Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**357**
Land:	Ukraine
Kilde:	US Department of State
Titel:	2019 Trafficking in Persons Report – Ukraine
Udgivet:	20. juni 2019
Optaget på baggrundsmaterialet:	27. juni 2019

Document #2010928
USDOS – US Department of State

2019 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. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Ukraine remained on Tier 2. The government demonstrated increasing efforts by amending its anti-trafficking law, significantly increasing funds available for the implementation of the national action plan, investigating more cases of forced labor, certifying more victims, and increasing training for officials. However, the government did not meet the minimum standards in several key areas. Lax sentencing, likely aggravated by corruption, meant the majority of convicted traffickers avoided imprisonment, which was inadequate to deter trafficking. The moratorium on labor inspections hampered law enforcement investigations on labor trafficking cases. International organizations continued to identify far more victims than the government, indicating inadequate identification efforts by the government and a continuing lack of trust in the government’s ability to protect victims.

PRIORITIZED RECOMMENDATIONS

Punish convicted traffickers with proportionate and dissuasive prison sentences. • Clearly define administrative chains of responsibility and competencies of service providers throughout the decentralization process to minimize disruption in the processes of identification, referral, and assistance to trafficking victims. • Vigorously investigate and prosecute trafficking offenses, including public officials complicit in trafficking crimes. • 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. • Increase law enforcement investigations of recruitment firms engaged in fraudulent practices. • Increase training for law enforcement, prosecutors, and judges in the investigation and prosecution of trafficking cases, particularly on forced labor, a victim-centered approach, and how to gather evidence outside of victims’ testimony. • Undertake a systemic effort to implement victim-witness protection measures and take active measures to prevent intimidation of victims during legal procedures. • Increase training for officials on victim identification, particularly in proactive screening for labor trafficking and of vulnerable populations, such as women in prostitution, children in sex trafficking, foreign migrant workers, and internally displaced persons. • Enact legislation to strengthen protections for foreign victims.

PROSECUTION

The government maintained law enforcement efforts. Authorities amended Article 149 of the criminal code in September 2018 to broaden the definition of trafficking to bring it closer to the definition contained in the Council of Europe trafficking convention. The law 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 275 trafficking offenses in 2018, compared with 346 in 2017. These included 151 instances of sex trafficking, 54 for labor trafficking, 68 for forced involvement in criminal activity, and two for forced begging. Authorities reported investigations and arrests of multiple organized crime groups facilitating forced labor and sexual exploitation in Ukraine and abroad. Authorities initiated prosecutions of 68 cases in court in 2018, compared with 66 cases in 2017. Fifty-five cases from 2017 remained ongoing. Law enforcement referred 185 notices of suspicion, a necessary precursor to a court trial, involving 133 suspects in 2018, compared with 149 cases involving 111 suspects in 2017. Prosecutors pursued 148 of these referrals in court, compared with 124 in 2017. The government reached final judgment on 25 cases and convicted 15 traffickers in 2018 under Article 149, a decrease from 23 traffickers in 2017 and the lowest in seven years. Of the 15 convicted traffickers sentenced in 2018, only five (33 percent) received prison sentences, which ranged from two to 10 years, the government confiscated assets from one defendant, two were sentenced under multiple articles; while the remaining convicted traffickers received suspended sentences or were freed from serving their sentences under leniency provisions. Appellate courts removed or reduced three sentences on appeal and in two other cases changed lower court rulings to harsher sentences, including substituting imprisonment for a suspended sentence and imposition of confiscation of assets in both cases. Authorities collaborated with foreign governments on 33 transnational investigations and extraditions, including Russia, Moldova, Germany, and other European and Asian countries.

Institutional reforms over the past four years led to widespread turnover in many government institutions, notably within the ranks of the national police and the judiciary. The process of court reorganization changed some court jurisdictions, which risked the lengthening of the judicial process for some cases if they were reassigned to new panels. In 2018, training on trafficking case processes was made compulsory at the National School of Judges. The recertification and restructuring of police units continued and included mandatory training and testing on trafficking, with assistance from an international organization, and reduced the number of officers suspected of corruption. Despite overall improvements, challenges resulting from structural reforms and personnel changes hampered efforts at the local level. The government, in conjunction with international funding and partners, continued training for judges, prosecutors, law enforcement, and other officials. The government reported investigating several officials allegedly complicit in trafficking; however, there were no new prosecutions or convictions. Several high-profile cases remained pending with the court, including 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 increased efforts in some areas of protection. Draft legislation introduced in 2017 intended to increase the safety of persons with disabilities from exploitation, improve procedures for establishing victim status, expand the network of victim service providers, and improve protections for foreign victims and stateless persons remained pending in Parliament. The police identified 275 victims in 2018 (349 in 2017). 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. An international organization in Ukraine assisted 1,265 victims, compared with 1,256 in 2017. International organizations reported the majority of their identified victims were subjected to labor trafficking; the government reported identifying approximately equal numbers of victims subjected to labor and sex trafficking. Authorities approved 214 of 266 applications requesting official victim status, compared with 195 of 273 in 2017 and 110 of 124 in 2016. In 2017, the government simplified the application process for potential victims incarcerated abroad, including waiving the in-person interview requirement; the government granted official victim status to 28 individuals incarcerated in Russia in 2018. Authorities did not approve 52 applications reportedly due to police not qualifying the crime as trafficking or the victim submitting incomplete applications. Victims not requiring specialized services may have chosen not to pursue official victim status, although NGOs reported the emphasis on documents deterred some labor victims and members of the Romani community from applying. The government maintained efforts on proactive victim identification and cooperated with NGOs on victim identification through the national referral mechanism. Ongoing decentralization reforms obscured local communities’ chains of responsibility for decisions regarding provision of key social services, including identifying, referring, and assisting trafficking victims; however, NGOs reported the strengthening of local self-governance expanded local decision-making powers and secured more solid financing.

The government allocated 548,000 hryvnia ($19,780) to the national budget for anti-trafficking measures in 2018, compared to disbursements of 98,800 hryvnia ($3,570) to the national budget and 219,220 hryvnia ($7,910) to local budgets for anti-trafficking measures in 2017. The government did not report any funding disbursements to local budgets in 2018. The government provided financial assistance to each officially recognized victim in amounts greater than the official subsistence level. 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. Authorities assigned victims with official status a case management team, which provided referrals to care facilities, NGOs, or other services according to an individualized plan. Some victims requiring shelter stayed at a rehabilitation center run by an international organization with funding from international donors, housed in a

state-run hospital. Adult victims could also stay at government-run centers for socio-psychological assistance for up to 90 days and receive psychological and medical support, lodging, food, and legal assistance. Authorities could accommodate child victims in centers for socio-psychological rehabilitation of children for up to 12 months and administer social, medical, psychological, education, legal, and other types of assistance. The government maintained 21 centers for socio-psychological assistance, as well as 692 social services centers. The government created a new social service center offering psychological services in Transcarpathia and continued to cooperate with local administrations and NGOs to provide victims aid in centers for socially vulnerable populations, which facilitated the creation of a 35-bed shelter for vulnerable females, including victims of trafficking, in Poltava. Observers reported the provision of assistance was problematic due to funding shortfalls and high turnover of trained staff. The government, often in cooperation with international organizations, provided training for officials on victim identification and assistance. The government reported it assisted the repatriation of two Ukrainian victims from Azerbaijan and China.

Victims commonly suffered threats and intimidation throughout the legal process. NGOs reported the release of alleged traffickers on bail increased the risk to victims; in some cases, alleged traffickers lived in the same community as their victims. However, the government did not report whether it provided any victims with witness protection or protective measures inside courtrooms. NGOs reported the government often did not provide legal assistance or other support to victims during criminal cases. The government did not report cases of courts ordering restitution payments for victims in 2018.

Officials reported screening illegal migrants for indicators of trafficking, but did not identify any foreign victims in 2018; international organizations reported identifying three victims—two from Moldova and one from Belarus. Foreign victims were entitled to the same benefits as Ukrainian citizens and had additional access to interpretation services, temporary legal stay, and voluntary repatriation. Legislation that would allow foreign victims to remain in Ukraine for extended periods and work legally remained pending with the government. There was no legal way for foreign victims to extend their stay, change legal residency, secure employment rights, or seek protection from deportation to countries where they would face hardship or retribution.

PREVENTION

The government maintained prevention efforts. Authorities, in coordination with NGOs, international organizations, and local partners, such as the Ukrainian scouting organization, continued to conduct a wide range of awareness campaigns throughout the country, including television programs, street advertising, public events, and community policing. The Ministry for Social Policy (MSP) continued to coordinate anti-trafficking efforts at the national and local levels, but was limited by ongoing restructuring and staffing gaps. An international organization recommended the establishment of a dedicated, independent counter-trafficking coordinator with support staff. In August 2018, the Cabinet of Ministers ordered the implementation of the July 2017 Strategy of State Migration Policy with the goal of raising awareness of rights while

working abroad. A Counter Trafficking and Migrant Advice Hotline was operated by a local NGO and funded by international donors. In 2018, the hotline received 20,425 calls; 115 potential victims were identified and referred to responsible local agencies and NGOs for assistance.

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 MSP continued to maintain a list of licensed recruitment companies. The government maintained a moratorium on labor inspections through December 2018 but allowed inspections when credible information of trafficking existed; however, observers reported the number of inspectors, inspections, and resources dedicated to overseeing labor laws remained inadequate, and a lack of training hampered inspectors’ ability to identify victims. The government did not demonstrate efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE

As reported over the past five years, human trafficking of domestic and foreign victims occurs in Ukraine, and human trafficking of victims from Ukraine takes place abroad. Ukrainian victims are subjected to sex trafficking and forced labor in Ukraine as well as in Russia, Poland, Moldova, and other parts of Europe, Kazakhstan, and the Middle East. Some Ukrainian children and vulnerable adults are subjected to forced begging. Persons from the Romani community are vulnerable to trafficking, due in part to lack of access to state social assistance programs. A small number of foreign nationals are subjected to forced labor in Ukraine. Trafficking victims in Ukraine are exploited in a variety of sectors including construction, agriculture, manufacturing, domestic work, the lumber industry, nursing, and street begging. The number of foreign victims in Ukraine has fallen dramatically since the beginning of hostilities in eastern Ukraine. Although the economy is recovering from the 2014 economic crisis, low-skilled laborers remain vulnerable to labor exploitation. Smuggled migrants transiting Ukraine are vulnerable to trafficking. The approximately 104,000 children institutionalized in state-run orphanages are especially vulnerable to trafficking. Officials of several state-run residential institutions and orphanages were allegedly 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 has displaced nearly two million people, and this population is especially vulnerable to exploitation throughout the country. In areas controlled by Russia-led forces, employment options are limited and Russia’s proxy “authorities” place restrictions on international humanitarian aid that is intended to help meet civilian needs. Women and girls from conflict-affected areas have reportedly been kidnapped for the purposes of sex and labor trafficking in Ukraine and Russia. Internally displaced persons were subjected to trafficking, and some Ukrainians were subjected to forced labor on territory not under government control, often via kidnapping, torture, and extortion. International organizations reported the

demographics of Ukrainian trafficking victims has shifted since the beginning of the conflict to include more urban, younger, and male victims subjected increasingly to forced labor and criminality, such as drug trafficking and couriers.

Uncorroborated reports of Russia-led forces using children as soldiers, informants, and human shields continued, but the number of such reports has decreased since the early years of the conflict. In 2017, a civil society organization recorded 85 cases of involvement of children in illegal armed groups in areas outside of Ukraine’s control; it reported it was able to identify names, ages, forms of recruitment, children’s duties, and their recruiters. According to the organization, children took direct and indirect part in the armed conflict; they performed armed duty at checkpoints as fighters and served as guards, mailpersons, and secretaries. Children ages 15 to 17 are actively recruited to participate in militarized youth groups, including the Russian Defense Ministry’s “Youth Army,” that taught children to carry and use weapons. The recruitment of children by militant groups took place on territory not under the control of the government 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 2018 to March 2019)

Country:
Ukraine

Source:
USDOS – US Department of State (/en/source/11558.html)

Original link:
https://www.state.gov/reports/2019-trafficking-in-persons-report-2/ukraine/ (https://www.state.gov/reports/2019-trafficking-in-persons-report-2/ukraine/)

Document type:
Periodical Report

Language:
English

Published:
20 June 2019

Document ID:
2010928

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

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.