

UKRAINE (Tier 2 Watch List)

Ukraine is a source, transit, and destination country for men, women and children trafficked internationally for the purposes of commercial sexual exploitation and forced labor. Ukrainian women are trafficked to Russia, Poland, Turkey, the United Arab Emirates, Lebanon, the Czech Republic, Italy, Portugal, Germany, Austria, Cyprus, Greece, Serbia, Montenegro, Spain, Hungary, and Israel for commercial sexual exploitation. Women from Central Asian countries such as Uzbekistan and Kyrgyzstan are trafficked through Ukraine to Europe for commercial sexual exploitation. Although reliable data is not available, Ukraine may also be a destination for people from former Soviet republics for forced labor and prostitution. In addition, internal trafficking occurs in Ukraine; men and women are trafficked within the country for the purposes of labor exploitation in the agriculture, service, and forced begging sectors, as well as for commercial sexual exploitation. Ukrainian children are trafficked both internally and transnationally for commercial sexual exploitation, forced begging, and involuntary servitude in the agriculture industry.

The Government of Ukraine does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Ukraine is placed on Tier 2 Watch List for its failure to provide evidence of increasing efforts to combat trafficking in persons over the last year, particularly in the area of punishing convicted traffickers. As with last year, many of the traffickers convicted in Ukrainian courts received probation. The government should take significant steps, to ensure that convicted traffickers are prosecuted and serve jail sentences.

The Ukrainian government should also improve its anti-trafficking efforts in other areas. Corruption is widespread in Ukraine, and there remain concerns about possible complicity in trafficking by government officials. The government should take steps to proactively investigate the nature and extent of complicity by government officials, and prosecute officials suspected of facilitating trafficking offenses. The March 2007 adoption of the National Anti-Trafficking in Persons program, which includes for the first time dedicated anti-trafficking funding, is a positive step, although higher levels of funding are necessary if the plan is to be effective. In particular, the government should improve its efforts to protect victims of trafficking by increasing funding to NGOs providing victims with comprehensive protection and rehabilitation services. Furthermore, the government should encourage victims' assistance in investigations by providing them with protection, ensuring their rights are protected in court, and providing guidance to courts on procedures for handling trafficking cases.

Prosecution

The Ukrainian government made insufficient progress in prosecuting and punishing trafficking offenses in 2006. The government prohibits all forms of trafficking through its Criminal Code's Article 149, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other grave crimes. This year, the law enforcement community completed 101 criminal investigations and arrested 66 people on trafficking charges. In 2006, the government obtained verdicts against 111 traffickers, 86 of whom did not appeal their conviction. Nonetheless, of these 86 cases, 47 traffickers received probation rather than jail sentences. Most of the others received sentences of two to eight years' imprisonment, and the assets of 18 were confiscated. Ukraine's President and Prime Minister have both publicly acknowledged that corruption is a major problem for Ukraine. Possible instances of complicity in trafficking by government officials, such as border guards and officials responsible for licensing employment agencies, may not have been punished. Ukraine should demonstrate efforts to proactively investigate and punish government officials suspected of trafficking complicity.

As part of efforts to implement recent changes to Ukraine's anti-trafficking law, the Supreme Court conducted a series of seminars for judges to educate them about the reformed code, and police and prosecutors also underwent training. In September 2006, the Ministry of Interior established a special unit within its Anti-Trafficking in Persons Department to combat trafficking for labor exploitation and to monitor businesses involved in the employment of Ukrainians abroad; 68 officers stationed throughout the country staff this new unit. The government, however, initiated only four investigations of labor trafficking between September 2006 and January 2007, and few employment agencies believed to be involved in trafficking had their licenses revoked.

Protection

Ukraine did not demonstrate increased efforts to protect victims of trafficking over the reporting period, but continues to cooperate with internationally funded NGOs to provide protection services. The government does not directly finance shelters, medical or psychological care, or repatriations for victims, but provided a few shelters with subsidized facilities and in-kind logistical support. The government did not demonstrate implementation of systematic procedures for the identification of victims and their referral to victim service providers. Ukrainian embassies actively assisted in the return of 272 of their nationals this year and referred them to reintegration centers run by NGOs. Ukraine does not penalize victims for unlawful acts committed as a direct result of being trafficked. Victims' rights, however, are often not respected, as some judges and prosecutors have demonstrated unsympathetic, negative, and sarcastic attitudes toward victims. Ukrainian law does not provide foreign victims with legal alternatives to their removal to countries where they may face hardship or retribution.

Prevention

The government made some progress in preventing trafficking in persons during the reporting period. In 2006, the Border Guards closed nine channels of trafficking, prevented 43 women from being trafficked, and detained 29 traffickers. Border guards are tasked with screening for potential trafficking victims among people who cross the border. However, such screening provided few benefits since border guards had limited time to interview and little training to identify possible victims. Bribery and corruption continued to facilitate illegal migration. High-ranking government officials, including the Ministers of Interior and Family, Youth, and Sports, took part in events to raise awareness of trafficking. The government provided expertise and free advertising on radio and TV stations, and experts from the State Employment Service provided callers to the national anti-trafficking toll-free telephone hotline with information on legal employment overseas.