

UKRAINE (Tier 2)

Ukraine is a source, transit and increasingly destination country for men, women, and children subjected to trafficking in persons, specifically forced labor and forced prostitution. Ukrainian victims are trafficked to Russia, Poland, Turkey, Italy, Austria, Spain, Germany, Portugal, the Czech Republic, United Arab Emirates, United Kingdom, Israel, Greece, Lebanon, Benin, Tunisia, Cyprus, Bosnia and Herzegovina, Hungary, Slovakia, Syria, Switzerland, the United States, Canada, and Belarus. Women continued to be forced into prostitution or subjected to involuntary domestic servitude or forced labor in service industries and textile or light manufacturing sectors. The majority of Ukrainian male labor trafficking victims were subjected to forced labor in Russia but also in other countries, primarily as construction laborers, factory and agricultural workers, or sailors. IOM reports that four percent of reported trafficking victims in Ukraine are children, although the number may be higher due to under-reporting. Children were most often forced into prostitution or forced to beg. An increasing number of Ukrainian victims were subjected to forced labor and forced prostitution within the country in 2009. Homeless children or children in orphanages continued to be particularly vulnerable to trafficking in Ukraine.

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. In 2009, the government improved its incarceration rate for convicted traffickers and it initiated projects and legislation to improve its capacity to identify and refer victims to services. The General Prosecutor's Office continued to encourage prosecutors to challenge noncustodial sentences imposed on convicted traffickers in 2009. However, the majority of convicted traffickers continued to receive no time in jail. Courtroom treatment of and protection for witnesses in trials remained inadequate. Ukraine did not vigorously address official complicity in facilitating trafficking, which hampered its ability to tackle its human trafficking problem.

Recommendations for Ukraine: Seek sentences for convicted trafficking offenders that require them to serve appropriate jail time; continue to monitor human trafficking trial procedures and encourage prosecutors to give more serious attention to human trafficking cases by appealing non-custodial sentences; vigorously investigate and prosecute trafficking complicity by government officials; continue to take steps to establish formal mechanisms for the proactive identification and referral of trafficking victims to services; increase funding for NGOs providing critical care to victims; consider establishing a fund derived from assets seized from convicted traffickers for this purpose; provide specialized assistance to child trafficking victims; and continue trafficking-specific training for prosecutors and judges.

Prosecution

The Government of Ukraine sustained its law enforcement efforts during the reporting period. However, punishments for convicted trafficking offenders continued to be minimal. The government prohibits all forms of trafficking through Article 149 of its Criminal Code. Penalties prescribed range from three to 15 years' imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes. However, courts in various regions throughout Ukraine have interpreted Article 149's applicability to labor trafficking cases differently, causing some convicted labor trafficking offenders to receive light sentences. The government prosecuted 80 trafficking cases under Article 149 in 2009, the same number it reported prosecuting in 2008. The government reported that it convicted 110 trafficking offenders in 2009, compared with 99 the previous year. Thirty-three convicted trafficking offenders were sentenced to time in prison in 2009, compared with 22 in 2008. Sentences ranged from less than two to 10 years' imprisonment. Forty-one convicted traffickers were placed on probation and courts confiscated the assets of 15 traffickers. Thirty-six convicted traffickers remained free on appeal. The government reported it investigated 23 cases of suspected forced labor involving 131 victims in 2009. It did not, however, disaggregate its conviction data to demonstrate whether it had prosecuted any forced labor offenders in 2009. Government prosecutors demonstrated a more aggressive stance on sentencing by appealing low sentences imposed on 41 convicted trafficking offenders in 2009. The General Prosecutor's Office continued to encourage prosecutors to challenge non-custodial sentences imposed on convicted traffickers via issuance of a directive to all state prosecutors in 2009. Further, prosecutors began filing additional petitions to challenge sentences even after conventional avenues of appeal had been exhausted, a more complicated and difficult process. NGOs continued to report that official trafficking-related corruption was a problem, particularly with prosecutors and judges. In 2009, the government investigated and charged three anti-trafficking officers for soliciting bribes totaling \$39,675 from women engaged in prostitution.

Protection

The Government of Ukraine took some modest but important steps to improve protections for trafficking victims during the reporting period. In 2009, it drafted a comprehensive trafficking law to codify its anti-trafficking protection policies, establish a mechanism for referral of victims, and formalize cooperation between government and NGOs in this process; however, the government did not formally adopt or implement this law during the reporting period. In 2009, the government launched a pilot project to develop a referral mechanism in two oblasts in partnership with the OSCE. During the reporting period, the government registered 335 new victims of trafficking, including 42 children. Local oblast centers reported providing direct assistance to at least 16 trafficking victims in 2009 after referral by local anti-trafficking NGOs. Local governments offered some in-kind contributions in 2009, including restoration of documents

and employment assistance. Ukrainian consulates reported providing assistance to 66 Ukrainian citizen victims abroad during the reporting period. The government, however, continued to rely on international donors to provide the majority of victim assistance. IOM, working with its local partners, provided assistance to 773 victims, including 32 domestic victims, in 2009. The government continued to place child trafficking victims in temporary homeless shelters for children that do not offer specialized services for trafficking victims. While the government encouraged victims to cooperate with law enforcement in the prosecution of their traffickers, the government's protection of victims who testified against their traffickers remained inadequate; the physical security it provided to victims during trial proceedings was limited and available only to those determined to be in immediate danger. Some regional courts, in partnership with international donors, took steps to install witness protection rooms to increase security for victims of violent crimes, including trafficking victims, in 2009. There were no reports of victims being punished for unlawful acts committed as a direct result of being trafficked, but there were continued reports that victims' rights were not fully respected during trials. The government did not provide legal alternatives to the removal of foreign victims to countries where they may face hardship or retribution.

Prevention

The national government made limited progress in preventing trafficking in 2009, although some local authorities took steps to implement prevention programs in their oblasts. Inadequate funding and a lack of political commitment and understanding about trafficking continued to hinder the government's implementation of its national anti-trafficking plan. Only two people were assigned responsibilities for anti-trafficking in the national government in 2009. Further, the government's Interagency Council met only once during the reporting period and local experts reported that its mandate included other social issues that limited its ability to focus on trafficking. Authorities approved the establishment of anti-trafficking action plans in the majority of oblasts during the reporting period. Oblast coordination councils – that included NGOs – generally met quarterly to facilitate implementation of these plans. Two oblasts provided approximately \$22,000 for prevention programs in 2009. Local authorities provided modest financial and in-kind assistance to NGOs to carry out prevention campaigns. Ukraine's National Academy of Defense cooperated with IOM to conduct five Counter-trafficking training sessions for Ukrainian troops prior to deployment for international peacekeeping duties in 2009.