

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	427
Land:	Ukraine
Kilde:	US Department of State
Titel:	2021 Trafficking in Persons Report: Ukraine
Udgivet:	1. juli 2021
Optaget på baggrundsmaterialet:	15. oktober 2021

Document #2055303

USDOS – US Department of State

2021 Trafficking in Persons Report: Ukraine

UKRAINE: Tier 2

The Government of Ukraine does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Despite the documented impact of the COVID-19 pandemic on the government’s anti-trafficking capacity, the government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ukraine remained on Tier 2. These efforts included raising the amount of financial assistance threefold for officially recognized victims; establishing more services available to victims of violence, including trafficking victims; and continuing to convict traffickers. The government also produced several large awareness events, including in partnership with an international organization and an NGO. However, the government did not meet the minimum standards in several key areas. Authorities investigated and prosecuted far fewer suspected traffickers. The restructuring of government institutions continued to hamper law enforcement efforts, and many newly hired prosecutors lacked trafficking-specific training. Courts continued to issue many lenient sentences, likely owing to judges’ underestimation of the severity of trafficking offenses, to entrenched stereotypes about what constitutes trafficking in persons, and in part to corruption; this lenient sentencing resulted in the majority of convicted traffickers avoiding imprisonment. These law enforcement efforts were inadequate to deter trafficking. Reports of officials complicit in human trafficking persisted, including anti-trafficking police officials. While the government initiated criminal investigations and charged several allegedly complicit officials during the reporting period, for the fourth consecutive year, it did not secure any convictions. The government officially recognized fewer victims in 2020, while international organizations continued to identify far more victims than the government, highlighting the government’s inadequate identification efforts and a continuing lack of trust in the government’s ability to protect victims. NGOs continued to identify systemic shortcomings in the implementation of the national referral mechanism at the regional level, and government funding for local budgets for anti-trafficking efforts has remained stagnant since 2016.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute alleged trafficking crimes and punish convicted traffickers with significant prison terms. • Increase efforts to investigate, prosecute, and convict officials allegedly complicit in trafficking crimes under the trafficking statute. • Identify and certify the status of more victims to ensure they are afforded their rights under the trafficking law and modify the procedure for granting victim status to lessen the burden on victims to self-identify and divulge sensitive information. • Provide extensive training on the national referral mechanism to local officials and service providers throughout the decentralization process to minimize disruption in the processes of identification, referral, and assistance to trafficking victims. • Increase law enforcement investigations and prosecutions of labor recruitment firms engaged in fraudulent practices. • Increase government funding for anti-trafficking efforts, particularly funding for local communities. • Increase training for law enforcement, prosecutors, and judges in the investigation and prosecution of trafficking cases, particularly on forced labor, a victim-centered and trauma-informed approach, and how to gather evidence outside of victims’ testimony. • Increase victims’ access to legal assistance throughout the criminal process, and mandate victim restitution in criminal cases. • Increase training for officials on victim identification, particularly in proactive screening for labor trafficking and of vulnerable populations, such as women in commercial sex, children in sex trafficking, foreign migrant workers, and internally displaced persons. • Establish a dedicated, independent national counter-trafficking rapporteur position with support staff.

PROSECUTION

The government decreased law enforcement efforts. Article 149 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to eight years’ imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated 203 trafficking cases in 2020, a decrease compared with 297 in 2019. These included 87 sex trafficking cases and 116 labor trafficking cases, of which 36 were for forced involvement in criminal activity and 12 for forced begging. An international organization stated the pandemic decreased law enforcement’s detection capabilities and limited law enforcement’s transborder counter-trafficking efforts, resulting in a decrease of more than 30 percent in the number of registered trafficking cases from 2019 to 2020 and limiting the number of prosecutions during the reporting period. Prosecutions were also limited by pandemic-related restrictions on court

proceedings. Authorities investigated and ended the operations of nine criminal groups engaged in trafficking. Law enforcement referred 159 notices of suspicion, a necessary precursor to a court trial, involving 92 suspects in 2020, compared with 233 cases involving 120 suspects in 2019. Prosecutors pursued 51 of these referrals in court, compared with 201 in 2019, and the courts considered 32 cases in 2020 compared with 35 cases in 2019. In 2020, 122 cases remained ongoing in the courts, compared with 85 in 2019. The government reached final judgment on 25 cases and convicted 29 traffickers in 2020 under Article 149, compared with 35 traffickers in 2019. Of the 29 convicted traffickers sentenced in 2020, only five (17 percent) received prison sentences, of which four received terms of three to five years and one received a term of five to 10 years; 23 of the remaining convicted traffickers received probation, and one was fined. Observers reported many judges underestimated the severity of trafficking offenses and continued to hold entrenched stereotypes about what constitutes trafficking in persons, while some engaged in corrupt practices. These lenient sentences undercut efforts to hold traffickers accountable. Authorities cooperated with foreign governments on multiple transnational investigations and one extradition, including with Russia, Moldova, Italy, Greece, other European countries, and Kazakhstan. In one case, law enforcement cooperated with Polish authorities to identify 12 Ukrainian citizens forced to work in an illegal tobacco production facility in Poland.

Institutional reforms over the past six years led to widespread turnover in many government institutions, most notably within the ranks of the National Police, the Ministry of Social Policy (MSP), and the judiciary. The government restructured the National Police counter-trafficking unit and the MSP, leading to a high level of turnover and a lack of knowledge about trafficking among many of the officials from these institutions. Experts reported these institutional reforms created temporary obstacles to anti-trafficking efforts but ultimately could lead to improved efforts if changes were properly implemented. In December 2020, the National Police placed the counter-trafficking unit under the new Migration Police and expanded its mandate to address a broader range of trafficking-related issues. The National Police stated the intent of this placement was to ensure the unit’s focus was not solely on adult sex trafficking but also on forced labor and child sex trafficking. The judiciary delayed court cases due partly to a lack of judges resulting from a constitutional court decision on qualification and hiring processes as well as to pandemic-related restrictions. Turnover of personnel led to a lack of qualified prosecutors to supervise trafficking cases at the regional level. The government, in conjunction with international funding and partners, conducted virtual trainings for judges, law enforcement, and other officials. Law enforcement took part in several virtual conferences and seminars. In collaboration with the National School of Judges, an international organization conducted an online training for judges that included instruction on international cooperation instruments, non-punishment of victims for unlawful acts traffickers compelled them to commit, and the rights and interests of victims. Observers reported the National Police counter-trafficking unit used outdated online investigative tools and collaborated poorly with other financial or cybercrime investigations, leading to missed opportunities to identify trafficking crimes in money laundering or pornography cases.

Corruption remained in the police and judiciary, and two cases of official complicity in human trafficking were reported. The government continued to report investigations of officials allegedly complicit in trafficking; however, for the fourth consecutive year the government did not report any convictions of complicit officials. Authorities charged two officers of the Odesa police counter-trafficking unit with allegedly accepting bribes in exchange for not investigating persons for pimping and inducement of others into commercial sex and suspended the officials pending criminal investigation; however, they were charged under Article 368 of the criminal code for receiving illegal benefits. In another case, authorities placed law enforcement officers and officials from the Children’s Service under pre-trial investigation for child trafficking. Other high-profile cases have remained stalled with the court for years, including those against the former commander of the Kyiv City police counter-trafficking unit, three police officers, recruiters for trafficking Ukrainians into a drug-trafficking ring in Russia, and a teacher at a government-run boarding school for orphans in Kharkiv who attempted to sell one of her students.

PROTECTION

The government made mixed efforts in victim protection; while it increased stipends to identified victims and established some new services, it decreased its overall inadequate victim identification so fewer victims received services. The police identified and provided assistance to 146 victims in 2020, a decrease compared with 262 victims in 2019. Authorities approved 134 of 235 applications requesting official victim status, compared with 185 of 283 in 2019. According to an international organization, the pandemic exacerbated existing long-term problems in victim identification and assistance. NGOs reported the government nearly ceased targeted proactive identification efforts because of the pandemic. Moreover, pandemic-related restrictions and the diversion of funding to combat the pandemic further limited trafficking victims’ access to state assistance. An international organization reported pandemic-related restrictions likely limited the number of applications for victim status as potential victims must submit applications in person. The majority of victims were Ukrainians exploited within Ukraine. Officials reported screening undocumented foreign migrants for indicators of trafficking and granted official status to two foreign victims in 2020; separately, international organizations identified four foreign victims in 2020. Almost half of all the identified victims were exploited in areas of armed conflict in Donbas. Civil society reported the government rejected a higher percentage of applications for the second year in a row due to strict internal guidelines for classifying cases as trafficking crimes, police pursuing indictments under statutes other than the trafficking law, and the government demanding additional evidence to confirm victim status contrary to Ukrainian law, including confirmation that the victim was recognized as such in court proceedings or demanding evidence to show movement across a border. The government did not grant official victim status to individuals incarcerated abroad in 2020, compared with 40 in 2019; the government discontinued the use of a simplified application process for potential victims incarcerated abroad, which included waiving the in-person interview requirement. The government

continued to rely on international organizations and NGOs, with international donor funding, to identify victims and provide the vast majority of victim protection and assistance. Civil society reported continued systemic shortcomings in the functioning of the national referral mechanism (NRM) at the regional level and noted that government agencies identified a low number of victims through the NRM. An international organization in Ukraine assisted 1,680 victims, compared with 1,345 in 2019. International organizations reported the majority of their identified victims were exploited by labor traffickers. The government cooperated with NGOs on victim identification through the NRM. Victims not requiring specialized services may have chosen not to pursue official victim status, although NGOs reported the emphasis on documents requiring the divulging of sensitive information likely deterred some applicants from applying, as did pandemic-related restrictions. Changes in administration, personnel turnover, and ongoing decentralization reforms continued to obscure local communities’ chains of responsibility for decisions regarding provision of key social services, including identifying, referring, and assisting trafficking victims; however, NGOs continued to report the strengthening of local self-governance expanded local decision-making powers and secured more solid financing over the reporting period.

The government allocated 548,800 hryvnia (\$19,390) to the national budget for anti-trafficking measures in 2020, approximately the same amount as in 2019 and 2018. For the past five years, funding for local budgets remained the same at 219,220 hryvnia (\$7,750). In December 2020, the government increased financial assistance threefold to approximately 6,800 hryvnia (\$240) for each officially recognized victim. Ukraine’s trafficking law entitled victims to housing at a government shelter, psychological assistance, medical services, employment counseling, and vocational training, regardless of whether a criminal case proceeded, or the victim cooperated with law enforcement. The government provided services to victims granted official status; specialized NGOs were actively involved in facilitating victims’ applications for status and access to services at the local level. Some victims requiring shelter stayed at a rehabilitation center run by an international organization. Despite the government’s stated commitment to assume operation of the center and support from the international organization in financial planning and establishing operating procedures, the government did not integrate the center into the national social and health care system. Adult victims could also stay at government-run centers for psycho-social assistance for up to 90 days, with the option to extend, and receive psychological and medical support, lodging, food, and legal and social assistance. Authorities could accommodate child victims in centers for socio-psychological support of children for up to nine months and administer social, medical, psychological, education, legal, and other types of assistance. Authorities identified two child victims of trafficking in 2020 but did not report what services they received, if any. The government established 70 specialized support services in 2020 for victims of domestic violence and trafficking, including nine new shelters, and other services like crisis rooms and mobile crisis response units, although in practice the latter was used primarily in domestic violence cases. The government maintained 21 centers for socio-psychological assistance, 33 state shelters for domestic violence and trafficking victims that assisted 13 trafficking victims in 2020, and 796 social services centers. Observers reported that state assistance remained insufficient to meet victims’ needs; victims continued to rely on NGOs for assistance. Foreign victims were entitled to the same benefits as Ukrainian citizens and had additional access to interpretation services, temporary legal stay, and voluntary repatriation. Authorities could grant permanent residency to foreign victims in danger of retribution should they return to their country of origin. Foreign victims were able to obtain an immigration permit after residing continuously in Ukraine for three years.

The government, often in partnership with international organizations, provided training for officials on victim identification and assistance. The government, in partnership with an international organization and an NGO, assisted in the repatriation of a Ukrainian trafficking victim from Slovenia. The Witness Protection Law provided protections for victims, but courts rarely used protection measures. Closed hearings and remote procedures for questioning and identification were the most frequently used witness and victim protection mechanisms. The government did not restrict victims’ movement. Investigators granted personal protection to eight victims in 2020 and changed the personal data of three witnesses in criminal proceedings. Video testimony systems that ensure the complete separation of victims or witnesses from the accused existed in 14 courts in various regions; the courts used these systems 19 times during hearings of trafficking-related crimes in 2020. The government did not report cases of courts ordering restitution payments for victims in 2020, the same as in 2019.

PREVENTION

The government increased prevention efforts. MSP continued to coordinate anti-trafficking efforts at the national and local levels, but restructuring and rotation of staff continued to limit its activities. The government maintained a 2016-2020 national action plan and developed a draft concept for a 2021-2025 national action plan. MSP published a report on the implementation of the government’s anti-trafficking policies for the first half of 2020 and convened a working group in August 2020 to improve regulations to counter trafficking and to discuss amending legislation to transfer the authority to grant victim status from the MSP to the new National Social Service. A government-sponsored hotline dedicated to trafficking, gender-based violence and violence against children became operational in January 2020. The hotline received 29,344 calls in 2020, although fewer than 40 percent of the calls were from victims or potential victims, according to one NGO. The government reported that 38 victims were identified and referred to services, 13 of whom received temporary shelter. A local NGO, with funding from international donors, operated a counter-trafficking and migrant advice hotline. In 2020, the hotline received 22,921 calls, compared with 22,053 calls in 2019; 77 potential victims were identified and referred to responsible local agencies and NGOs for assistance. Authorities, in coordination with NGOs, international organizations, and local partners, continued to conduct a wide range of awareness campaigns throughout the country, including television, social media, online games, public events, and webinars. MSP spearheaded, with assistance from other organizations and NGOs, a major traveling exhibition touring 16 cities that opened on International Anti-Trafficking Day in July 2020. In addition, in

December 2020, MSP, in partnership with an international organization and an NGO, launched an awareness-raising campaign on the International Day for the Abolition of Slavery; the international organization estimated the campaign reached more than 22 million people. Regional governments, with support from international organizations and NGOs, held repeated trainings throughout 2020 for administrators of newly formed local communities to raise awareness of trafficking.

Police continued to monitor and investigate formal and informal recruitment networks, including companies advertising jobs abroad, and participated with other stakeholders to raise awareness about known recruitment schemes. The Ministry of Economic Development and Trade oversaw the licensing of labor recruitment agencies and conducted regular and random inspections on their activities. In June 2020, legislation that banned recruitment companies from charging fees to citizens seeking employment abroad was heard in parliament; the final vote on the legislation was pending at the close of the reporting period. The government suspended routine labor inspections at the start of the pandemic; however, authorities continued to carry out unannounced inspections throughout the year. Labor inspectors conducted 14,803 unscheduled inspections in 2020. The government increased the number of labor inspectors to 1,815 in 2020 from 1,138 in 2019; however, NGOs reported that the increase was still insufficient to meet their mandate. The government made some efforts to reduce the demand for commercial sex acts; Article 149 reportedly criminalized the act of knowingly soliciting or patronizing a sex trafficking victim, but an NGO noted the language in the statute is broad. The government continued to provide victim identification and referral training to diplomats.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Ukraine, and traffickers exploit victims from Ukraine abroad. Ukrainian victims are exploited in sex trafficking and forced labor in Ukraine, as well as in Russia, Poland, Germany, and other parts of Europe, China, Kazakhstan, and the Middle East. Ukrainian victims are increasingly exploited in EU member states. Traffickers exploit some Ukrainian children and vulnerable adults in forced begging. NGOs estimate 10-15 percent of the Roma community lack identification documents, leaving them unable to access state social assistance programs and thereby increasing their vulnerability to trafficking. Traffickers exploit a small number of foreign nationals in forced labor in Ukraine. A growing number of forced labor victims in Ukraine and abroad are exploited in a variety of sectors, including construction, manufacturing, agriculture, criminal activity, and street begging. Traffickers force some victims to participate in the illegal production of counterfeit tobacco products and well-established criminal groups force some Ukrainian victims to engage in other illegal activities abroad. Some traffickers exploited victims in forced labor at rehabilitation centers under the guise of providing treatment for alcohol or drug addiction. Pandemic-related movement restrictions and border closures resulted in traffickers exploiting a larger number of Ukrainians in labor trafficking within Ukraine and in commercial sex increasingly online. The number of foreign victims in Ukraine fell dramatically since the beginning of the conflict in eastern Ukraine, although smuggled migrants transiting Ukraine are vulnerable to trafficking. Traffickers target low-skilled workers transiting Ukraine. Increasingly, well-educated workers are vulnerable to labor exploitation. The approximately 104,000 children institutionalized in state-run orphanages are at especially high risk of trafficking. Officials of several state-run residential institutions and orphanages have allegedly been complicit or willfully negligent in the sex and labor trafficking of girls and boys under their care.

Fueled by Russian aggression, the conflict in eastern Ukraine and Russia's occupation of Crimea have displaced more than 1.4 million people, and this population is especially vulnerable to human trafficking throughout the country. In areas of eastern Ukraine controlled by Russia-led forces, employment options are limited, and Russia's proxy "authorities" place restrictions on international humanitarian aid intended to help meet civilian needs. IDPs, those living in Russia-controlled territory or within 20 km of the line of contact in the Donbas, and residents of Crimea face significant barriers to obtaining or renewing identification documents, increasing their vulnerability to exploitation. Traffickers reportedly kidnap women and girls from conflict-affected areas for sex and labor trafficking in Ukraine and Russia. Traffickers target internally displaced persons and subject some Ukrainians to forced labor on territory not under government control, often via kidnapping, torture, and extortion. International organizations report the demographics of Ukrainian trafficking victims has shifted since the beginning of the conflict to include more urban, younger, and male victims exploited increasingly in forced labor and criminality, such as for drug trafficking and as couriers.

Uncorroborated reports of Russia-led forces using children as soldiers, informants, and human shields continue, but the number of such reports has decreased since the early years of the conflict. Then, Russia-led forces in Russia-controlled areas of the Donbas reportedly used children to take direct and indirect part in the armed conflict to perform armed duty at checkpoints, as fighters, and to serve as guards, mailpersons, and secretaries. The recruitment of children by militant groups took place in territory controlled by Russia and in areas where the government was unable to enforce national prohibitions against the use of children in armed conflict.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2020 to March 2021)

Country:

Ukraine

Source:USDOS – US Department of State**Original link:**<https://www.state.gov/reports/2021-trafficking-in-persons-report/ukraine/>**Document type:**

Periodical Report

Language:

English

Published:

1 July 2021

Document ID:

2055303

Austrian Red Cross Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)	Wiedner Hauptstraße 32, 1041 Wien T (Telefon) +43 1 589 00 583 F (Fax) +43 1 589 00 589 info@ecoi.net	Contact Imprint & Disclaimer F.A.Q. Data Protection Notice
--	---	---

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

