lack of opportunities for development and self-realization, and insecurity from abuse of power by the authorities.

- o The main need of labour migrants is the need for legal protection. It is largely caused by the illegal status of a large number of Ukrainians working abroad. According to respondents, consular offices, which could facilitate the satisfaction of this need, are not working in this direction as expected today.

- o The need for learning the language of the host country is the most important for successful migration.

- o Lack of knowledge of the peculiarities of the host country legislation on labour and migration has been detected. At the same time a high demand for such knowledge has been found out.

- o Problem of safe and affordable transfer of funds from abroad to Ukraine is very acute for Ukrainian labour migrants. Today, transfer methods available to Ukrainian migrants are either very expensive or illegal, or associated with significant risk (transfer through third persons or personal transportation).

- o The need for psychological support and adaptation programmes for Ukrainian labour migrants has been detected. Today, compatriots are the main source of support for migrants.

o Some respondents stressed the need for health care. Ukrainian labour migrants are often employed for jobs with irregular working day, at harmful plants, in unsanitary conditions; and therefore earning money abroad causes considerable damage to their health. Health services of the host country health care system are available in some countries and for some categories of migrant. However, a lot of migrants have no access to such services.

o The need of support programs for children and elderly parents of migrants was not mentioned by respondents. However, significant problems, especially psychological ones, caused by the need to leave their families at home have been found. It is likely that greater protection of vulnerable members of migrant's family can lessen his moral burden.

o The reasons of their return to Ukraine are as follows:

- the health of the migrant or his family has deteriorated;
- their age is close to the retirement age; they feel as though they have fulfilled their "obligation" which lies in providing for their family;
- young people return from the countries where they were illegal employed to complete education and be possibly legally employed abroad in the future.

The main needs for those migrants who returned home were need to find work and re-adapt.

o The main causes of re-planning travel abroad mentioned by the respondents were low income; lack of prospects for a decent job (both for the youth and for the respondents older than 35 years); relatives and friends living abroad; possibility to depart abroad with their family; possibility to have legal job; habit to the life of labour migrant. Some respondents expressed a will to leave abroad for good.

o Some respondents are willing to abandon labour migration if their financial position is improved. Others believe that for their convenient existence in Ukraine, it is necessary to fully change the Ukrainian society, i.e. to enhance the overall culture, to introduce stability, greater political and economic transparency, etc.

### ***Report on the Research entitled "Gender Approach in Activities against Trafficking in Human Beings" (2008)***

The research was conducted within Danish Programme against Trafficking in Human Beings in Eastern and South-Eastern Europe by the public association "Belarusian Association of Young Christian Women" and International Organization for Migration in Belarus with financial support from the Ministry of Foreign Affairs of Denmark. This study was aimed at studying the content of programmes against trafficking in human beings taking into consideration gender approach. The object of the study is employees of service organizations, representatives of risk groups and victims of trafficking. [www.lastrada.by](http://www.lastrada.by)

## ***2.4. Working with children of labour migrants: new aspects of the problem***

The International Women's Rights Centre "La Strada-Ukraine" organized the study entitled "The problems of the children of labour migrants" in 2006. The research has showed that children, whose parents are abroad, have a number of psychological and social problems; their vulnerability to involvement in crimes is increasing. The research has also testified insufficient willingness of teachers and social workers to deal with such children because of the lack of knowledge about their peculiarities and lack of methodological support.

In order to improve the situation, the Ministry of Education and Science of Ukraine issued Decree No 865 of 28.12.06 "On the social, pedagogical and psychological work with children of labour migrants. The Centre "La Strada-Ukraine", within the framework of its activities and in accordance with the Decree, together with the Ukrainian scientific centre of practical psychology and social work conducted 5 regional seminars in the pilot oblasts:

Lugansk, Donetsk, Chernivtsi, Ternopil and Kyiv in 2007. Analysis of the participants' responses showed the urgent need to continue such activities. Therefore, these activities continued in the following Decree of the Ministry of Education and Science of Ukraine No 1176 of 25.12.2007 "On the organization and implementation of social and educational activities with children of labour migrants in 2008».

In accordance with the Decree, there has been planned to conduct educational seminars on the theme "Social-pedagogical and psychological work with children of labour migrants"; to issue the printed version of the teacher's book "Socio-pedagogical and psychological work with children of labour migrants" for practical psychologists, social instructors and other categories of teachers; to develop information booklets for students of educational institutions; to provide with manuals and information booklets on social, educational and psychological work with children of labour migrants.

During 2008, the Centre "La Strada-Ukraine" together with the Ukrainian scientific centre of practical psychology and social work conducted 20 regional seminars in 20 oblasts of Ukraine: the Crimea, Vinnytsia, Volyn, Dnipropetrovsk, Zhytomyr, Transcarpathia, Zaporizhzhya, Ivano-Frankivsk, Kirovograd, Lviv, Mykolayiv, Odessa, Poltava, Rivne, Sumy, Kharkiv, Kherson, Khmelnytsky, Cherkasy, Chernihiv. The seminars were aimed at revealing the problems of children of labour migrants; discussing models of work with this category of children; establishing cooperation schemes between educators and social services, services for children, non-governmental organizations.

Educators and members of the Centre "La Strada-Ukraine" held 965 events (lectures, trainings, seminars, "round tables") for 23,609 participants in various oblasts of Ukraine (the Crimea, Volyn, Donetsk, Kiev, Zhytomyr, Transcarpathia, Lviv, Luhansk, Odesa, Ternopil, Kharkiv, Zaporizhzhya) in 2008. A series of teaching and information materials have been worked out.

Monitoring over the efficiency of informational, educational, social, pedagogical and psychological work with children of labour migrants at educational establishments has been conducted.

Responses of the attendance of the seminars, as well as the results of the monitoring facilitate the process of making recommendations for the further implementation of socio-pedagogical and psychological work with children of labour migrants.

#### *Regulatory and legal basis on assisting children of labour migrants*

1. to review current legislation in order to give official status to children of labour migrants and legalize the status of people who bring them up.

#### *Social, educational and psychological work with children labour migrants*

2. to organize training of specialists so that they could carry out social, pedagogical and psychological work with children of labour migrants and their families.

3. to organize psycho-pedagogical assistance for children whose parents are abroad, and social and psychological support for the family.

4. to solve the problem of providing schools with specialists of psychological services, emphasizing the importance of introducing positions for social educators.

#### *Preparation of informational, scientific, educational and methodological support*

5. to continue work on teaching support of social, educational and psychological work with children of labour migrants; to provide teaching classrooms with specialized visual and didactic materials.

#### *Coordination and cooperation*

6. to establish cooperation schemes between educators and parents, individuals who temporarily substitute for parents, social services, services for children, non-governmental



organizations on issues of children of labour migrants; to conduct joint exercises with guardians and children.

7. to attract attention of the mass media and general public to the problems of children of labour migrants and their parents; to expand the coverage of this issue in the mass media.

Detailed information on seminars and the results of monitoring, etc. can be found at the website of the Centre “La Strada-Ukraine”<sup>22</sup>:

## ***2.5. Assessment of the preventive activities against trafficking in human beings in the system of vocational education***

According to the research, among people who suffered from trafficking in human beings were: people having higher education (universities of the III-d, VI-th accreditation levels) (13%), 29% had secondary special education (technical) and 25% had secondary vocational education at the level of vocational technical schools, 19% obtained secondary education and 14% - incomplete secondary education. According to the analytical reports of lecturers and trainers who conduct activities against trafficking in human beings, students having vocational education are vulnerable to falling into meshes of trafficking in human beings.

Therefore, Centre “La Strada-Ukraine” together with the Institute of innovative technologies and content of education, while carrying out the Decree of the Ministry of Education and Science No. 279 of 04.04 2007 “On carrying out the Decree of the Cabinet of Ministers of Ukraine No. 410 of 07.03 in 2007 “On approval of the State Programme on Combating Trafficking in Human Beings for the period until 2010”” within the framework of the agreement on joint actions conducted research on prevention of trafficking in human beings at vocational schools in March - December 2008. It included: the study entitled “Combating trafficking in human beings in the system of vocational education: the insight”, 5 regional seminars in the pilot oblasts for teachers, preventive courses for the students of vocational schools, development and publication of methodological material on the prevention of trafficking in human beings in the system of vocational and technical education, and publication of information materials.

### ***Conclusions and recommendations***

The results of the study, as well as suggestions and responses of the participants of the regional seminars made it possible to make the following recommendations to prevent trafficking in human beings in the system of vocational education:

1. to prepare departmental legislation on the prevention of trafficking in persons at vocational schools. Such legislation would allow to organize the preventive activity more effectively.

2. to disseminate the experimental experience of regional seminars for the teachers of vocational schools in other 20 oblasts of Ukraine.

3. to distribute materials and guidelines on conducting such trainings among teachers of vocational schools; this will contribute to solving the problem of methodological support of educational institutions with aim to prevent trafficking in persons.

4. to permanently introduce module on preventing trafficking in human beings in the course of training teachers of history or law and to provide students with teaching materials. Such classes for teachers are to be complex and include various aspects of the problem. Representatives of various organizations, i.e. experts on the topic, methodologist, who have

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<sup>22</sup> <http://www.lastrada.org.ua/content/doc/report%20on%20Decree%20realization.doc>

skills in interactive forms of work, may be invited for this purpose. This practice will improve the professional training of teachers to work on this topic.

5. to introduce the practice of granting certificates to teachers who attended the module on trafficking in human beings. It will encourage teachers to disseminate their knowledge.

6. to introduce interactive forms of learning for the prevention of trafficking in human beings, which positively affect the digesting of material and interest of students in the subject of trafficking in human beings. It is necessary to involve students and their parents in the organization and conduct of such activities.

7. to involve students into the programmes of training peers and younger students using the “equal to equal” method which will enable to use the potential and interest of students to prevent trafficking in human beings.

8. to strengthen cooperation of educational institutions with other organizations: The Social Service Centres for Family, Children and Youth, nongovernmental and international organizations, law enforcement agencies. This will contribute to the effectiveness in the prevention of trafficking in persons at vocational schools.

Detailed information on seminars, results of the research, etc. can be found at the website of the Centre “La Strada-Ukraine”<sup>23</sup>.

## ***2.6. Problems of improving national legislation***

In general, the year of 2008 can be characterized as a fruitful one in terms of efforts made to improve national legal framework on combating trafficking in human beings and combating crimes related to this phenomenon. A number of steps aimed at improving legislation on combating trafficking in human beings were taken in Ukraine during 2008.

All attempts to improve national legislation on combating trafficking in human beings can be divided into two main groups: those that found legislative support and were passed by parliament of Ukraine or Cabinet of Ministers of Ukraine, and those that were not supported by the Parliament, or the fate of which was not defined in 2008.

*Initiatives on improving national legislation on combating trafficking in human beings, which are supported by parliament of Ukraine, Cabinet Ministers of Ukraine:*

1. To implement the Decree of the Cabinet of Ministers No. 383 of February 27, 2008 “On the approval of an Action Plan aimed at implementing the priorities of the Cabinet of Ministers in 2008”<sup>24</sup>, the Ministry of Ukraine for Family, Youth and Sport developed a Draft Concept of the Law of Ukraine “On combating trafficking in human beings and rendering assistance to victims of trafficking in human beings”, which came through the procedure of approval in the central organs of executive power. Draft Concept, along with the Draft Decree of the Cabinet of Ministers “On approval of the Concept of Law of Ukraine “On combating trafficking in human beings and rendering assistance to victims of trafficking in human beings” was sent to the Cabinet of Ministers of Ukraine (letter of the Ministry of Ukraine for Family, Youth and Sport No. 4.3/2332 of 24.12.2008).

2. Cabinet of Ministers adopted Decree No. 1013 of November 19, 2008 “On the approval of criteria, which are taken to estimate the degree of risk from mediating employment abroad and determine the frequency of routine activities of public monitoring (control)”<sup>25</sup>. This legal act established clear criteria to assess threats of committing fraudulent acts against persons by unfair licensees, unlawful acts of unfair foreign employers, and threats of becoming victims of trafficking in human beings.

3. The parliament of Ukraine adopted the Law of Ukraine “On Amendments to the

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<sup>23</sup> [www.lastrada.org.ua/content/doc/report%20on%20common%20activity.doc](http://www.lastrada.org.ua/content/doc/report%20on%20common%20activity.doc)

<sup>24</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi>

<sup>25</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi>

Articles 155 and 156 of the Criminal Code of Ukraine to apply criminal responsibility for corruption of minors”<sup>26</sup> of 25.09.08 and “On amendments to Articles 304 and 323 of the Criminal Code of Ukraine to strengthen responsibility for crimes against family and children”<sup>27</sup> of 01.10.08, which were submitted to the parliament by the deputies of the fifth convocation K.B. Levchenko, V.S. Malyshev and F.I. Shpyh. These laws are aimed at strengthening the responsibility for the attack on the sexual and physical inviolability of children, namely, those rights that are often violated in terms of trafficking in human beings. Amendments to the Article 304 of the Criminal Code of Ukraine “Involvement of minors in criminal activities” are extremely important in the fight against trafficking; namely: introduction of the responsibility of parents and other people substituting for them for the involvement of minors in criminal activities, in drinking, begging, gambling as an aggravating circumstance and change of penalties for such crimes. According to the adopted changes, this type of crime shall be punishable by imprisonment for a term of three to ten years (in comparison with the previous edition of this article, the punishment was restraint of liberty for a term up to five years or imprisonment for the same term).

4. The parliament of Ukraine adopted the Law of Ukraine of October 1, 2008 “On amendments to the Criminal Code and Criminal Procedural Code of Ukraine regarding the use of children for begging”<sup>28</sup>, which was submitted to parliament by the deputy Yu.R. Miroshnichenko in 2007 (Bill No. 0981). The law was returned to the parliament by the President with his remarks and proposals on October 24, 2008<sup>29</sup>. The Law was adopted by the parliament on January 15, 2009. This Law provided the introduction of a new Article 150-1 to the Criminal Code of Ukraine “Employment of the small child for the scrounging”. This article establishes the criminal liability of parents, people who substitute for them, and other people who employ children for begging by way of profit. The aggravating circumstances of the crime are: use of violence, threats of violence, if committed by a person who previously committed any of the offenses provided for by Articles 150, 303, 304 of this Code, by a group of persons upon their prior conspiracy, by an organized a group, or accompanied with infliction of medium grave or grave injury to a child. Moreover, the article provides the definition to the notion “begging”, which means systematic asking of money, goods, and other tangible assets from other people. The minimum punishment for this type of crime shall be restraint of liberty for a term up to three years or imprisonment for the same term. The maximum penalty shall be imprisonment for a term of five to ten years. This legislative initiative is extremely important for combating trafficking in persons, especially in children, because the use of children for begging is one of the main types of exploitation, for the purpose of which the crime of trafficking in human beings is committed.

5. Bill No. 3221 of September 24, 2008 “On amendments to Article 301 of the Criminal Code of Ukraine (concerning liability for the storage of works, images or items of pornographic nature)”, was submitted to the parliament of Ukraine by the Cabinet of Ministers of Ukraine<sup>30</sup>. The objective of this Bill is to introduce amendments to the Criminal Code of Ukraine, which would provide criminal penalties for storage of works, images or other items of pornographic nature for sale or distribution purposes, which is one of the international legal obligations of Ukraine taken when Ukraine ratified the Optional Protocol to the Convention on the Rights of the Child regarding trafficking in children, child prostitution and child pornography<sup>31</sup>. Having analyzed the Bill, Central Scientific Experts Office recognized it as appropriate and worth support in its Resolution of October 22, 2008; according to the results of its consideration at the first reading Central Scientific Experts Office recommended that it should be adopted as the basis.

<sup>26</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi>

<sup>27</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi>

<sup>28</sup> <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi>

<sup>29</sup> [http://gska2.rada.gov.ua/pls/radac\\_gs09/z\\_pd\\_list\\_n?zn=0981](http://gska2.rada.gov.ua/pls/radac_gs09/z_pd_list_n?zn=0981)

<sup>30</sup> [http://gska2.rada.gov.ua/pls/zweb\\_n/webproc4\\_1?id=&pf3511=33445](http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=33445)

<sup>31</sup> [http://gska2.rada.gov.ua/pls/zweb\\_n/webproc4\\_1?id=&pf3511=33445](http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=33445) from the Memorandum of 25.09.2008

Simultaneously with other actions, the Law renders criminal character to the storage of pornographic products; thus part 1 of Article 301 “Importation, making, sale or distribution of pornographic items” was amended as follows: “Importation into Ukraine for sale or distribution purposes or making, *storage*, transportation or other movement for the same purposes, or sale or distribution of pornographic images or other items, and also compelling others to participate in their making, - shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years, with the forfeiture of pornographic images or other items and means of their making and distribution”. Motivation for the introduction of such changes, as outlined in the memorandum to the law, is the implementation of the international legal obligations of Ukraine taken when it has ratified the *Optional Protocol to the Convention on the Rights of the Child regarding trafficking in children, child prostitution and child pornography*. Thus, Article 2 of the Optional Protocol encourages member states to ensure that criminal law covers making, division, distribution, importation, exportation, supply, sale or storage of child pornography for the above-mentioned purposes”.

Council of Europe Convention on Cybercrime ratified by Ukraine in 2006, and the Council of Europe Convention on combating sexual exploitation of children and corruption of minors signed by Ukraine in 2007, but not yet ratified, require states to render criminal character to making of child pornography for the purpose of distribution, offering or providing access to child pornography, distribution or transfer (purchase, acquisition, exchange) of child pornography and storage of child pornography.

These quotes from international documents show that Ukrainian legislation does require changes in the criminalization of acts related to child pornography to bring it in line with existing norms of international law. Moreover, these international instruments do not touch upon the issue of penalizing storage of pornographic items in general; they deal with child pornography only. Thus, amendments to Article 301 of the Criminal Code of Ukraine adopted by the parliament on June 11, 2009 do not execute these tasks. Therefore the law was immediately subjected to criticism by human rights community, which appealed to the President with the requirement to set a veto on this Bill<sup>32</sup>.

*Initiatives on improving national legislation on combating trafficking in human beings, which are not supported by the Parliament, Cabinet of Ministers of Ukraine or the fate of which is not defined in 2008:*

1. The issue of ratifying the Council of Europe Convention on Action against Trafficking in Human Beings (2005) is still vital nowadays. Article 122 of the Action Plan aimed at implementing priorities of the Cabinet of Ministers of Ukraine in 2008 approved by the Decree of the Cabinet of Ministers No. 383-r of February 27, 2008 stipulates that the Ministry of Justice should elaborate the Draft Law of Ukraine “On ratification of the Council of Europe Convention on Action against Trafficking in Human Beings”. Action Plan aims to implement obligations and commitments which Ukraine assumed as a member of the Council of Europe, approved by the Decree of the Cabinet of Ministers of Ukraine No. 1002-r of July 23, 2008<sup>33</sup>; it also includes the drafting of such a Bill. According to the official website of the Ministry of Justice of Ukraine Bills “On ratification of the Council of Europe Convention on Action against Trafficking in Human Beings” and “On amendments to some legislative acts of Ukraine in connection with the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings” were worked out in 2008. They were sent to the Ministry of Foreign Affairs to be subsequently sent to the President of

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<sup>32</sup> Levchenko K.B. We tried our best, you know the rest. – <http://www.umdpl.info/index.php?id=1245961868>; Application of the International Women’s Right Centre “La Strada-Ukraine” on amendments to Article 301 of the Criminal Code of Ukraine. – <http://www.lastrada.org.ua/readnews.cgi?lng=ua&Id=1684>; Application of the human rights organizations of Ukraine on amendments to Article 301 of the Criminal Code of Ukraine. – <http://www.helsinki.org.ua/>

<sup>33</sup> <http://www.minjust.gov.ua/0/15644>

Ukraine and submitted to the Parliament in March<sup>34</sup>. It is interesting that the 2008 Action Plan of the Ministry of Justice<sup>35</sup> does not stipulate either the drafting of the Bill “On ratification of the Council of Europe Convention on Action against Trafficking in Human Beings” or the drafting of the Bill “On Amendments to some Legislative Acts of Ukraine connected with the Ratification of the Convention of the Council Europe on Action against Trafficking in Human Beings”. The texts of the above-mentioned Bills were neither published by the Ministry of Justice of Ukraine nor submitted to the Parliament in 2008.

2. The parliament of Ukraine for the fourth time rejected the ratification of the Hague Convention on Protection of the Rights of the Child and international adoption, which stipulates responsibility and tasks which are divided between the countries of origin and host countries taking into consideration the institutional differences and national legislation. One of the fundamental principles of the Hague Convention is that adoption is not a personal matter that can be left in the competence of the relatives of the child, his legal representatives or future adopters. This is a social and legal way to protect the child. Consequently, the states that are involved in this process and that must be responsible for the procedure of international adoption should ensure that the adoption meets interests of the child and his basic rights.

3. The parliament of Ukraine registered 3 bills on improving the legislation on actions against pornographic works, particularly those works which involve children in 2008. They are the following:

- Bill No. 1340 “On Amendments to the Criminal Code of Ukraine (concerning the protection of public morality)”<sup>36</sup> submitted to the parliament by the deputy H.H. Moskal. The purpose of the law is to bring certain articles of the Criminal Code of Ukraine in line with international standards for combating sexual exploitation, including sexual exploitation of children, and fight against Information and Communication Technology Crime, as well as the implementation of the Law “On Protection of Public Morality”. Its main objective is to ensure the inevitability of responsibility of persons, whose actions encroach on principles of morality<sup>37</sup>. According to the resolution of the Central Scientific Experts Office of The Verkhovna Rada of Ukraine of 15 July 2008, the Bill contains many legally flawed provisions, and therefore the proposed version cannot be adopted. On the basis of the results obtained after first reading, Central Scientific Experts Office recommended that the bill should be returned for revision to the subject of initiative procedure. In addition to the basic remarks of the Central Scientific Experts Office, this bill does not take into account all international standards for protecting children from involvement in child pornography, namely the definition of the notion, criminal prosecution of the storage and use of child pornography. Therefore some work is extremely needed.

- Bill No. 3271 of October 8, 2008 “On amendments to some legislative acts of Ukraine (against the dissemination of child pornography)” was submitted to the parliament by the deputy P.Ya. Unharyan<sup>38</sup>. The aim and objectives of this Bill is to bring certain articles of the Criminal Code of Ukraine, the Law of Ukraine “On telecommunication” and the Law of Ukraine “On the protection of public morality” in line with international standards for combating dissemination of child pornography and telecommunication crimes. Central Scientific Experts Office of The Verkhovna Rada of Ukraine did not provide any resolution on the Bill in 2008. Analyzing this Bill, it is possible to figure out the following advantages: the initiative to introduce the definition of the notion “child pornography” to the legislation, the obligation which should be taken by the providers of telecommunications services to block Internet addresses containing pornographic products and to notify law

<sup>34</sup> <http://castle.minjust.gov.ua/0/15435>

<sup>35</sup> [http://www.minjust.gov.ua/0/law\\_plan\\_2008](http://www.minjust.gov.ua/0/law_plan_2008)

<sup>36</sup> [http://gska2.rada.gov.ua/pls/zweb\\_n/webproc4\\_1?id=&pf3511=31311](http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=31311)

<sup>37</sup> [http://gska2.rada.gov.ua/pls/zweb\\_n/webproc4\\_1?id=&pf3511=31311](http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=31311) from the Memorandum of 15.05.2008

<sup>38</sup> [http://gska2.rada.gov.ua/pls/zweb\\_n/webproc4\\_1?id=&pf3511=33562](http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=33562)



enforcement agencies of acquisition (purchase, exchange) and storage of child pornography using computers for personal use or for the use of other persons. Nowadays Bills are being considered by the Committees of the Parliament. They must be submitted for public discussion in order to take into account all the important provisions which should be included into the Ukrainian legislation.

Other measures taken to improve legal security in the field of combating trafficking in human beings in 2008 are as follows:

1. The Ministry of Ukraine for Family, Youth and Sport together with public and international organizations worked to adjust the State Programme on Combating Trafficking in Human Beings for the Period until 2010 to the requirements of the Law of Ukraine “On State Programmes” and Procedure for development and implementation of state programmes approved by Decree of the Cabinet of Ministers of Ukraine No. 106 of 31.01.2007. The main reason for the improvement of the program is the establishment of clear relationship of cause and effect between resources (especially financial ones) that are allocated to execute any event of the State Programme on Combating Trafficking in Human Beings and specific results (qualitative and quantitative indicators) of the event.

Nevertheless, this work was not approved because the Government adopted Decree No. 1036 of 26.11.08 according to which amendments to current programmes were suspended until the economic situation in the country is stabilized.

2. Ministry of Ukraine for Family, Youth and Sport, which is the coordinating body for the central authorities in combating trafficking in human beings, initiated the drafting of the Decree of the Cabinet of Ministers of Ukraine “On Establishment of Interagency Coordinating Council for Combating Trafficking in Human Beings.” Thus, the above-mentioned Council was eliminated from the Interagency Coordinating Council on the issues of family, gender equality, economic development, and combating trafficking in human beings created in 2007. The Draft of the Decree was rejected by the Ministry of Justice of Ukraine, which explained that it is not reasonable to establish another advisory body within the Government. In accordance with paragraph 8 of the Article 4 of the Statute of Ministry of Ukraine for Family, Youth and Sport approved by the Decree of the Cabinet of Ministers of Ukraine No. 1573 of 8.11.2006, the Ministry takes part in actions aimed at coordinating activities against trafficking in human beings carried out by the central and local executive authorities, implementing information and education programmes, and coordinating the process of creating centres for rehabilitation of persons affected by trafficking. Consequently, the Statute of the Interagency Coordinating Council for Combating Trafficking in Human Beings is identical to the Statute of Inter-Departmental Council on the issues of family, gender equality, demographic development and combating trafficking in human beings and to the Statute of the Ministry of Ukraine for Family, Youth and Sport.

## ***2.7. Children dimension of combating and preventing trafficking in persons***

### **2.7.1. Third World Congress against Commercial Sexual Exploitation of Children and Adolescents**

Third World Congress against sexual exploitation of children and adolescents (November 25-28, 2008) has become a serious international event, which stimulated activity against commercial and sexual exploitation of children at national and international levels. It was organized by the Government of Brazil, World Organization ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) and UN Children's Fund (UNICEF)<sup>39</sup>.

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<sup>39</sup> The First World Congress on the same theme was held in Stockholm in 1996 at the initiative of Queen Silvia of Sweden, who is involved in numerous charity organizations and supports children around the

Members of Congress repeatedly stressed the need to update international commitments and obligations of governments to combat commercial sexual exploitation of children in their speeches. Comprehensive proposals for stimulating the activity of international, public, governmental, business (private and governmental) organizations in this regard are included in the recommendations of the Congress.

The main issues discussed during the Congress were:

- use of international legal instruments for strengthening the protection of children and organization of activity against commercial sexual exploitation of children;
- directions for the improvement of national legislation;
- responsibility of state and law enforcement agencies for combating exploitation of children and strengthening the punishment for users of child pornography, child prostitution, traffickers of children, sexual tourists and other offenders of children;
- forms and ways of combating child sex tourism, its recognition as a crime in all countries, consolidation of efforts of all countries and all sectors of society in the fight against this crime;
- responsibility of private businesses, especially tourist and transport companies, hotel businesses for the sexual exploitation of children;
- responsibility of companies dealing with the Internet and information technology, Internet service providers for violating the rights of the child, distribution of child prostitution and pornography in the Internet;
- responsibility of financial institutions and banks for using payment systems to pay for children's sexual services via the Internet;
- experience of some countries (including Brazil) on establishing coalitions of transport carriers to combat sexual exploitation of children on the roads;
- development of a system which would allow law enforcement agencies to obtain information about child pornography on the Internet and other violations of children's rights on the Internet, in mass media, etc. from the public (through the cooperation of law enforcement agencies and public organizations) via the Internet or ordinary Hot-Lines funded by public organizations;
- need for constant training of public and law enforcement officials in this area;
- protection and support of children who suffered from exploitation and trafficking in children, as well as the introduction and use of rehabilitation programmes;
- development of youth activity in this area and so on.

Congress served as a starting-point for a new stage of the activity of governmental, nongovernmental, and business structures against commercial sexual exploitation of children, based on experience and information. Unfortunately the official government delegation of Ukraine did not participate in the Congress; it was represented by public and international organizations. The report was presented at the Congress by the All-Ukrainian Network against Commercial Sexual Exploitation of Children; it was prepared with financial support from the Ministry for Family, Youth and Sport.

### **2.7.2. The Law of Ukraine “On the State program entitled “National action plan for implementation of the UN Convention on the Rights of the Child” adopted**

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world. The Stockholm Action Plan was adopted there. It obliges governments to start active work to combat commercial sexual exploitation of children, defines the crime and stipulates criminal responsibility for this crime. The Congress encouraged to develop international legal instrument that would formulate common definitions, principles and commitments in this field.

The Second World Congress against Commercial Sexual Exploitation of Children took part in the Japanese city of Yokohama in 2001. The adoption of the Optional Protocol to the Convention on the Rights of the Child against child prostitution, pornography and trafficking in persons by the United Nations in 2002 was the practical outcome of the Congress. Ukraine ratified it in 2003.

## by the Verkhovna Rada of Ukraine

The adoption of the Law of Ukraine “On the State program entitled “National action plan for implementation of the UN Convention on the Rights of the Child” on March 5, 2009 by the Verkhovna Rada of Ukraine, which has been under consideration of the Parliament since 2006 was recognized as a benefit. National Plan is designed to consolidate state efforts to protect the rights of children into a single system. Its aim is to ensure optimal functioning of an integrated system on protection of the rights of children in Ukraine in accordance with the requirements of the UN Convention on the Rights of the Child, goals of development stated in the UN Millennium Declaration, and strategy of the final outcome document of the UN General Assembly Special Session on Children “A World Fit for Children”.

National Plan was adopted without the events. According to the decree of the parliament, they are to be worked out by June 5, 2009.

National Plan contains a separate chapter dedicated to protection of the rights of children of different categories, in particular issues of combating trafficking in children, sexual exploitation and other forms of child abuse.

The main objectives in this area are considered the following: to improve the effectiveness of preventive and elucidative activity among parents to prevent cruelty to children; to improve procedures to identify children who suffered from sexual exploitation and other forms of child abuse; to create the rehabilitation and reintegration system for children who suffered from trafficking, sexual exploitation and other forms of child abuse; to ensure functioning of the children protection system from child abuse; and to carry out preventive measures.

## *2.8. Socially responsible business: is it utopia or reality in Ukraine?*

By the initiative of “Microsoft-Ukraine” the **Coalition for child safety in the Internet** was founded in Ukraine. The Coalition includes the following organizations: Microsoft program “Partnership in education”, All-Ukrainian Alliance against Commercial Sexual Exploitation of Children (member of ECPAT International), Institute of Informational Society, Ukrainian Internet Association, publishing house Edipress Ukraine, “Ukrtelecom” Company, «Hewlett-Packard», “Life :), “Volia”, and also singer and former Verkhovna Rada deputy Sviatoslav Vakarchuk.

Eric Franke, General Manager of «Microsoft-Ukraine» invites all ministries and departments, individual politicians, deputies, ministers, deputy ministers and other prominent citizens to participate in the Coalition.

The purpose of its foundation and activities is reflected in its name. Internet, as a great invention of the last century, contains great knowledge, opportunities for communication and social development, as well as danger to fall into various traps and be deceived. In addition, the Internet as a source and accumulator of child pornography and child prostitution is extremely hazardous.

During 2008 a series of events was organized and conducted by the Coalition or due to its initiative and participation. Thus, on April 12, 2008 “Microsoft-Ukraine” presented a child website “ON-landia” for Internet safety, conducted a round table and a press-conference.

Training seminar for employees of the Ministry of Internal Affairs of Ukraine on combating the proliferation of child pornography was organized under the auspices of the International Centre for Missing and Exploited Children on April 15-18, 2008.

The Coalition organized and conducted a “round table” in the Verkhovna Rada of Ukraine on “Child Safety in the Internet” by the initiative of Microsoft on April 22, 2008.

The purpose of the “round table” was to discuss the programme of joint action on shaping the policy of safe conduct of children in the Internet; to attract a broader range of

participants in the coalition; to improve legislation on combating exploitation of children, as well as to organize joint information and education campaigns.

Eric Franke, general manager of “Microsoft-Ukraine”, paid much attention to cooperation with law enforcement authorities, especially with the Ministry of Internal Affairs of Ukraine in his report. He stressed that the company “Microsoft-Ukraine” is open to cooperation and ready to provide assistance to improve work in the exposure of crimes related to computer technology, especially those relating to children.

Leila Ben Debbie, Manager of Policy in Europe, the Middle East and Africa of the International Centre for the protection of children from exploitation and abduction, who gave speech at the meeting of “round table”, highly appreciated the activities of the Ministry of Internal Affairs against crimes related to trafficking in human beings, the qualified training of the personnel of the department; she stressed that during the above-mentioned training courses on combating the proliferation of child pornography via the Internet she found out that most of the personnel is fluent in foreign languages. She also proposed to develop a separate national plan on action against the Internet exploitation of children. From my point of view, this problem should be paid a special attention within the National Programme “National Action Plan for Implementation of the UN Convention on the Rights of the Child”, which is still pending in the Parliament.

The coordinator of the All-Ukrainian Alliance against Commercial Sexual Exploitation of Children, president of the Centre “La Strada-Ukraine”, Adviser to the Minister of Internal Affairs of Ukraine, K. Levchenko in her report provided information on the All-Ukrainian Alliance against Commercial Sexual Exploitation of Children, expressed a view on the need to unite the efforts of other state structures; she stressed that the safety of children in the Internet is not only the problem of legal or law-enforcement character, but above all it is the social problem. Those necessary changes in national legislation that would help law enforcement agencies to more effectively respond to such crimes were also presented.

The participants of the “round table” also supported the proposal of K. Levchenko on the need to develop a Code of Morality for Internet providers and other communications providers operating in Ukraine and to promote the signing of this Code by the Internet providers.

**ON-landia** is a joint initiative of the Microsoft Programme “Partnership in education”, socially responsible businesses, non-governmental organizations, with the support of public and social figures.

This website contains materials for children, parents and teachers (interactive scenarios, short tests, prepared lesson plans), through which children can learn the basics on how to use the Internet safely. The site provides with accessible, practical information on Internet safety. Even novice users can effectively use the network resources and protect themselves from unwanted content after they have got acquainted with this information.



## ***2.9. Assistance to victims of trafficking***

The issue of providing assistance to victims of trafficking still remains a serious problem nowadays. The complexity of providing comprehensive assistance prevents it from being implemented by one organization. Therefore, international organizations, especially the OSCE, recommend that the National Referral Mechanism for victims of trafficking should be worked out and developed to ensure proper protection of the rights of people affected by trafficking. This problem is very serious. It testifies that trafficking in human beings is not only the violation of human rights, but it also creates conditions for violation of

the rights of affected citizens and, in certain cases, of the members of their families. These are: the right to privacy, right to health, right to protection, right to a fair trial, right to freedom from violence and cruel treatment, etc.

The status of such assistance is unsatisfactory in many respects In Ukraine. The problem is aggravated by the fact that Ukraine is frequently identified not only as the country of origin of victims of trafficking, but also as the country of transit and of destination. Current provisions of the State Programme on Combating Trafficking in Human Beings are oriented on Ukrainian citizens; however there are no special provisions on the repatriation and social insertion of victims of trafficking from other countries, on ensuring their needs in the protection and assistance during their stay in Ukraine<sup>40</sup>. As a rule, citizens of other countries that suffer from trafficking in human beings in Ukraine are of Moldavian and Uzbek extraction.

Law “On safety of persons involved in criminal proceedings” gives victims the right to take security measures if they participate in criminal proceedings<sup>41</sup>. In practice, however, these legal instruments are either used very rarely or not applied to victims of trafficking at all.

#### ***Preliminary identification of victims at the points of arrival***

Identification of potential victims of trafficking is the basis for any NRM, and the complexity of the crime predefines significant duration of the process. In Ukraine, potential victims of trafficking are first of all identified by law enforcement agencies and social services providers, including NGOs. For example, only 5-7% of victims of trafficking identified by NGOs in the city of Chernivtsi appeal to law enforcement agencies<sup>42</sup>. Contacts with potential victims of trafficking are established by a series of events.

Here's an example of the mechanism of identification of victims of trafficking among the deportees returning through the seaport in the city of Odessa. Law enforcement officials working in Odessa oblast told that they usually receive lists of persons deported from Turkey in advance. Turkish migration agencies separately indicate the names of women deported for prostitution. The official of the Office of the Security Service of Ukraine meets and talks with the deportees. Potential victims of human trafficking are sent to regional Office of the Ministry of Internal Affairs Department on Trafficking in Human Beings. If Security Service of Ukraine and the police agree that the person was a victim of trafficking, they send him/her to the NGO “Faith, Hope, Love”. The next day, the NGO informs the police if the person is ready to communicate with law enforcement authorities. Most victims do not have registration in Odessa. However, if they agree to testify the appropriate regional office of the Security Service of Ukraine is informed about it. There might be people, who are victims of trafficking in Turkey among the deportees, but the competent Turkish authorities have not identified them as victims<sup>43</sup>.

Today, Ukraine has the State Social Service for family, children and youth and over 1500 regional, municipal and rural Centres of Social Services for Families, Children and Youth.

In particular, employees of the Centres of Social Services for Families, Children and Youth create databases of families which are in critical situation, including families in which

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<sup>40</sup> See also: Trafficking in Human Beings: Global schemes / UN Office on Drugs and Crime, April 2006. The UN Office refers Ukraine to those countries that take middle position in rating of countries of destination. The latest statistics of IOM also shows that Ukraine has become a countries of destination.

<sup>41</sup> Article 7 of the Law contains a general list of safety measures that may be taken. These measures are described in detail in Articles 8-16 of the Law.

<sup>42</sup> Needs Assessment of the National Referral Mechanism for Victims of Trafficking in Human Beings in Ukraine: Draft Report of November 26, 2007. Prepared by Andrea Stolfner.

<sup>43</sup> The same.

parents left to work abroad. In 2008, the Centres of Social Services began to keep a separate record of persons who are victims of trafficking and who applied for assistance (they have a register book).

Consulting and legal services on trafficking in human beings are provided within the framework of the regional and district advisory mobile points of social work at centres of social services for families, children and youth.

Assistance to women and children who suffered from trafficking in human beings is one of the most important issues of combating trafficking in human beings. Reintegration centres for persons affected by trafficking play an important role in assisting the victims.

The current system of providing assistance to victims of trafficking is mainly financed by international organizations, in particular IOM. At the present time, the International Organization for Migration supports 8 centres which are operating in Ukraine (in Volyn, Zhytomyr, Lviv, and Odessa (2), Chernivtsi, Kherson oblasts and the city of Kiev (Medical and Rehabilitation Centre). The activities of these institutions are intended to provide legal protection to the victims of trafficking, confidential medical examination, social and psychological assistance. Reintegration programmes include trainings, individual work with a view to further employment of victims of trafficking, providing practical assistance in solving housing and property issues.

During 2008, the Ministry for Family, Youth and Sport held 3 events on coordinating the activity of the regional executive authorities against trafficking in human beings in Volyn oblast (second decade of September), Donetsk oblast (second decade of October), Kharkiv oblast (third decade of September). In addition, trainings for civil servants on the identification, exposure and submittal of traffickers to the court were conducted together with the Office of the OSCE Project Coordinator in Ukraine in 10 oblasts of Ukraine. 2 seminars were also held on the topic jointly with IOM. The Ministry for Family, Youth and Sport held a seminar for public health community on combating human trafficking (jointly with OSCE) in Kyiv on December 10-11.

According to IOM, it finances about 95% of all assistance programmes to victims of trafficking in Ukraine<sup>44</sup>. It is hard to overestimate the importance of the Kiev medical centre for victims of trafficking established and funded by IOM. According to the NGOs, the Centre provides comprehensive and specialized medical care on the basis of confidentiality. Being a unique institution in Ukraine, the Centre accepts clients from all the oblasts.

All agencies involved in combating trafficking in persons in the Lviv oblast also send the identified victims to the NGO "Women's Perspectives", which can send them to its shelter. The shelter can accommodate 6 women and 1 child. If necessary, NGOs can rent an apartment for affected men. In this case, the costs are covered by IOM. NGO can send victims of trafficking to other agencies, such as Salus Centre.

Victims of trafficking who are identified by the Centre of Employment and the Regional Office on combating crimes related to trafficking are sent to the organization "Caritas" in Khmelnytska oblast.

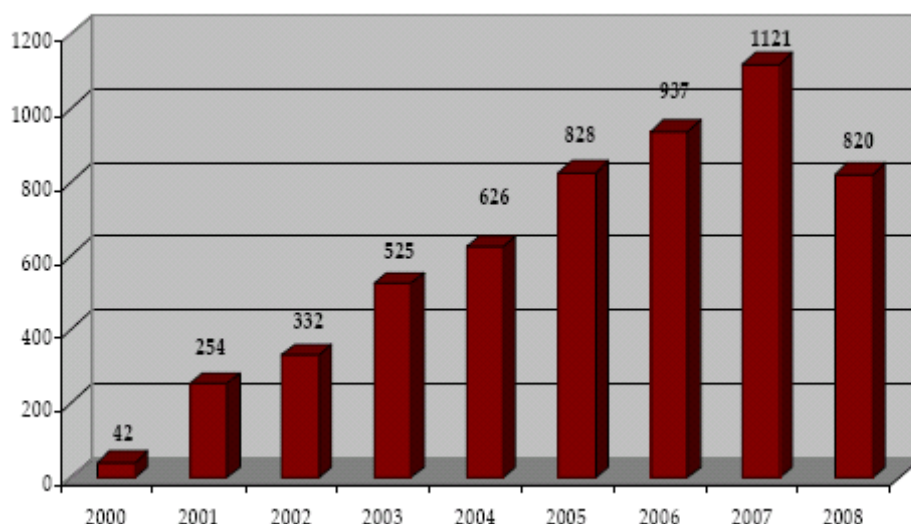
**Table 2.2.**

*Number of victims of trafficking, who received assistance from the Centre "La Strada-Ukraine" (2003-2008)*

	2003	2004	2005	2006	2007	2008
Number of victims	94	101	198	199	183*	414**

<sup>44</sup> Office of the IOM in Kiev has provided direct assistance to more than 4000 people during 2000 - 2007. About 65% of victims received the necessary services in 2001, needs of almost 90% of the identified victims were successfully met in 2006. According to the IOM, only 0.4% of recipients who received assistance are repeatedly trafficked.

- 111 of them are children who suffered from trafficking in human beings, sexual exploitation, labour exploitation, etc.
- \*\* 355 of them are children who suffered from trafficking in human beings, sexual exploitation, labour exploitation, etc.



**Figure 2.1.** Number of victims of trafficking who received assistance from the Office of the International Organization for Migration in Ukraine (2000-2008)<sup>45</sup>

**Table 2.3.**

*Forms of exploitation applied to those victims of trafficking who received assistance from the International Organization for Migration in 2004-2008*<sup>46</sup>

Form of exploitation	2004	2005	2006	2007	2008
Sexual	403	558	597	584	392
Labour	190	232	320	500	404
Mixed	24	28	15	33	7
Begging	9	10	5	4	14
Others	-	-	1	-	3

**Table 2.4.**

*Gender of victims*<sup>47</sup>

Gender	Number of victims				
	2004	2005	2006	2007	2008
Women	540	713	761	849	625
Men	86	115	176	272	195

<sup>45</sup> According to the International Organization for Migration “Combating trafficking in human beings as of December 31, 2008” [http://www.iom.org.ua/img\\_collection/IOM%20Statistics%20December2008%20Ukr.pdf](http://www.iom.org.ua/img_collection/IOM%20Statistics%20December2008%20Ukr.pdf)

<sup>46</sup> The same.

<sup>47</sup> The same.



**Table 2.5.**

*Distribution of victims according to gender and forms of exploitation*<sup>48</sup>

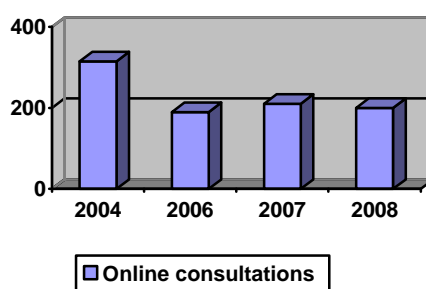
Gender	Form of exploitation					
	Sexual	Labour	Mixed	Begging	Others	Total
Women	961	490	40	13	0	1474
Men	12	447	0	5	3	467

Data analysis testifies that the problem is still vital. In addition to this, the number of persons identified as victims of labour exploitation as well as the number of men who were identified as victims of trafficking and who received assistance from the international and public organizations have increased.

### ***2.10. National Hot Line on prevention trafficking in persons operating within the Centre “La Strada-Ukraine”<sup>49</sup>***

During **2008**, the National Hot Line received **3247** calls. The main issues the subscribers ask about are related to opportunities and conditions of employment abroad, and verification of companies that provide mediation services in the sphere of employment (45.8%), inquiries about persons missing abroad (7.0%); inquiries about ways to return home and assistance available to those affected persons who have returned home (2.0%), general terms of marriage with foreigners (2.3%), legal effects of international divorce and the issue of regaining custody of children after divorce (1.7%), opportunities to travel abroad to permanently reside there (1.1%), advice on legal proceedings in cases of trafficking in persons (1.2%), the issue of private and tourist trips (3.2%), study abroad (2.2%) and other issues (33.5%)

**Online consultations** are an important way of obtaining advice. The consultant of the Centre gave almost 235 online consultations during January - December 2008. There were 1281 online consultations given during January 2004 - December 2008.



**Figure 2.4. Dynamics of on-line consultations per years**

During the period 2007 – 2008 the Hotline was supported by the Ministry of Foreign Affairs of the Kingdom of Denmark and DOEN Foundation (NL).

<sup>48</sup> The same.

<sup>49</sup> *National Hot Line on Prevention Trafficking in Persons operates: Monday-Friday from 9.00 till 20.00, Saturday – from 9.00 till 16.00*

National Hotline on human trafficking has received the total of **38 761** calls during **November 1997 - December 2008**.

**Table 2.6.**  
*Statistics calls to Hotline operating within centre «La Strada - Ukraine» in 2003-2008*

	2003	2004	2005	2006	2007	2008
Number of calls	4851	6191	4810	4720	3943	3247

The number of calls to the National Hotline on prevention of trafficking in human beings has decreased since late 2004. This process can be affected by several factors:

- public awareness of trafficking in human beings and illegal migration is broadening;
- the number of Hotlines and confidential telephone support services providing advice on preventing human trafficking in Ukraine has increased;
- the number of proposal to be employed abroad has significantly reduced;
- intermediary firms have reduced advertising in periodical publications;
- it is difficult to place social advertising in mass media, especially on TV and radio, which are the most effective means of disseminating information about the problem of trafficking in human beings and illegal migration;

#### ***Analysis of requests coming to Hotline***

Many requests come from people who were offered employment in countries where it is virtually impossible to get legally employed in unqualified jobs because of the lack of mechanism of employment and relevant intergovernmental agreements. Typically, these are Western European countries, USA, Canada and Australia. Analysis of requests testified that USA, Canada, Czech Republic, Poland, Italy, Great Britain, Germany, Portugal and Russia are still the most popular countries.

In particular, **the U.S.** offers employment in such specialties as: service personnel (waiters, cooks, janitors and others), salesmen (English fluency is obligatory), dancers, musicians, and unskilled labourers who do not know English;

- **Canada:** all construction specialties, mechanics, joiners, plumbers, meat processing workers, long-distance truck drivers;

- **Czech Republic:** employees of factories, mills, industrial complexes, construction jobs, drivers of passenger buses, radio montage workers, seamstresses;

- **Poland:** all construction specialties (metalworker for reinforced concrete, concrete worker, tiler etc.), engineers, drivers, employees of factories and plants;

- **Italy and Spain:** seasonal work in agriculture, welders, maids;

- **Great Britain:** seasonal work in agriculture, health workers, training according to the specialty;

- **Germany:** workers at meat plant;

- **Russia:** all construction specialties (painters, plasterers, joiners, etc.), underground miners;

- **Norway:** construction specialties (the obligatory experience of work shall be more than 10 years in construction), clothes designer, web-designer, employees of oil platforms;

- **Republic of South Africa:** dancers, waiters, animators;

- **Latvia:** supermarket workers, all construction jobs, drivers;

- **Malaysia:** drivers of construction transport, factory and plant workers.

The subscribers often agreed to be employed in the following occupations in these countries: work in agriculture (35%), construction worker (20%), dancer in the club / model

(15%), governess to the family (10%), doctor / nurses (9%), driver (4%), oil refinery worker (4%), sailor (3%), sales manager (1%).

In general, the so-called “travel geography” includes 65 countries, even such exotic ones as Congo, UAE, Oman, Syria, Thailand, RSA, Maldives, Monaco, Qatar, Mauritania.

Very often, citizens appeal directly to intermediary firms, which offer employment abroad and are situated on the territory of Ukraine. Generally, they place advertising on intermediary services in specialized periodicals.

Citizens also receive information about employment abroad from friends who often have already worked abroad.

Part of subscribers who plan to travel abroad to work, find the advertising on the Internet. Such ads are placed directly by the employers on their own sites or on international employment sites.

**The most popular countries to immigration are the following:** Canada (28%), the USA (25%), France (14%), Italy (12%), Portugal (10%), United Kingdom (8%), and Russia (3%).

**The issue of getting married abroad constitutes 2.3%** of the total number of requests coming to Hotline. The most popular countries for getting married: Germany, Italy Portugal. Greece, Switzerland, Romania and Turkey are also popular.

**The issue of studying abroad constitutes 2.2%** of the total number of requests. The most common countries to travel for studying are: the USA (53%), Germany (25%), Greece (12%), and Great Britain (10%). Au-pair travel is also popular among students (Germany, Austria, the USA, and the Netherlands).

A large number of calls deal with complaints about the unfair activities of firms providing intermediary services of employment abroad: firms do not fulfil their obligations; they do not have the appropriate state registration (license to “provide intermediary services of employment abroad”) and accompanying documents; they refuse signing the employment agreement / contract with the employer; they take a prepayment for services; and if the embassy refused opening labour visa, the firms do not return the money and even threaten with violence.

Complaints were also filed against state authorities:

- Ministry of Internal Affairs (about inaction against intermediary firms which are still engaged in fraudulent or criminal activity);
- Ministry of Labour and Social Policy (about issuing licenses to companies engaged in fraudulent or criminal activities, as well as about the refusal of the license department to permit individuals to verify the licenses of intermediary firms);
- Ministry of Foreign Affairs (about the delay in tracing persons who suffered from trafficking in human beings abroad).

The Centre continued cooperation with the Department of the Ministry of Internal Affairs of Ukraine on Trafficking in Human Beings in 2008. The representatives of the Department participated in the campaign "16 days against gender violence" which was held at the Hotline of the Centre from 17.00 till 19.00 on November 26, December 3, and December 10. During this period, **17 consultations** and assistance to subscribers were given advice and assistance who suffered from fraud perpetrated by both intermediary firms and individuals engaged in criminal activity.

National Hotline receives calls from all the regions of Ukraine. In 2008, most of the calls were from Kyiv and Kyiv oblast (1323 calls), others were from Vinnytsia oblast (133 calls), Dnepropetrovsk oblast (116 calls), Lviv oblast (99 calls), Donetsk oblast (96 calls),



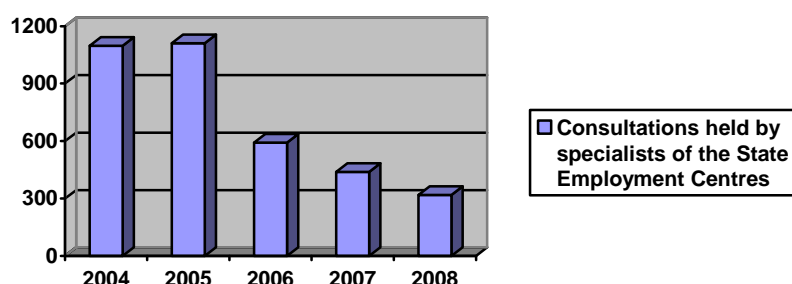
Luhansk oblast (74 calls), Kharkov oblast (61 calls), and 136 calls were received from abroad.

Overall, 1852 women, 1091 men and 69 children called the Hotline in 2008. In comparison with previous years, there has been observed an increase in the number of men who call the Hotline recently.

Most customers who call the Hotline learned about it from the printed press, namely: magazines “Proponuyu robotu” (“Suggesting a job”), “Robota ta navchannya” (“Job and study”), “Robota dlya zhinok” (“Job for women”), information video and audio materials.

### ***Consultations held by specialists of the State Employment Centres***

Centre “La Strada-Ukraine” maintains cooperation with the Ministry of Labour and Social Policy. Every Saturday from 10.00 till 14.00, the specialists of the Ministry provide consultations at the national Hotline on verification of availability or validity of licenses of companies which function in Ukraine and are the mediators in placing in a job abroad. Specialists of State employment centres provided 319 consultations in 2008. Overall, specialists have provided 3560 consultations since 2004 (Figure 2.5).



**Figure 2.5.**

### ***2.11. Monitoring job advertisements in the mass media<sup>50</sup>***

The Centre “La Strada-Ukraine” held monitoring over advertisements job posed either in the printed media or Internet in 2008.

200 advertisements posed in section “jobs abroad” during the period of spring-autumn 2008 have been studied.

The following sites were used:

<http://www.rabota2000.com.ua/>

<http://rabota.ua/>

<http://job.ukr.net/>

<http://www.trud.ua/>

<http://www.ukrboard.com.ua>

<http://www.rabota-ua.com.ua>

<http://www.jobabroad.com.ua>

Printed mass media: “Proponuyu robotu” (“Suggesting a job”), “Robota dlya zhinok” (“Job for women”)

The main countries for possible employment were Czech Republic and Poland, Italy, Russia, Canada are also very popular countries for travelling (table 2.7.)

**Table 2.7.**

Total	200	100 %
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<sup>50</sup> Advertisements on placing in a job abroad have been analyzed by the volunteer of the Centre “La Strada-Ukraine” M.M. Legen’ka

Czech Republic	53	26.5
Poland	47	23.5
Italy	21	10.5
Russia	19	9.5
Canada	19	9.5
Turkey/Egypt	16	8
Others	25	10

Analyzing the distribution of advertisements according to sex, the preference was given to men. 62% of potential employers sought for males, 31% sought for women, and 7% of potential employers did not care for their sex. Males were in demand in particular for work in construction industry in Czech Republic, Russia, and Poland; women were sought for in service industry and show business in Italy, Turkey, and Egypt. Sex did not matter for unskilled work in agriculture (Table 2.8.).

**Table 2.8.**

Sex	Quantity
Men	124
Women	62
Both	14

Construction industry (Czech Republic and Russia) - 26% and consumers services (Italy) - 23% dominated the advertisements “work abroad.”

**Table 2.9.**

Specialities	Quantity
Construction	52
Agriculture	38
Service personnel	46
Show Business	29
Others	35

The proposed salary for men is about 1200 - 1500 USD; the highest salary is in construction sector (about 1500-2000) and the lowest salary is in agriculture (800-1200 USD).

Women's average salary is somewhat lower and amounts to 1000-1300 USD. It is the lowest in agricultural sector (about 800 USD) and the highest is in show business (about 1800 USD).

## ***2.12. Developing transparency in reporting on public policy against trafficking in human beings***

Subject area of the problem of combating trafficking in human beings can be found at the website of the Ministry of Ukraine for Family, Youth, and Sport. The section “Combating Trafficking in Human Beings” <http://www.kmu.gov.ua/sport/control> contains the State Programme on Combating Trafficking in Human Beings for the period until 2010. Information on current events, seminars, conferences, etc. is placed in the section “News.”

To implement the State Programme on Combating Trafficking in Human Beings for the period until 2010, the following ministries and agencies have been involved:

- State Borderguard Service of Ukraine - [www.pvu.gov.ua](http://www.pvu.gov.ua)
- State Committee on Nationalities and Religions of Ukraine - [www.scnm.gov.ua](http://www.scnm.gov.ua)

- State Employment Service of Ukraine - [www.dcz.gov.ua](http://www.dcz.gov.ua)
  - State Committee of Ukraine for Entrepreneurship - [www.dkrp.gov.ua:8080](http://www.dkrp.gov.ua:8080)
  - State Committee for Television and Radio - [www.comin.kmu.gov.ua](http://www.comin.kmu.gov.ua)
  - Ministry of Internal Affairs - [www.mvs.gov.ua](http://www.mvs.gov.ua)
  - Ministry of Foreign Affairs - [www.mfa.gov.ua](http://www.mfa.gov.ua)
  - Ministry of Culture and Tourism - [www.mincult.kmu.gov.ua](http://www.mincult.kmu.gov.ua)
  - Ministry of Education and Science - [www.mon.gov.ua](http://www.mon.gov.ua)
  - Ministry of Health - [www.moz.gov.ua](http://www.moz.gov.ua)
  - Ministry of Labour and Social Policy - [www.mlsp.kmu.gov.ua](http://www.mlsp.kmu.gov.ua)
  - Ministry of Transport and Communications - [www.mintrans.gov.ua](http://www.mintrans.gov.ua)
  - Ministry of Ukraine for Family, Youth, and Sport - [www.kmu.gov.ua/sport/control](http://www.kmu.gov.ua/sport/control)
  - Ministry of Justice - [www.minjust.gov.ua](http://www.minjust.gov.ua)
  - Regional, Kyiv and Sevastopol city public administration, the Council of Ministers of the Autonomous Republic of Crimea,
  - Security Service of Ukraine - [www.sbu.gov.ua](http://www.sbu.gov.ua)
- Analysis of websites of these agencies is presented in table 2.10.

**Table 2.10.**

Ministry or agency	Has separate section “Combating Trafficking in Human Beings”	Has separate legal documents on combating trafficking in human beings	Has the text of the State Programme on Combating Trafficking in Human Beings for the period until 2010	Has news on the topic, covers current activity	Has analytic materials, publications, texts of reports	Has possibility to ask questions, receive consultations
Department on Trafficking in Human Beings <a href="http://www.ctu.mvs.gov.ua">www.ctu.mvs.gov.ua</a>	+	+	-	+	+	+
State Borderguard Service of Ukraine	-	+	-	+	+	+
State Employment Service of Ukraine	-	+	-	+	+	+
State Committee on Nationalities and Religions	-	-	-	+	+	+
State Committee for Television and Radio	-	-	-	-	-	+
State Committee for Entrepreneurship	-	-	-	-	-	+
Ministry of Internal Affairs <sup>51</sup>	-	+	-	+	+	+
Ministry of Foreign Affairs	-	+	-	+	+	+
Ministry of Justice	-	+	-	+	+	+
Ministry of Culture and Tourism	-	-	-	-	-	+
Ministry of Labour and Social Policy	-	+	-	+	-	+
Ministry of Ukraine for Family, Youth and Sport	+	+	+	+	+	+
Ministry of Transport and Communications	-	-	-	-	-	+

<sup>51</sup> The site of Monitoring Department on keeping human rights in Law enforcement bodies activity ([www.umdpl.info](http://www.umdpl.info)), which has a separate heading “Combating Trafficking in Human Beings” is associated with the site of the Ministry of Internal Affairs created in late 2008.

Ministry of Health	-	-	-	-	-	+
Ministry of Education and Science	-	-	-	+	-	+
NCB Interpol	-	-	-	-	-	+
Security Service of Ukraine	-	-	-	+	-	+
Monitoring Department on keeping human rights in Law enforcement bodies activity	+	+	+	+	+	+

*List of some public and international organizations which have websites where information on prevention of trafficking and actions against trafficking in human beings are highlighted<sup>52</sup>*

“Faith. Hope. Love.” (Odessa) - [www.fhl.org.ua](http://www.fhl.org.ua)

“Women's Information and Coordination Centre” (Dnipropetrovs’k) - [www.dwicc.org.ua](http://www.dwicc.org.ua)

Donetsk Regional League of Business and Professional Women (Donetsk) - [www.bpw.donetsk.ua](http://www.bpw.donetsk.ua)

Caritas Ukraine – [www.caritas-ua.org](http://www.caritas-ua.org)

International Organization for Migration - [www.iom.org.ua](http://www.iom.org.ua)

International Labour Organization - [www.ilo.org](http://www.ilo.org)

International Women's Rights Centre “La Strada-Ukraine” - [www.lastrada.org.ua](http://www.lastrada.org.ua)

Office of the OSCE Project Coordinator in Ukraine - [www.osce.org/ukraine/](http://www.osce.org/ukraine/)

Representation of the Council of Europe in Ukraine- [www.coe.kiev.ua](http://www.coe.kiev.ua)

Program of Elimination of the Worst Forms of Child Labour

School of Equal Opportunities - [www.gender-ua.org](http://www.gender-ua.org)

### ***2.13. Compensation for trafficked persons as a missing element of the state policy on combating trafficking in human beings and assisting victims***

The OSCE Office for Democratic Institutions and Human Rights presented the report entitled “Compensation for Trafficked and Exploited Persons in the OSCE Region<sup>53</sup>” in 2008. Ukraine was also among the countries whose situation was studied.

The OSCE study testified that, while victims of trafficking had legally defined rights to compensation for damage caused by the crime and there were various mechanisms of compensation, the actual compensation was not provided. And Ukraine is no the exception in this situation. In addition, there is neither research nor information on providing compensation for victims of various forms of gender-based violence (domestic violence, sexual harassment at the workplace, rape, etc.).

Compensation for damages caused to victims is another challenge. Legislative provisions for compensation (in accordance with Articles 22 and 23 of the Civil Code of Ukraine) are applied only to those who are recognized as victims of crime stipulated by Article 49 of the Criminal Procedural Code of Ukraine. According to Article 28 of the Criminal Procedural Code of Ukraine, victims of trafficking may file a civil suit within the investigation of the crime. If a person has not done it, he can institute legal proceedings in a civil case. According to the officials of the law enforcement agencies, the victims of trafficking are usually informed of their right to apply for compensation (the moral and material) for damage during pre-trial investigation. However, the representatives of other agencies claimed that in most cases the victims were not informed about such a possibility.

<sup>52</sup> The list may not be complete because the sites of only the most active organizations on combating trafficking in human beings have been monitored.

<sup>53</sup> [http://www.osce.org/publications/odihr/2008/05/31284\\_1145\\_en.pdf](http://www.osce.org/publications/odihr/2008/05/31284_1145_en.pdf)



The overall challenge is qualified legal assistance, as lawyers sometimes lack the time or knowledge to provide clients with qualified advice.

The reasons for failures to sue for compensation is insufficient or lack of legal assistance to victims, lack of confidence in the ability to obtain compensation or fear of retaliation from criminals. According to law enforcement officials, most traffickers do not have either funds or property. Usually, the moral damage is not compensated either because it is difficult to count up. Another problem deals with the courts because the trial procedure is too long, and investigators have to prove that the victims suffered and sustained moral damages. In general, we can state that the existing mechanism of compensation is too complicated<sup>54</sup>.

Ministry of Justice attempted to develop and submit to parliament a draft law on compensation, which proposed to create a compensation fund for victims of crimes related to violence. This fund would enable victims to receive compensation in the form of social support. However, this initiative has not been implemented yet.

Joint project of the American Bar Association and the IOM (funded by the EU and SIDA) entitled “Confiscation of assets as a source of funding assistance to victims and combating trafficking in human beings in Ukraine” has been completed recently. Possibility to create an Assistance Fund to victims of trafficking or a Confiscation Fund, which could solve the problem of compensation to victims, problem of social assistance to victims of trafficking and problem of funding actions against trafficking in human beings was carefully studied during the implementation of the project. The Fund would guarantee the right of victims to receive assistance from the state. According to the results of the project, the concrete measures to improve legislation and mechanism of compensation, including the introduction of the confiscation of assets have been proposed.

Although the creation of such a fund bears rather economic than political character, the IOM does believe that the Confiscation Fund will be established within the next two to three years. However, law enforcement officials doubt that it is possible to successfully create such a fund, since it is almost impossible to seize the assets of traffickers in practice.

Since 2004, the Supreme Court of Ukraine collects data on all court cases against trafficking in human beings for generalization and evaluation of judicial practice. The results of evaluation will serve as a basis for the decree of the Presidium of the Supreme Court on generalization of court practice in this field, recommendations for courts and law enforcement agencies (bodies of investigation and prosecution) concerning the procedural issues in cases of trafficking in human beings, and interpretation of the relevant legislative provisions. The completion of the draft decree was scheduled for November 2007, but it has not been adopted yet.

To ensure the right of trafficked persons for compensation, the association La Strada International and Anti-Slavery International and the Global Alliance against Traffic in Women created the European coalition COMP · ACT EUROPE - The European Action Pact for compensation of victims of trafficking in 2008. Working consultations were held on the activities of the European coalition in Berlin in early September 2008; during these coalitions the plan and forms of work were discussed. Within the framework of this coalition it is planned to conduct research; develop educational materials; organize trainings and “round tables” with the representatives of the police, prosecutor’s office, judges, and academics in order to develop an effective mechanism of compensations for victims of trafficking; accompany cases in courts and provide international advocacy in 15 European countries, including Ukraine. As part of the coalition plans to conduct. The lawyer of the Centre “La Strada-Ukraine” and leading expert of the Committee on Legislative Support of Law Enforcement of the Verkhovna Rada of Ukraine presented Ukraine at working consultations.

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<sup>54</sup> Needs Assessment of the National Referral Mechanism for Victims of Trafficking in Human Beings in Ukraine: Draft Report of November 26, 2007. Prepared by Andrea Stolfner.

## **Chapter 3. An Attempt to Answer Burning Issues**

### ***3.1. Why the Council of Europe Convention on Action against Trafficking in Human Beings has not been ratified yet?***

The issues of ratifying the Council of Europe Convention on Action against Trafficking in Human Beings (2005), which pays serious attention to the observance and protection of rights of trafficked persons, is still vital.

Ukraine signed the Council of Europe Convention on Action against Trafficking in Human Beings in 2005. But it has never been ratified during 2006-2008. One of the reasons for this is that the ratification of this Convention requires a substantial revision of the Ukrainian national legislation, since it provides criminal and administrative liability of legal persons.

Similar approaches are not used in the Ukrainian legal system. Thus, in accordance with the current legislation of Ukraine, in particular criminal one, sane person who committed a crime at the age which under the Criminal Code of Ukraine stipulates criminal liability can be identified as a subject of crime. Restrictions to the possible subjects of crime presuppose that legal entities cannot be regarded as subjects of crime under Ukrainian criminal legislation. Responsibility for criminal acts committed in the process of activity of legal entity is laid on individuals who committed such acts. Thus, the Ukrainian lawmakers cannot establish criminal liability of legal persons for trafficking in persons and other related crimes, as it contradicts to the principles of criminal law of Ukraine. However, these principles have been developed in the USSR, and they do not meet the requirements of the present time.

Administrative responsibility for trafficking in human beings is quite ambiguous. Current administrative legislation of Ukraine does not give generalized definition of the subject of an administrative offense and even does not use such a term. The term “person” is used without clear differentiation between physical person and legal person in the Administrative Code of Ukraine. There are a lot of norms that stipulate liability of legal persons for committing illegal acts beyond the Administrative Code of Ukraine. Although such actions are not attributed to the administrative offenses by the lawmaker and responsibility for them is not identified as administrative, they have many features of administrative offenses.

Documents on the ratification of the Convention are in the Ministry of Justice of Ukraine, but they have not been transferred yet to the Verkhovna Rada of Ukraine.

Council of Europe Convention on Action against Trafficking in Persons copies the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and children, (Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime in many ways, however it takes into account the peculiarities of their region and improves certain provisions.

In particular, it touches upon the expansion of the scope of the Convention (applies to all forms of trafficking in persons, national or international, related or not related to organized crime); establishment of the mechanism of identification of victims of trafficking; development of provisions for the criminalization of exploitation of a person who is the victim of trafficking and other actions regarding travel and identification documents; incorporation of provisions on coordination of efforts to combat trafficking in human beings; and development of a mechanism to monitor the implementation of the Convention.

### ***3.2. Why the Interagency Coordinating Council for Combating Trafficking in Human Beings has not been established in Ukraine yet?***

The activity of the Interagency Coordinating Council on the issues of demography, family policy, gender equality and combating trafficking in human beings, which actually did not work in 2007, was restored in 2008. In 2008, the Council demonstrated that it cannot be legally competent because it encompasses various areas of social policy.

To respond to the criticism of public and international organizations, Ministry of Ukraine for Family, Youth, and Sport, which is the coordinating body for the central authorities in combating trafficking in human beings, initiated the drafting of the Decree of the Cabinet of Ministers of Ukraine “On Establishment of Interagency Coordinating Council for Combating Trafficking in Human Beings.” Thus, the above-mentioned Council was eliminated from the Interagency Coordinating Council on the issues of family, gender equality, economic development, and combating trafficking in human beings created in 2007.

Such a step could improve coordination of the various structures at the national level. At the same time, it would be beneficial to regional structures that take the scheme and model of the national coordinating body. However, the draft Decree was rejected by the Ministry of Justice of Ukraine.

### ***3.3. Should the Internet providers be responsible for the dissemination of child pornography?***

Child pornography on the Internet is an escalating problem which is caused by the increase in the number of Internet users. This problem does not recognize and does not have limits. In the process of combating this phenomenon, there are such technical and legal obstacles as rapid technological progress and changes. Combating violence against children on the Internet cannot be handled by state authorities or public organizations only. Cooperation and partnership between competent public authorities, law enforcement agencies, representatives of private businesses, in particular Internet industry, nongovernmental and international organizations are necessary to overcome this phenomenon.

Internet has not only made the existing methods of violence against children easier and free from risks, but it has also brought about new methods of violence. Among them are: online commercial sexual exploitation of children; child prostitution; child pornography; sexual harassment via chats, private rooms, ICQ, social networks, and so on; hacking; distribution of illicit and hazardous materials; socialization of violence and other forms of psychological pressure and manipulations.

There are many forms of using Internet to exploit children. The most common form is download and distribution of child pornography. This form causes double violation of children's rights, namely: on the one hand, children's rights are violated while making child pornography (“children beyond the screen”), and on the other hand, while watching violence of children on computers (“children in front of the screen”).

The question of degree of responsibility of Internet providers for content that is available through their servers have long been debated at the international level. And the answer lies in the recognition of such liability, which is clearly stated in international conventions and treaties. Internet providers have to bear moral obligations and legal responsibility for preventing the spread of child pornography on the Internet. Internet providers can become central actors in the fight against child pornography on the Internet, because the offenders need Internet providers to access the Internet; at the same time, law enforcement agencies need Internet providers to find the criminals.

Possible solutions of the problem:

- Internet providers must record and verify the accuracy of data provided by

customers.

- Codes of conduct are to be signed by all participants of Internet business.
- Mechanism of notification of law enforcement agencies on the identified child pornography both on Internet and Hotlines should be worked out.

Ukraine ratified the Convention on Cybercrime. Article 9 of the Convention entitled “Offenses related to child pornography” has become the basis for legal action regarding making, distribution, and possession of child pornography.

“1. Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct:

- a) producing child pornography for the purpose of its distribution through a computer system;
- b) offering or making available child pornography through a computer systems;
- c) distributing or transmitting child pornography through a computer system;
- d) procuring child pornography through a computer system for oneself or for another person;
- e) possessing child pornography in a computer system or on a computer-data storage medium.”

It is not enough simply to delete pages containing child pornography, it is necessary to prosecute people who make, distribute, and use these products. These products primarily harm the child, encroach his life and immunity, which is the basic right defined in the Universal Declaration of Human Rights.

### ***3.4. When will Ukraine ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse?***

Ukraine signed the Convention in 2007, but it has not yet submitted the draft law on its ratification to the Verkhovna Rada of Ukraine.

The Convention consists of 50 articles and contains a number of obligations for States which acceded to this international instrument. In particular: to establish criminal liability for sexual seducement, organization of child prostitution and child pornography, participation of children in pornographic performances, child corruption, sexual harassment of children; to protect and assist victims, in particular Hotlines to prevent repeated victimization; to introduce special institutions and coordinating bodies to prevent and combat sexual exploitation and prostitution of children; to develop programmes and activities of the correction of offenders etc.

### ***3.5. When will Ukraine Ratify the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption?***

Another failure of Verkhovna Rada of Ukraine to ratify the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption is considered to be a negative result of 2008. The President of Ukraine has for the fourth time submitted the Bill on ratification of this international instrument, which should ensure that the rights of children that were adopted by foreign nationals are observed, to the Ukrainian Parliament.

The Hague Convention is specifically designed to establish a mechanism for international cooperation and provide practical nature to the provisions of the Convention on the Rights of the Child in Respect of Intercountry Adoption. It stipulates responsibility and tasks which are divided between the country of origin and host country, given the institutional differences and national legislation. One of the fundamental principles of the Hague Convention is that adoption is not a personal matter that can be left in the competence of the child's relatives, his legal representatives, or future adopters. It is a social and legal

way to protect the child. Thus, the States which are involved and ensure that adoption is in the best interests of the child and his fundamental rights should be the responsible for the procedure of intercountry adoption.

### ***3.6. When will the issue of preventing trafficking in persons become a mandatory educational, and not only optional, component in secondary education?***

Ministry of Education and Science of Ukraine supports public initiatives of cooperation with educational establishments and education authorities aimed at preventing trafficking in human beings. Formal interaction takes place mainly in orders, agreements on cooperation, as well as joint projects and programmes.

Ministry permits to include the themes on prevention of trafficking in human beings as optional ones in educational programmes. It can be testified by a number of departmental documents, the chronology of which is presented by the 1998 instructional and methodological letter with recommendations on educational work against trafficking in women (see Table. 3.1.).

**Table 3.1.**

#### **Basic documents of the Ministry of Education and Science of Ukraine to prevent trafficking in human beings**

<b>1998</b>	Instructional and Methodological Letter with Recommendations on Educational Work against Trafficking in Women of 02.04.1998
<b>2003</b>	“The concept of preventing and eradicating the worst forms of children’s labour”
	Action Plan to implement the provisions of the Conception (Resolution No. 648r)
<b>2005</b>	Order No. 649 of November 10, 2005 “On information and educational activities in schools to prevent trafficking in persons in 2005-2007”
<b>2006</b>	Order No. 631 of August 23, 2006 “On comprehensive measures aimed at observing legislation on protection of minors”
	Order of the Ministry of Education and Science of Ukraine No. 844 of December 25, 2006 “On additional measures to prevent and combat abuse of children”
	Order of the Ministry of Education and Science of Ukraine No. 865 of December 28, 2006 “On socio-psychological and pedagogical work with children of labour migrants”
<b>2007</b>	Order of the Ministry of Education and Science of Ukraine No. 27 of January 20, 2007 “On the events of the Ministry of Education and Science of Ukraine to implement the Comprehensive crime prevention programme for 2007 – 2009”
	Order of the Ministry of Education and Science of Ukraine No. 279 of April 4, 2007 “On the implementation of the Decree of the Cabinet of Ministers of Ukraine No. 410 of March 7, 2007 On the approval of the State Program on Combating Trafficking in Human Beings for the period until 2010”
	Order of the Ministry of Education and Science of Ukraine No. 531 of June 21, 2007 “On implementing the Resolution of the Ministry of Education and Science of Ukraine, Ministry of Internal Affairs of Ukraine and Ministry of Ukraine for Family, Youth, and Sport to prevent crime, violence, homelessness, and neglect of children among the youth”

	Order of the Ministry of Education and Science of Ukraine No. 1176 of December 25, 2007 “On organization and implementation of the socio-psychological and pedagogical work with children of labour migrants in 2008”
<b>2009</b>	Order of the Ministry of Education and Science of Ukraine No. 255 of March 19, 2009 “On the organization of information and education activities in educational institutions in 2009-2010 to prevent trafficking in human beings”

However, there still are some problems concerning the changes in the basic component of public education programs to include the prevention of trafficking in human beings. The draft of the State Program on Combating Trafficking in Human Beings for the period until 2010 included provisions indicating the need for examination of curricula and programs, and inclusion of themes on prevention of trafficking into the basic part of the state component. This would mean that the theme on prevention of trafficking in human beings were to become mandatory at schools, and not just optional. During the approval of the State Program on Combating Trafficking in Human Beings, these provisions were excluded, and the final version does not contain them either. The next chance for inclusion of the theme as a compulsory one can be presented by a comprehensive law on combating trafficking in human beings, whose drafting is planned for 2009.

### ***3.7. Why have the amendments to Article 301 of the Criminal Code of Ukraine concerning criminal prosecution for possessing pornographic products been severely criticized?***

343 deputies voted for the Bill No. 3221, which stipulates criminal prosecution for possessing pornographic products on June 11, 2009. Article 301 Part 1 “Importation, making, sale or distribution of pornographic items” was amended as follows: “Importation into Ukraine for sale or distribution purposes or making, possessing (*highlighted by the author*), transportation or other movement for the same purposes, or sale or distribution of pornographic images or other items, and also compelling others to participate in their making, - shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years, with the forfeiture of pornographic images or other items and means of their making and distribution”<sup>55</sup>. The bill was drafted and submitted by the Cabinet of Ministers of Ukraine.

What prompted the Cabinet of Ministers of Ukraine to propose such changes, and the deputies to support them? The memorandum to the bill clearly defines the motivation: “Draft Law of Ukraine “On amendments to article 301 of the Criminal Code of Ukraine” was developed to carry out the instructions of the Cabinet of Ministers No. 24142/1/1-08 of May 13, 2008 on execution of the tasks defined in paragraph 1 Article 8 of the Decree of President of Ukraine No. 411 of May 5, 2008 “On measures to protect rights and legal interests of the child””. However, the text proceeds as follows: “The objective of the Draft Law of Ukraine “On amendments to article 301 of the Criminal Code of Ukraine” is to propose amendments the Criminal Code of Ukraine, which would stipulate criminal prosecution for possessing works, images or other items of pornographic nature for sale or distribution purposes, which is one of the international legal obligations of Ukraine taken when Ukraine ratified the Optional Protocol to the Convention on the Rights of the Child regarding trafficking in children, child prostitution and child pornography (*highlighted by the author*)”.

The resolution of the Central Scientific Experts Office is positive. It stresses again

<sup>55</sup> [http://gska2.rada.gov.ua/pls/zweb\\_n/webproc4\\_1?id=&pf3511=33445](http://gska2.rada.gov.ua/pls/zweb_n/webproc4_1?id=&pf3511=33445)



that the Bill is aimed at bringing national legislation into conformity with international legal obligations assumed by Ukraine when it ratified the Optional Protocol to the Convention on the Rights of the Child regarding trafficking in children, child prostitution, and child pornography.

Thus, bringing the current legislation of Ukraine in compliance with the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography ratified by the state, as well as in compliance with the Council of Europe Convention on Cybercrime is an important task. But this cannot be done by the amendments to the Article 301 of the Criminal Code of Ukraine only. These international instruments do not focus on criminal prosecution for the possessing pornographic products; they deal with child pornography in general!

Optional Protocol introduces the notion of “**child pornography**” and encourages states to ban it. “Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or transnationally or on an individual or organized basis:

c) Producing, distributing, disseminating, importing, exporting, offering, selling, or **possessing for the above purposes child pornography** as defined in article 2”<sup>56</sup>. Having analysed the above-quoted Article 3 of the Protocol, it became clear that state should stipulate criminal prosecution for possessing child pornography for the purpose of manufacturing, distribution, sale, etc.

Council of Europe Convention on Cybercrime (ratified by Ukraine in 2006) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (signed by Ukraine in 2007, but not yet ratified) are further compared with the Optional Protocol to the UN Convention on Rights of the Child.

According to Article 9 “Offenses related to child pornography” (The Convention on Cybercrime): “Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the following conduct:

- a) producing child pornography for the purpose of its distribution through a computer system;
- b) offering or making available child pornography through a computer systems;
- c) distributing or transmitting child pornography through a computer system;
- d) procuring child pornography through a computer system for oneself or for another person;
- e) possessing child pornography in a computer system or on a computer-data storage medium”<sup>57</sup>.

Article 20 “Offenses related to child pornography» of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse gives the notion of “possessing child pornography”: “Each Party shall take the necessary legislative or other measures to ensure that the following intentional conduct, when committed without right, is criminalised:

- a. producing child pornography;
- b. offering or making available child pornography;
- c. distributing or transmitting child pornography;
- d. procuring child pornography for oneself or for another person;
- e. possessing child pornography;
- f. knowingly obtaining access, through information and communication technologies, to child pornography”<sup>58</sup>.

It actually extends the provisions of the Convention on Cybercrime, without limiting the above-mentioned conduct to “computer systems.”

<sup>56</sup> [http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=995\\_b09](http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=995_b09)

<sup>57</sup> [http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=994\\_575](http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=994_575)

<sup>58</sup> <http://rastu.com.ua/content/view/4551/259/>

The quotes from international documents testified that Ukrainian legislation actually requires changes in the criminalization of acts related to child pornography to bring it in line with existing norms of international law. Concerning adults, the international documents do not contain clear restrictions in this regard and national laws are based on established ethical norms and traditions (which tend to become out of date).

Coming back to the Bill No. 3221, we have to state that the concepts were substituted there and provisions of international instruments were actually falsified because they do not require criminalization of pornographic products made with the help of adults. As a result, the country received the law, which did not bring Ukraine any closer to implementation of the provisions of the Optional Protocol to the UN Convention on the Rights of the Child into national legislation. **Article 301 of the Criminal Code of Ukraine once again requires changes in order to bring it into conformity with international instruments cited above!** Namely, amendments should touch upon criminal prosecution for possessing, and making **child pornography** for personal use.

## **Chapter 4. Implementation analysis of the State Programme on Combating Trafficking in Human Beings for the period until 2010 in 2008**

Appendix  
to the Letter of Ministry for Family, Youth and Sport  
No.4.3/354 of 27.02.2009

### **Status Report on Implementation of the State Programme on Combating Trafficking in Human Beings for the period until 2010 in 2008**

1. To analyse legislative acts on combating trafficking in human beings and, if necessary, to submit proposals on amending them to the Cabinet of Ministers of Ukraine.

Ministry of Ukraine for Family, Youth and Sport, Ministry of Justice, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Labour, Ministry of Education and Science, Ministry of Health together with public and international organizations.  
2007

Issues of combating trafficking in human beings are included in such legal acts as (the level: international agreement - Law of Ukraine):

- UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 02.12.1949;
- United Nations Convention against Transnational Organized Crime and protocols that supplement it (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) of 15.11.2000;
- Criminal Code of Ukraine (Article 149);
- Agreement between the CIS Member States on cooperation of the CIS Member States in the sphere of combating trafficking in human beings, human organs and tissues of 25.11.2005.

All these documents create an effective legal mechanism for combating trafficking in human beings, but the issues of preventing from this dangerous phenomenon and assisting victim require legal grounding.

On the basis of the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime, it is possible to determine the gaps that are not regulated by Ukrainian law:

The possibility to ensure physical, psychological and social rehabilitation of victims of trafficking is not regulated at the legislative level (in particular the system of financing such activities as spending from state and local budgets through charitable activity of individuals and entities (including non-residents), foreign grants, charity organizations, confiscation and insurance funds).

According to current legislation, in particular Criminal Procedural Code of Ukraine and peculiarities of the crime defined by Article 149 of the Criminal Code of Ukraine, it is

almost impossible to reconstitute the rights of victims, and in case of failure of such a restitution it is impossible to ensure full compensation for damages (the volume of confiscated property does not cover the cost for restituting victims' rights and compensating damage, there is no efficient relationship of cause and effect between crime and property earned through criminal activity).

Status of victims of trafficking requires separate legal settlement. Thus, there is a legal category "victim" in Ukraine today defined by the Criminal Procedural Code of Ukraine. Thus, any action aimed at rendering social assistance to the victims associated with an appropriate procedural status. The situation may also be complicated by the international nature of special criminal groups, which significantly increases the time required to conduct proceedings for acquiring that status.

The need to strengthen the negative attitude of Ukrainian society towards the crime, criminals involved in its perpetration, and other persons who benefit from such criminal activities (because there is stable economically motivated tolerance to this socially dangerous phenomenon and its consequences) is one of the additional issues that need legislative regulation.

Shaping the attitude of citizens of Ukraine concerning the inadmissibility of violation of immigration and labour laws abroad is a special problem that needs immediate solution.

The problem of substituting the legal concepts of "coordination" and "management" dominates the structural problems that arise in the implementation of state policy on combating trafficking in human beings.

The following proposals supported by international experts (OSCE, IOM, ILO) are also worth mentioning in order to ensure effective communication between the subject of management, which coordinates the state policy on combating trafficking in human beings, and the object of management presented by a subordinate body that carries out administrative directives regarding the concentration of efforts on a particular direction of state policy of the profile:

- the possibility to create a separate institution: the National Coordinator for Combating Trafficking in Persons (this may be an official at the level of Deputy Prime Minister or other officials whose coordination activity will be approved by the decision of the Deputy Prime Minister) is investigated to enhance the impact of the subject of coordination;

- the establishment of a separate and independent from the executive authorities institutions: the National Rapporteur on Trafficking in Human Beings (the person who will be sufficiently authoritative in the country and in the world and who will independently and objectively investigate the status of organizational and legal nature of the mechanism of implementing the profile state policy) was studied to conduct an objective assessment of implementing profile state policy;

- the improvement of the advisory system: Interagency Coordinating Council - expert working group (perhaps through a joint advisory body composed of ministers or their deputies having the right of delegating the right of making certain decisions to other persons, for example such as representation in court with a maximum scope of rights) requires special attention. Hypothetically, the elimination of joint advisory body option can be taken into account to ensure efficient functioning of the mechanism, built on the principle of sole authority - National Coordinator (administrative), the National Rapporteur (control), you.

The issues that also need to be settled, but not necessarily at the legislative level, include the problem of common, unified, objective, and specialized state statistics. At present, all performers of state program provide only departmental, subjective statistics, which differs by methods used to obtain statistics from international and public organizations; it also differs from the system of collecting statistics from other countries.

There are no scientific studies that would clearly define the relationship of cause and effect between the preventive measures of state policy and level of profile crime, number of victims and amount of funds required for restitution of their rights and compensation for damage.

To settle these problems and carry out the Resolution of the Cabinet of Ministers of Ukraine No. 383 of 27.02.2008, the Ministry has worked out draft Resolution of the Cabinet of Ministers of Ukraine “On approval of the Conception of the Law of Ukraine on combating trafficking in human beings and assisting victims of trafficking” sent to the Cabinet of Ministers of Ukraine in the letter of 24.12.2008 No. 4.3/2332.

The Working Group developed a draft Law of Ukraine “On combating trafficking in human beings and assisting victims of trafficking,” which passed through the procedure of approval by the central executive bodies and was sent to the Cabinet of Ministers of Ukraine. The Working Group initiated the drafting of the Law of Ukraine “On combating trafficking in human beings and assisting victims of trafficking.”

Along with proposals for legislative regulation of the abovementioned problems the draft of the legislative act will include the following provisions:

- strengthening of the negative attitude of Ukrainian society toward the crime;
- development of a reliable tool for the criminal responsibility of each offender who committed a crime, as provided under Article 149 of the Criminal Code of Ukraine;
- development of reliable mechanism of social protection and assistance to victims;
- strengthening of state control over intercountry adoption, activities of tourist and marriage agencies, and employment agencies abroad.

2. To monitor the National Legislation concerning its compliance with international law on combating trafficking in human beings and submit proposals on amending them to the Cabinet of Ministers of Ukraine at proper time.

Ministry of Ukraine for Family, Youth and Sport, Ministry of Justice, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Labour, Ministry of Education and Science, Ministry of Health together with public and international organizations.

2007–2010

The procedure for approval of the draft Law of Ukraine “On amendments to some legislative acts of Ukraine with the view to the ratification of the Council of Europe Convention on Action against Trafficking” is taking place with the view to the signing of the Council of Europe Convention on Action against Trafficking in Human Beings.

Ministry of Education and Science of Ukraine jointly with the International Rights Centre “La Strada-Ukraine” conducted monitoring studies “Prevention of trafficking in the system of vocational education: assessment of the situation”. The manual for vocational schools “Combating Trafficking in Human Beings” is worked out according to the results of this study.

3. To establish and ensure activities of the expert groups working at regional standing committees on the exchange of information on prevention of trafficking in human beings and coordination of efforts to combat it.

Ministry of Ukraine for Family, Youth and Sport, Regional, Kyiv and Sevastopol city public administration, the Council of Ministers of the Autonomous Republic of Crimea together with public and international organizations.

2007

Expert working groups were established after the approval of the State Programme on Combating Trafficking in Human Beings in all regional standing committees. The activities of working groups are regulated by the Constitution of Ukraine, the Laws of Ukraine, legislative acts issued by the President of Ukraine, Verkhovna Rada of Ukraine, Cabinet of Ministers of Ukraine, central executive bodies.

4. To hear every 6 months the report on implementation of State Programme on Combating Trafficking in Human Beings for the period until 2010 more presented by the heads of central executive bodies involved in the implementation of measures against trafficking in human beings to assess its effectiveness.

Interagency Coordinating Council on combating trafficking in human beings.

2007–2010

The Interagency Council on the issues of family, gender equality, economic development, and prevention of trafficking in human beings was created in September 2007 (Decree of the Cabinet of Ministers of Ukraine No. 1087 of September 5, 2007 “On advisory body on the issues of family, gender equality, economic development, and combating trafficking in persons”).

The meeting of the Interagency Council devoted to the **events conducted by the central and local executive bodies aimed at improving the situation in the sphere of combating trafficking in persons** took place on **March 19, 2008**.

Thus, the Interagency Council decided the following:

1. to create an interagency working group on the development of the Law of Ukraine “On combating trafficking in human beings and protecting victims of trafficking” and provide proposals to the concept.

2. to appeal to the Prosecutor General of Ukraine to create a separate structural unit, which will be responsible for the issue of combating trafficking in human beings and strengthening public support of the prosecutors in court of certain officials of the regional prosecutor's office.

3. to appeal to the Supreme Court of Ukraine to draft the Decree of the Supreme Court of Ukraine on the generalization of judicial practices concerning the consideration of cases related to trafficking.

4. to appeal to the Supreme Court of Ukraine to organize and conduct training seminars for judges on consideration of cases brought under Article 149 of the Criminal Code of Ukraine.

5. to authorise the Ministry of Ukraine for Family, Youth and Sport to develop and submit to the Cabinet of Ministers of Ukraine draft resolution on the establishment of a separate interagency council on combating trafficking in human beings.

6. to recommend that the Ministry of Education and Science of Ukraine conduct classes on combating trafficking in human beings and eradicating the worst forms of child labour among pupils, students and educators.

7. to recommend that the Ministry of Labour and Social Policy of Ukraine accelerate the approval of the Decree of the Cabinet of Ministers of Ukraine “On the approval of criteria, which are taken to estimate the degree of risk from mediating employment abroad and determine the frequency of routine activities of public monitoring (control)”.



8. to authorise the Ministry of Finance of Ukraine to consider the possibility of increasing funding of events aimed at assisting victims of trafficking.

9. to authorise the State Committee for Television and Radio Broadcasting of Ukraine to develop a system of measures against human trafficking (commercials, creating thematic programmes on combating trafficking in human beings) at the leading television channels and radio stations of Ukraine in the prime time; to make proposals for the introduction of thematic days in the mass media dedicated to combating trafficking in persons (within the state order for production of radio and television programmes).

10. to authorise the Ministry of Ukraine for Family, Youth, and Sports to develop an effective mechanism for rendering assistance to victims of trafficking, including those victims who have not acquired the procedural status of victim yet. To consider the possibility of creating specialized centres for the reintegration of victims of trafficking.

11. The Security Service of Ukraine has to strengthen the verification of generalized materials of the State Committee for Financial Monitoring to determine their possible origin from activities related to trafficking.

12. to recommend local executive bodies that they should:

- adopt regional program on combating trafficking in persons in those oblasts where they were not adopted and to inform the Ministry of Ukraine for Family, Youth, and Sport about it.

- create expert working groups under the permanent commission on combating trafficking in human beings in those oblasts where such groups do not exist yet, and to inform the Ministry of Ukraine for Family, Youth and Sport about it.

- systematize all the available resources of the region on legal, medical, psychological, social and other assistance to victims of trafficking and to inform the Ministry of Ukraine for Family, Youth and Sport about it.

- recommend cooperation with international organizations to improve the implementation of state policy on combating trafficking.

The second meeting of the Interagency Council devoted to the **presentation of research report entitled “Needs Assessment of the National Referral Mechanism for victims of trafficking in human beings in Ukraine” (supported by the office of the OSCE Project Coordinator in Ukraine) and discussion of the situation in the country concerning combating trafficking in human beings, problem questions and possible solutions** took place on July 03, 2008.

The Interagency Council decided the following:

1. to recommend the research entitled “Needs Assessment of the National Referral Mechanism for victims of trafficking in human beings in Ukraine” for processing and further use in the activity of central executive bodies.

2. to create an interagency expert working group on the elaboration of a National Referral Mechanism for victims of trafficking in Ukraine.

3. the central executive agencies involved in implementation of State Programme on Combating Trafficking in Human Beings are to monitor programme concerning their own competence in order to make proposals on amendments and additions to the programme.

4. the central executive authorities are to bring State Programme on Combating Trafficking in Human Beings in compliance with the requirements of the Procedures on the development and implementation of state programmes, which was approved by the Cabinet of Ministers of Ukraine No. 106 of 31.01.2007, to insert quantitative and qualitative indicators in the program.

5. to accelerate the process of adopting the draft Law on Action Plan to implement the UN Convention on the Rights of the Child.

6. to improve the criminal procedural legislation on protection of the rights of children, victims of trafficking taking into consideration the lack of procedures and specialists on the protection of affected children. To consider the experience of Moldova in this sphere.

7. to improve legislation on protection of children from involvement in the production of pornography.

8. to support the Bill “On the establishment of the Institute of Children's Rights Commissioner” (it will help to unify all procedures relating to the protection of children’s rights).

9. to appeal to the Supreme Court and the Prosecutor General of Ukraine to organize and conduct seminars on criminal investigations initiated under Article 149 and Article 301 of the Criminal Code of Ukraine for judges and prosecutors.

10. law enforcement authorities have to pay attention to people working in the sex business to identify minors who are victims of trafficking, especially in summer.

11. to authorise the Ministry of Ukraine for Family, Youth and Sport to consider the issue of creating “Children's Interview Centre” and rehabilitation centre for children affected by trafficking.

5. To ensure the annual meetings of regional and inter-branch workshops on the coordination, analysis and refinement of strategies to prevent and combat trafficking in human beings.

Ministry of Ukraine for Family, Youth and Sport, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Education and Science, Ministry of Justice, Security Service of Ukraine, Ministry of Labour, Ministry of Transport and Communications, State Committee for Television and Radio, State Borderguard Service of Ukraine, State Committee on Nationalities and Religions, State Committee for Entrepreneurship, the Council of Ministers of the Autonomous Republic of Crimea, Regional, Kyiv and Sevastopol city public administration.

2007–2010

According to reports of the executive bodies involved in the implementation of State Programme on Combating Trafficking in Human Beings, coordination, analysis and refinement of strategies to prevent and combat trafficking in human beings are carried out mainly within the framework of the expert working group. The question of individual tasks of the State Programme is solved on a routine basis by the leaders of central state bodies.

The personnel of the Security Service of Ukraine took part in working meetings with representatives of the Ministry of Internal Affairs of Ukraine and the Prosecutor General of Ukraine within the annual regional and inter-branch meetings on coordination, analysis, and refinement strategies to prevent and combat trafficking in human beings.

6. To organize training of civil servants on combating trafficking in children, elimination of the worst forms of child labour.

Ministry of Ukraine for Family, Youth and Sport, Ministry of Justice, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Labour, Ministry of Education and Science together with public and international organizations.

2007–2010

During 2008, the Ministry for Family, Youth and Sport held 3 events on coordinating

the activity of the regional executive authorities against trafficking in human beings in Volyn oblast (second decade of September), Donetsk oblast (second decade of October), Kharkiv oblast (third decade of September). In addition, trainings for civil servants on the identification, exposure, and submittal of traffickers to the court were conducted together with the Office of the OSCE Project Coordinator in Ukraine in 10 oblasts of Ukraine. 2 seminars were also held on the topic jointly with IOM. The Ministry for Family, Youth and Sport held a seminar for public health community on combating human trafficking (jointly with OSCE) in Kyiv on December 10-11.

A “round table” was conducted in the Verkhovna Rada of Ukraine on “Child Safety on the Internet” on April 22, 2008. “Round table” was organized to discuss the safety of children on the Internet and to draw public attention to this phenomenon.

Deputies of Ukraine, representatives of the Ministry of Internal Affairs of Ukraine, Ministry of Education, and Science of Ukraine, Ministry of Ukraine for Family, Youth, and Sport, as well as representatives of public organization participated in the “round table.”

“Round table” entitled “Further steps of the Government to combat trafficking in children and young people, to eliminate the worst forms of child labour” was held in the Parliament on September 24, 2008. It was jointly organized by the Committee of the Verkhovna Rada of Ukraine on Legislative Support of Law Enforcement activity, the Ministry of Ukraine for Family, Youth, and Sport, International Women's Rights Centre “La Strada-Ukraine.” The representatives of all the central executive bodies (State Program), public organizations and mass media from all over Ukraine (80 persons) were invited to participate in the “round table.”

Ministry of Labour, ILO, Institute of Legislation of the Verkhovna Rada of Ukraine, Verkhovna Rada Committee on Social Policy and Labour, the representatives of mass media participated in the national seminar on “Policy in the sphere of labour migration, national legislation, and international standards and practices of foreign countries” held on October 13-14.

7. To provide training of diplomatic officials on combating trafficking in human beings to establish international cooperation in this sphere as well as in the sphere of protecting persons affected by the crime.

Ministry of Foreign Affairs,  
Ministry of Education and Science together  
with public and international organizations.  
2007–2010

Studying and training of diplomatic officials on combating trafficking in human beings and assisting victims of this crime take place within the existing programs for employees of the MFA.

8. To develop and implement programs of social and psychological rehabilitation of children affected by trafficking.

Ministry of Education and Science, Ministry  
of Ukraine for Family, Youth and Sport,  
Regional, Kyiv and Sevastopol city public  
administration, the Council of Ministers of  
the Autonomous Republic of Crimea.  
2007–2010

The programmes of social and psychological rehabilitation of children affected by trafficking are being implemented in the following courses: “Socio-pedagogical and psychological work with children of labour migrants”, “Trust, communication and understanding” (for teenager), “Rights and Obligations of a Person in Society” (for senior pupils).

Zhytomyr Regional Institute of postgraduate education programs of social and psychological rehabilitation of children affected by trafficking, which are implemented on the ground.

9. To include training courses, lectures and workshops on combating human trafficking in training programs, retraining and advanced training of the teaching staff at institutions of post-graduate pedagogical education.

Ministry of Education and Science, Regional,  
Kyiv and Sevastopol city public  
administration, the Council of Ministers of  
the Autonomous Republic of Crimea.  
2007

Institute of post-graduate pedagogical education developed and implemented a training course “How to raise awareness of trafficking in human beings?”

10. To continue publication of information and educational materials on prevention of trafficking and problems of social protection of children and the youth.

Ministry of Education and Science, Ministry  
of Ukraine for Family, Youth and Sport,  
Regional, Kyiv and Sevastopol city public  
administration, the Council of Ministers of  
the Autonomous Republic of Crimea.  
2007–2010

Ministry of Education and Science has developed and published training manual “Stop Trafficking.”

Ministry of Education and Science, Academy of Educational Sciences, and scientific centre of practical psychology and social work prepared and published a manual “Socio-psychological rehabilitation of children removed from situations of trafficking and other worst forms of child labour.”

Centre for Applied Psychology and Social Work of Sevastopol city Humanitarian University developed guidelines on electronic media “Legislative act which protects children from trafficking.”

It should be noted that the State budget of Ukraine included expenditures in the amount of 270,000 USD to implement the State Programme in 2008. 265,115 USD out of the total amount were spent particularly for education, information and international activities. Implementation of regional programs is based on local expenditures. However, it should be noted that the profile involvement of local budgets still needs improvement and should meet the needs of the region.

Moreover, despite the fact that there are no international organizations among the perfumers of the event, the effective work of the OSCE, IOM, ILO, “La Strada-Ukraine” on the development and distribution of educational materials in Ukraine and for the citizens of Ukraine abroad is worth mentioning.

11. To raise awareness of means and methods used by traffickers, through the organization and implementation of information and education activities.

Ministry of Ukraine for Family, Youth and  
Sport, Ministry of Internal Affairs, Ministry  
of Foreign Affairs, Ministry of Education and  
Science, Ministry of Culture and Tourism,

Ministry of Justice, Security Service of Ukraine, Ministry of Labour, Ministry of Transport and Communications, State Committee for Television and Radio, State Borderguard Service of Ukraine, State Committee on Nationalities and Religions, State Committee for Entrepreneurship, the Council of Ministers of the Autonomous Republic of Crimea, Regional, Kyiv and Sevastopol city public administration.  
2007–2010

National Television of Ukraine systematically informs viewers by means of the news programme and information and analytical programmes on crimes related to trafficking in human beings and illegal employment abroad. The topics are covered in the information programme “Novyny” (“The News”) and in the programme “Audientsiya” (“Audience”).

State television company “World Service “Ukrainian TV and Radio”” (UTR) highlights the issue of trafficking in information programs “Puls” (“Pulse”), “Puls-tyzhden” (“Pulse – week”), “Puls. Spetsreportazh” (“Pulse. Special reportage”).

Regional public broadcasting company, in cooperation with the regional Department for Family, Youth and Sport place commercials worked out by their own means.

For example, Volyn OSTRC (Oblast State Television and Radio Company) placed audio and video materials “Do not be a slave” and “Do not sell” provided by regional public organization “Perspectives of Volyn.”

Vinnitsa OSTRC programmes “Novyy Den” (“New Day”), “Liudy ta Vlada” (“People and Power”), “Identyfikatsiya” (“Identification”), “Vidlunnyya” (“Echo”) raised the issue of trafficking.

Kyiv State Regional TV and Radio Company under an agreement with the Department for Nationalities and Religions broadcasts every Monday series of programmes “Rozмова z pryvodu” (“Talking about”), which highlights the issue of trafficking in human beings. The issue is raised in radio newscasts “Holos Kyeva” (“Voice of Kyiv”).

Kharkiv OSTRC provides information on foreign workers in the program “Schyt” (“Shield”), where people are explained how to legally enter another country and not become a victim of trafficking. The program “Molodizhnyy prostir” (“Universe for Youth”) describes the mechanism of combating trafficking in human beings.

The above-mentioned topic is covered by State TV and Radio Company in programme “Krym” (“The Crimea”), Lviv, Rivne, Cherkassy OSTRC.

The documentary “Lyudolovy” (“People hunters”) was ordered by the Ministry for Family, Youth and Sport. It is devoted to the issue of getting the public aware of the forms and methods of traffickers. The film will be shown at all central and regional TV channels in 2009.

Ministry of Labour has made a video for the State Employment Service “Do not look at jobs abroad through pink glasses” to prevent illegal labour migration and encourage compatriots to work in Ukraine. It was broadcast at such channels as: “Inter,” STB, ISTV, “Tonis,” NTN, TRC “Era,” regional and local TV channels (about 160 channels). The video was also broadcast on plasma displays.

Ministry, its departments in the field, centres of social services for families, children and youth took measures to raise public awareness of Ukrainian population on issues of human trafficking through information campaigns. The documentary film “Lyudolovy” (“People hunters”) was made in 2008.

All-Ukrainian Information Anti-migration Campaign was held within the framework of Ukrainian Railways, under which information posters on the same topic were placed on trains, electric trains, and informational flyers were attached to the tickets.

Security Service of Ukraine published 15 printed materials, made 13 radio reportages, issued 41 Internet publications, and initiated 9 videos on television through the mass media.

Administration of the State Border Service has prepared 22 television stories for such channels as “1+1”, “First National Channel”, “Inter” and ISTV, and over 600 of printed and Internet materials.

The centre of social services for families, children and youth is a powerful structure of social services for victims of trafficking.

There is the State Social Service for family, children and youth and over 1500 regional, city, district, village and town centres of social services for families, children and youth in Ukraine today.

In particular, employees of the centres of social services for families, children and youth create databases of families which are in critical situation, including families in which parents left to work abroad. In 2008, the centres of social services began to keep a separate record of persons who are victims of trafficking and who applied for assistance (they have a register book)

Advisory legal services on trafficking in human beings are provided within the framework of regional and district advisory mobile points of social work at the Centre.

Justice bodies that currently have 704 public consultation sections where citizens can obtain an effective free legal assistance make significant contribution to solving this problem.

12. To implement the training course on labour migration and combating trafficking in persons for the personnel of the State Employment Service at the Institute of Higher Education of the State employment service.

Ministry of Labour.

September 2007

The training course on labour migration and combating trafficking in persons for the personnel of the State Employment Service at the Institute of Higher Education of the State Employment Service has been introduced.

State Employment Service of the Ministry of Labour together with the Ministry of Labour, International Labour Organization and International Organization for Migration conducted a series of seminars-trainings for professionals of the Employment Service on “Prevention of outstanding foreign labour migration and combating trafficking in human beings”.

13. To include measures on combating trafficking in persons to the Unified Technology of services for the unemployed population.

Ministry of Labour.

2007

The Technology of services for the unemployed people, who applied for a job to the State Employment Service, includes a chapter on the organization of activities of the basic employment centres to prevent trafficking.

14. To introduce the heading “Frequently Asked Questions” on the web portal of the State Employment Service in order to prevent trafficking in persons among persons who intend to go abroad for employment.

Ministry of Labour.

2007

The web portal of the State Employment Service contains a popular heading “Consulting Centre,” where the State Employment Service specialists advise on issues that

often occur, and consider appeals, questions, and suggestions of user. In most cases, citizens of Ukraine are interested in employment opportunities, organizations which are eligible to place in job abroad, and what is necessary to know when getting employed abroad (warnings).

15. To ensure the information and explanatory work with citizens on employment.

Ministry of Labour.

2007 - 2010

The population is promptly informed on possibility of receiving social services at Employment Service, targeted advice on current legislation, job search, news from the regions concerning the activity of the Employment Centres, provision of services to employers, and cooperation of the service with social partners by means of information resources (official website [www.dcz.gov.ua](http://www.dcz.gov.ua), which consists of a web page of the State Employment Centre and 27 WEB - pages of regional Employment Centres, and "Internet media resource" "Trud" [www.trud.gov.ua](http://www.trud.gov.ua)).

In order to improve efficiency and quality of social services, employment centres provides important information on the availability of jobs in the sector of independent job search; a new free social services - mobile service "Job search" was introduced. Every day, the portal of the Employment Service is visited by 3.4 thousand users. Using the service "Job search" visitors can view the current vacancies across the country, and everyone can leave a resume under the heading "Job." Employers throughout the country have a unique opportunity to see the professional qualities and skills of applicants and means of automated electronic delivery of information sent the necessary data to the users' e-mails. Nationwide database of the State employment service is upgraded daily; and as of 29.12.2008, there are 100 thousand vacancies and 830 thousand resumes of job seekers.

Job seeker can order a mobile service and obtain information on vacancies via:

- sending SMS - message of any form at 730;
- dialing 730 from a cell phone;
- viewing the Internet portal of the State employment service [www.dcz.gov.ua](http://www.dcz.gov.ua)
- viewing WAP-portal of the State employment service [wap.dcz.gov.ua](http://wap.dcz.gov.ua)

The basic Employment Centres have the system of automatic redialing that sends information on vacancies to the stationed telephones of unemployed people in the result of computer-aided selection.

There is also an Operators Phone Centre, where job seekers can resolve the issue of employment by dialing 8-800-50-50-600.

The information "creeping line" is used at places where there are a lot of people, including transport means, to spread information about vacancies at the Employment Services.

16. To ensure public information on vacancies abroad (in the framework of bilateral agreements).

Ministry of Labour, Ministry of Foreign Affairs.

2007

Ukraine is the Party to 11 bilateral treaties in the field of employment, concluded namely with: Azerbaijan, Belarus, Republic of Armenia, Socialist Republic of Vietnam, Latvia, Lithuania, Great Socialist People's Libyan Arab Jamahiriya, Republic of Moldova, Poland, Republic of Portugal, and Russian Federation.

To carry out the bilateral agreements on temporary migration for employment of citizens of Ukraine in Portugal, Pilot Project of the Office of the International Organization for Migration in Portugal and the World Bank on the employment of Ukrainian citizens in



Portugal entitled “Temporary and Reverse Migration between Ukraine and the Republic of Portugal” has been implemented.

To carry out the agreements reached during consultations between experts of Ministry of Labour, the World Bank, the Office of the International Organization for Migration in Ukraine (IOM) and the Ministry of Internal Affairs of the Republic of Portugal on initiation of the Pilot Project, the Portuguese Party prepared and sent the application for a grant for this Pilot Project to the European Commission as well as the declaration of partnership, which was filled by the partnership organization in Ukraine (State Employment Centre).

17. To prepare and submit to the Cabinet of Ministers of Ukraine proposals on amending the legislation on regulation of activities associated with the mediation of employment abroad in order to strengthen the protection of rights and legal interests of Ukrainian citizens who go abroad for employment, and to prevent crimes related to trafficking in human beings.

Ministry of Labour, State Committee of  
Ukraine for Entrepreneurship, Ministry of  
Foreign Affairs, Ministry of Internal Affairs.  
2007

According to Part 2 of Article 5 and Paragraph 5 of Sub-paragraph 2 of Part 2 of Article 22 of the Law of Ukraine “On fundamental principles of the state supervision (control) in the field of business”, Ministry of Labour developed draft Decree of the Cabinet of Ministers of Ukraine “On the approval of criteria, which are taken to estimate the degree of risk from mediating employment abroad and determine the frequency of routine activities of public monitoring (control)”.

Cabinet of Ministers adopted Decree No. 1013 of November 19, 2008 “On the approval of criteria, which are taken to estimate the degree of risk from mediating employment abroad and determine the frequency of routine activities of public monitoring (control)”. This legal act established clear criteria to assess threats of committing fraudulent acts against persons by unfair licensees, unlawful acts of unfair foreign employers, and threats of becoming victims of trafficking in human beings.

18. To ensure supervision over the observance of legislation in the field of model, tourist and entertaining business by the subjects of business activities, as well as mediation of employment abroad, the violation of which creates the conditions for trafficking in human beings and bring the responsible persons to justice.

Ministry of Internal Affairs, Security Service  
of Ukraine, Ministry of Labour, Ministry of  
Culture and Tourism.  
2007–2010

The state of the activities of business entities on employment abroad, as well as tourist, marriage and model agencies are rigorously controlled by law enforcement agencies.

Thus, operational and preventive activity under the code name “Company” was efficiently conducted in Ukraine on September 20-29, 2008.

The main efforts of law enforcement agencies during the events were aimed at the prevention, detection and suppression of facts recruitment of citizens under the guise of commercial structures with a view to sell and exploit them abroad, as well as issuing for the above purposes visas and licenses of the Ministry of Labour to implement fraudulent schemes for acquiring their funds under the guise of unskilled labour abroad.

The results of the activity are the following: 42 incidents of trafficking in human beings 11 of which are directly related to labour exploitation have been documented; 45

incidents of fraud associated with the mediation of employment abroad have been exposed; 57 victims who suffered losses of more than 950 thousand UAH have been identified; 50 records of evidence have been drawn up; persons who violated the rules of business activity have been prosecuted.

The Security Service of Ukraine initiated checks of foreigners who are employed in Ukraine by the authorized state bodies. According to the results, 1245 foreigners were deprived of work permits in Ukraine and 12 reports on administrative violations stipulated by Article 164 of the Administrative Code of Ukraine “Breach of Business Activity Procedures” were drawn up.

As of 15.01.2009 there are 759 business entities registered in Ukraine that are licensed by the Ministry of Labour to mediate employment abroad. The Ministry of Labour and Social Policy of Ukraine conducted 316 inspections of business entities to enforce licensing conditions in 2008. It has been decided to cancel 43 licenses and issued 115 Orders to business entities to eliminate flaws in a timely manner. 42 licenses were declared invalid.

19. To create a series of thematic television and radio programmes; to introduce a separate heading for location information materials about the professions that are in demand in the domestic labour market, as well as the consequences of illegal travel abroad for employment in the electronic and printed mass media.

Ministry of Ukraine for Family, Youth and Sport, State Committee for Television and Radio together with public and international organizations.

2007–2010

Promotion of legal employment abroad and warnings about the risks of illegal employment are reflected at 27 pages of regional WEB - resources. However, the heading “Useful Web Resources” contain the list of popular Ukrainian and foreign websites on job search with the governments of which Ukraine signed agreements on mutual employment of citizens. Collection of materials on labour migration and combating trafficking in human beings are continuously updated.

20. To involve public organizations in joint media projects aimed at raising awareness of citizens to prevent and combat trafficking.

Ministry of Ukraine for Family, Youth and Sport, State Committee for Television and Radio.

2007–2010

A joint initiative of the State Committee for Television and Radio along with the International Rights Centre “La Strada-Ukraine” aims to unite the efforts of governmental and nongovernmental organizations to combat human trafficking, eliminate the causes of its existence, and assist victims of this crime.

### **Providing protection and assistance to victims of trafficking**

21. To provide the citizens of Ukraine affected by trafficking with legal assistance to return home.

Ministry of Internal Affairs, Ministry of Foreign Affairs, Administration of the State

Borderguard Service of Ukraine together  
with public and international organizations.  
2007–2010

“Hot-box” and Hotline were created together with the IOM on the Internet at [interpol\\_sos@mvs.gov.ua](mailto:interpol_sos@mvs.gov.ua) (527 from cell phones, 254-98-36, 8-800-505-50-10) to provide effective assistance to victims of trafficking and their families abroad.

There is Hotline 8-800-500-22-50 functioning at the International Women's Rights Centre “La Strada-Ukraine.”

22. To promote employment and professional training of citizens of Ukraine affected by trafficking.

Ministry of Labour, Ministry of Foreign  
Affairs, Ministry of Ukraine for Family,  
Youth and Sport, together with public and  
international organizations.  
2007–2010

More than 229.7 thousand people were assigned for professional training by the State Employment Centre during 11 months of 2008. It is 17.1 thousand people more than over the corresponding period in 2007 (212.6 thousand people). Training was conducted for occupations that are in demand at the labour market or allow an individual to engage in labour activities.

After the professional training the level of employed unemployed people grows every year. The level of employment after completion of professional training was 74.8% in January - November 2008 which is 1.4% more than over the corresponding period in 2007.

23. To monitor and summarize the experience of rehabilitation centers for persons affected by trafficking, and centers of social and psychological rehabilitation of children.

Ministry of Ukraine for Family, Youth and  
Sport, Regional, Kyiv and Sevastopol city  
public administration, the Council of  
Ministers of the Autonomous Republic of  
Crimea together with public and international  
organizations.  
2007–2010

At the present time, the International Organization for Migration supports 8 centres which are operating in Ukraine (in Volyn, Zhytomyr, Lviv, and Odessa (2), Chernivtsi, Kherson oblasts and the city of Kiev (Medical and Rehabilitation Centre). The activities of these institutions are intended to provide legal protection to the victims of trafficking, confidential medical examination, social and psychological assistance. Reintegration programmes include trainings, individual work with a view to further employment of victims of trafficking, providing practical assistance in solving housing and property issues.

Ministry of Ukraine for Family, Youth and Sport in cooperation with the International Organization for Migration (IOM) conducted monitoring of state and regional programmes on combating trafficking in human beings in the western and southern regions of Ukraine (Kherson, Odessa, Mykolayiv, Ternopil, Lviv, Chernivtsi, Transcarpathian, Chernihiv oblasts and the Crimea).

#### TRENDS IN THE SOUTHERN REGION:

- Active recruitment in rural areas (based on analysis of cases of trafficking in human beings)

- Victims of trafficking often come from families with domestic violence

#### TRENDS IN THE WESTERN REGION:

- Low number of identified victims of trafficking in human beings through public organizations in all oblasts except Ternopil oblast, taking into account high level of migration from the region;

- Low number of criminal cases in the region;

- Most victims of trafficking are women sent to public organizations by the Department against crimes related to combating trafficking in human beings (except Ternopil)

24. To cover in mass media activities aimed at preventing and combating trafficking and rendering assistance to victims of such crimes.

State Committee for Television and Radio,  
Ministry of Internal Affairs, Ministry of  
Foreign Affairs, Ministry of Labour, Ministry  
of Education and Science, Ministry of  
Ukraine for Family, Youth and Sport,  
Ministry of Justice, Security Service of  
Ukraine, Regional, Kyiv and Sevastopol city  
public administration, the Council of  
Ministers of the Autonomous Republic of  
Crimea together with public and international  
organizations.

2007–2010

According to the Security Service of Ukraine, 88 news reports on the measures taken and the results of preventing and combating trafficking in human beings were covered during the reporting period.

The website of the Ministry of Labour and the mass media cover the activities of the Commission of the Ministry for licensing mediation of employment abroad and granting Ukrainian work permits to foreigners. Information on the activities of business entities that are licensed by the Ministry of Labour and provide mediation services for employment of citizens of Ukraine abroad is constantly updated.

25. To hold an annual competition of social commercial on combating trafficking in human beings and providing services to victims of such crimes among the mass media and NGOs.

State Committee for Television and Radio,  
Ministry of Ukraine for Family, Youth and  
Sport together with public and international  
organizations

2007–2010

Ministry of Ukraine for Family, Youth and Sport together with the Office of the International Organization for Migration (IOM) in Ukraine and under financial support from the U.S. Agency for International Development plan to conduct a competition of student works on combating trafficking in human beings in 2009.

### **International cooperation on combating human trafficking**

26. To ensure participation in international seminars, meetings of “round table”, conferences and trainings on combating trafficking in human beings and providing services to victims of such crimes.

Ministry of Ukraine for Family, Youth and  
Sport, Ministry of Internal Affairs, Ministry

of Education and Science, Ministry of Justice, Security Service of Ukraine, Ministry of Labour, Ministry of Transport and Communications, State Committee for Television and Radio, Ministry of Culture and Tourism, Ministry of Foreign Affairs, Administration of the State Borderguard Service of Ukraine, State Committee on Nationalities and Religions.

2007–2010

Within the framework of participation in an international seminars on combating trafficking in human beings Ministry of Ukraine for Family, Youth and Sport jointly with IOM and the U.S. Embassy organized and conducted a video conference between representatives of state institutions and public organizations in Ukraine and Georgia, where the issues of combating criminal activities and rehabilitation of affected persons were discussed.

During that period, the police and Security Service took part in the international conference “The successful prosecution of human trafficking: challenges and positive experience” in Helsinki (Finland).

Representatives of the Administration of State Borderguard Service took part in an international seminar on strengthening cooperation in the sphere of identifying and referring victims of trafficking between the personnel of the State Borderguard Service of Ukraine, Belarus, Moldova, Russian, and non-governmental organizations providing assistance to victims.

The annual educational training seminar on the theme “The mechanisms of detection, disclosure and investigation of crimes related to trafficking in human beings” (Kyiv) was conducted under auspices of the IOM in order to improve the professional skills of the personnel of the Ministry of Internal Affairs.

27. To carry out an analysis of international agreements on cooperation in combating transnational organized crime, in particular trafficking in human beings; to participate in international preventive operations and investigations of crimes related to trafficking, as well as to initiate such investigations.

Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Justice, Security Service of Ukraine, Administration of the State Borderguard Service of Ukraine.

2007–2010

Analysis of international agreements on cooperation in the sphere of combating transnational organized crime, in particular trafficking in human beings, gives an opportunity to conclude that together with the abundance by criminal legislation on combating trafficking in human beings, it is necessary to gradually bring the legal and regulatory base in line with the legal and regulatory base of the countries which successfully eliminate this type of criminal activity.

Personnel of the Ministry of Internal Affairs participated in operations “interception-2” and “interception-3” held under the auspices of GUAM in May and November 2008. They were aimed at combating illegal migration, recruitment and transportation of Ukrainian citizens abroad for the purpose of exploitation.

In order to cut off the channels of international traffic from Ukraine to the Czech Republic there has been established close cooperation with the Ministry of Internal Affairs of the Czech Republic within the Pilot Project «Zero», which is supported by International Organization for Migration in Ukraine.

Personnel of the Security Service of Ukraine took part in:

working meeting with representatives of the Slovak law enforcement agencies to establish cooperation within the international operation “Doctor” in the sphere of combating trafficking in human beings (Bratislava, Slovakia);

international seminar on combating transnational organized crime, organized by the European Union mission (EUBAM) to assist Moldova and Ukraine in border related issues (Kyiv);

Meeting of Liaison Officers of law enforcement agencies of EU Member States, organized by the International Technical Cooperation Service of the French police within the framework of the presidency of this country in the European Union, during which the question of Ukraine's participation in the activities of the internal security of the European Union, in particular in the fight against illegal migration and trafficking in human beings (Kyiv).

28. To continue cooperation with Interpol, Europol, the Regional Centre of South-eastern European Cooperation Initiative in the fight against transnational crime (SECI), and law enforcement agencies of other countries to jointly combat trafficking in human beings, exchange information on transnational criminal groups and individuals who carry out such criminal activities and investigate crimes related to trafficking.

Ministry of Internal Affairs, Ministry of  
Foreign Affairs, Ministry of Justice, Security  
Service of Ukraine, Administration of the  
State Borderguard Service of Ukraine.

2007–2010

The leaders and personnel of the Security Service of Ukraine participated in working meetings with the representatives of law enforcement agencies of Portugal (on development of cooperation in combating cross-border organized crime) and Great Britain (to align the plan documenting illegal activity of transnational organized criminal group, which specializes in illicit smuggling of persons across the state border and trafficking in human beings), which was held in Kiev in the framework of international cooperation.

29. To ensure the involvement of international public organizations, charitable foundations and foreign mass media in implementation of projects aimed at preventing and combating trafficking in persons, search of persons who have disappeared abroad, their reintegration and rehabilitation.

State Committee for Television and Radio,  
Ministry of Ukraine for Family, Youth and  
Sport

2007–2010

Ministry of Ukraine for Family, Youth and Sport, together with other performers of the State Programme, cooperates with the U.S. Agency for International Development, International Organization for Migration in Ukraine, Office of the OSCE Project Coordinator, International Rights Centre “La Strada-Ukraine”, International Labour Organization and other NGOs working in this area. Unfortunately, public organizations do not cover the information on expenditures for implementation of state programs.

It should be noted that the Ministry of Ukraine for Family, Youth and Sport together with public and international organizations worked to adjust the State Programme on Combating Trafficking in Human Beings for the Period until 2010 to the requirements of the Law of Ukraine “On State Programmes” and Procedure for Development and Implementation of State Programmes approved by Decree of the Cabinet of Ministers of Ukraine No. 106 of 31.01.2007. The main reason for the improvement of the program is the

establishment of clear relationship of cause and effect between resources (especially financial ones) that are allocated to execute any event of the State Programme on Combating Trafficking in Human Beings and specific results (qualitative and quantitative indicators) of the event.

30. To cooperate with governmental and international organizations and funds, widely use international experience in the sphere of preventing and combating trafficking in human beings, protecting the rights of persons affected by such crimes, search of persons who have disappeared abroad, return home and rehabilitation of persons affected by trafficking.

Ministry of Ukraine for Family, Youth and Sport, Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Education and Science, Ministry of Justice, Security Service of Ukraine, Ministry of Labour, Ministry of Transport and Communications, State Committee for Television and Radio, Ministry of Culture and Tourism, State Committee on Nationalities and Religions, State Committee of Ukraine for Entrepreneurship, Administration of the State Borderguard Service of Ukraine, Regional, Kyiv and Sevastopol city public administration, the Council of Ministers of the Autonomous Republic of Crimea.

2007–2010

Ministry of Internal Affairs of Ukraine established close cooperation with international governmental and nongovernmental organizations that promote the protection of rights and legal interests of persons affected by trafficking by providing them with reintegration, rehabilitation, financial, psychological and medical assistance.

Thus, the Ministry works closely with the International Organization for Migration, the Organization for Security and Cooperation in Europe, the Netherlands, the United Nations, International Women's Rights Centre “La Strada-Ukraine,” etc. In the framework of such cooperation, they conduct joint researches; draft legislative acts; prepare analytical materials, guidelines, information reference books; conduct seminars, training sessions, consultations of two or more days, and classes for persons involved in the fight against this type of criminal activity.

Major efforts of the Ministry of Internal Affairs of Ukraine are aimed at identifying criminal groups and individuals involved in the organization and functioning of international channels of trafficking.

Ukraine is one of the first countries in Europe that introduced an article stipulating definition for the notion of “trafficking in human beings to the Criminal Code.

The situation concerning combating trafficking in human beings in Ukraine is reflected in the statistics of the Ministry of Internal Affairs of Ukraine. The rate of this crime was reduced in 2007. For instance, there were more than 400 crimes related to trafficking in human beings in 2005 and 2006; over 359 such crimes were recorded in 2007; and finally 322 crimes stipulated under Article 149 (“Trafficking in Human Beings or other Illegal Agreement on Persons”) of the Criminal Code of Ukraine were recorded, 342 victims of trafficking were identified and returned to Ukraine (37 of them were children), and 18 organized groups were eliminated in 2008.

Thus, the activities of organized criminal groups with international relations, which consisted of the citizens of Ukraine and Israel, who recruited and transported five young



women to exploit them for paid sexual services to the state of Israel, have been ceased in the Mykolaiv oblast.

The criminal activities of transnational organized group of three residents of the oblast and three citizens of the Republic of Turkey, who for long time have recruited and transported Ukrainian women to Turkey for sexual exploitation under the guise of mediation services in employment offering jobs of sellers and waiters in Turkey, have been ceased in the Kherson oblast.

Constant exchange of operational information with foreign law enforcement agencies is carried out; joint investigation and search operations on cutting off channels of trafficking are performed.

According to the results of the bodies of internal affairs, 851 crimes stipulated under Article 301 ("Importation, making, sale or distribution of pornographic items") of the Criminal Code of Ukraine were revealed in 2008.

The materials on illegal distribution of pornographic items via the Internet, including file-sharing system Infostore were collected; criminal case under Part 2 of Article 301 of the Criminal Code of Ukraine was initiated as the result of the examination of these materials in October and November.

## Chapter 5. General recommendations

1. To continue monitoring the implementation of State Programme on combating trafficking in human beings for the period until 2010 in 2009.
2. To use for monitoring the implementation of State Programme on combating trafficking in human beings developed quantitative and qualitative indicators of effective introduction to unify the format of monitoring, clearly track changes, make comparative analysis in order to improve state policy on combating trafficking in human beings.
3. To annually prepare and publish national status reports on the situation in the field of combating trafficking in human beings.
4. To devote a separate chapter to problems of combating trafficking in human beings and protecting children from commercial sexual exploitation while preparing the Universal Periodic reports on human rights in Ukraine to the UN Council on Human Rights.
5. To track and monitor the implementation of the recommendations of the research on combating trafficking in human beings, meetings, “round tables”, hearings, seminars and other events.
6. To create a working group to draft a new State Programme on combating trafficking in human beings for 2011-2015, to take into account need to include provision for monitoring its implementation while preparing the programme.
7. To ratify the Council of Europe Convention against trafficking.
8. To ratify the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse.
9. To amend Article 301 of the Criminal Code of Ukraine by giving the definition of “child pornography”.
10. To finalize and submit a comprehensive Law “On combating trafficking in human beings” to the Verkhovna Rada of Ukraine.
11. To develop and adopt national standards of social services in the area of combating trafficking in human beings.
12. To bring to a logical conclusion the creation of a separate Interagency Coordinating Council on combating trafficking in human beings.
13. To create separate pages on the websites of government authorities devoted to their activities on combating trafficking in human beings.
14. To develop an Action Plan for implementation of the Outcome Document of the Third World Congress against sexual exploitation of children and adolescents - Rio Pact.
15. To found institution of the National Rapporteur on prevention of trafficking.
16. To found institution of the National Coordinator for Combating Trafficking in Persons.
17. To include the subject of trafficking in human beings in the preparation and training of all categories of professionals working in the field of combating trafficking in human beings.
18. To include the issue of preventing trafficking in human beings and other related crimes to educational programs for children and youth in the basic and optional parts of the state component of educational programmes.
19. To work out mechanism of social order from state structures so that they could provide services to public organizations.
20. To amend existing legislation to give official status to children of labour migrants and legalize the status of the people who bring them up.
21. To organize psychological and pedagogical assistance for children whose parents are abroad, and to organize social and psychological support for families.
22. To introduce formal National Referral Mechanism for victims of trafficking in human beings in Ukraine.

