

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. These efforts included increasing investigations, more than doubling the number of traffickers convicted, investigating more cases of forced labor, proposing draft legislation to eliminate recruitment fees, and granting official status to more victims who were incarcerated abroad for crimes their traffickers compelled them to commit. However, the government did not meet the minimum standards in several key areas. Courts were slow to review cases, aggravated by chronic understaffing, and issued many suspended sentences, likely aggravated by corruption, resulting in the majority of convicted traffickers avoiding imprisonment. This effort was inadequate to deter trafficking. The moratorium on labor inspections continued to hamper law enforcement investigations on labor trafficking cases. Reports of officials, including senior anti-trafficking police officials, complicit in human trafficking persisted; the government initiated criminal investigations and prosecutions of several allegedly complicit officials during the reporting period but had not secured any convictions. The government certified fewer victims in 2019; international organizations continued to identify far more victims than the government, indicating the government's inadequate identification efforts 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 increased law enforcement efforts. Article 149 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 297 trafficking offenses in 2019, compared with 275 in 2018. These included 135 instances of labor trafficking, 112 for sex trafficking, 47 for forced involvement in criminal activity, and three for forced begging. Authorities continued to report investigations and arrests of multiple organized crime groups facilitating forced labor and sexual exploitation in Ukraine and abroad. Law enforcement referred 233 notices of suspicion, a necessary precursor to a court trial, involving 120 suspects in 2019, compared with 185 cases involving 133 suspects in 2018. Prosecutors pursued 201 of these referrals in court, compared with 148 in 2018, and moved 199 prosecutions of cases past the indictment stage in court in 2019, compared with 68 cases in 2018. Eighty-five cases from 2019 remained ongoing in the courts, compared to 55 in 2018. The government reached final judgment on 40 cases and convicted 35 traffickers in 2019 under Article 149, an increase from 15 traffickers in 2018. Of the 35 convicted traffickers sentenced in 2019, only 13 (37 percent) received prison sentences, which ranged from two to 10 years; the government confiscated assets from one defendant, while the remaining convicted traffickers received suspended sentences or were freed from serving their sentences under leniency provisions. Authorities collaborated with foreign governments on multiple transnational investigations and nine extraditions, including Russia, Moldova, Belgium, the United States, and other European and Asian countries.

Institutional reforms over the past five years—in addition to parliamentary and presidential elections in 2019—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 cases that were reassigned to new panels. The recertification and restructuring of police units continued, which helped reduce the number of officers suspected of corruption and included mandatory training and testing on trafficking with assistance from an international organization. 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 Office of the Prosecutor General and National Police added anti-trafficking to their professional education curricula, and State Border Guard Service offered a new online distance-learning course to its staff. Officials also participated in international training and anti-trafficking fora throughout the year.

Endemic corruption plagued the police and judiciary, and cases of officials complicit in human trafficking persisted. The government continued to report investigations of officials allegedly complicit in trafficking; however, there were no new convictions. For instance, in December 2019, the government issued notices of suspicion to the deputy commanders of the National Police and Kyiv City counter-trafficking unit for allegedly covering up unlawful brothel activities in exchange for bribes; both were suspended from official duties pending criminal investigation. The National Police also opened forced labor investigations against managers of a state orphanage in Zakarpattia suspected of exploiting children and against staff of a state-run shelter for persons with disabilities in Zaporizhzhya. Other high-profile cases remained pending with the court for years, 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 decreased efforts in some areas of protection. In October 2019, Parliament did not pass 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. The police identified 262 victims in 2019, compared with 275 in 2018 and 349 in 2017; 145 victims

were male, 107 female, and 10 children. Authorities approved 185 of 283 applications requesting official victim status, compared with 214 of 266 in 2018 and 195 of 273 in 2017. The majority of victims were Ukrainians exploited abroad; only one domestically identified victim was foreign. The government continued to use a simplified application process for potential victims incarcerated abroad, which included waiving the in-person interview requirement; the government granted official victim status to 40 individuals incarcerated abroad in 2019, compared with 28 in 2018. Civil society reported the government rejected more applications in 2019 due to stricter internal procedures to classify cases as trafficking crimes or prove exploitation under non-trafficking articles as well as large-scale personnel turnover within the office that approved the applications. Authorities did not approve 72 applications reportedly due to police not qualifying the crime as trafficking and returned 10 applications for additional information; the reason(s) for rejection of the other 16 applications remained unknown. 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. According to an international organization, the national referral mechanism did not formalize a process for NGOs to access state funding. An international organization in Ukraine assisted 1,345 victims, compared with 1,265 in 2018. International organizations reported the majority of their identified victims were exploited by labor traffickers; the government reported identifying an increased number of victims subjected to labor trafficking in 2019. 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 cooperated with NGOs on victim identification through the national referral mechanism. 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 548,000 hryvnia (\$23,130) to the national budget for anti-trafficking measures in 2019, compared with the same amount in 2018 and disbursements of 98,800 hryvnia (\$4,170) in 2017. For the past four years, funding for local budgets remained the same at 219,220 (\$9,250) hryvnia. The government

increased financial assistance to each officially recognized victim in amounts already 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. The center received funding from international donors and was 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, 24 shelters for domestic violence opened to trafficking victims, as well as 692 social services centers. The government reported it implemented a family-based approach, opening services to victims' families as needed; 157 families received psychological services, 114 received legal assistance, 34 received medical assistance, and 18 families received housing assistance. Despite a continued pledge, the government did not provide funding or resources to an international organization's victim rehabilitation center. Observers reported the provision of assistance was problematic due to funding shortfalls and a lack of coordination between state bodies at the regional level. 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 one Ukrainian victim from Thailand.

The Witness Protection Law provided protections for victims, but courts rarely utilized any protection measures in practice. 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 2019.

Officials reported screening illegal migrants for indicators of trafficking and identified one foreign victim in 2019; international organizations did not report identifying any foreign victims in 2019. Foreign victims were entitled to the same benefits as Ukrainian citizens and had additional access to interpretation services, temporary legal stay, and voluntary repatriation. There was no legal way for foreign victims who remained in Ukraine less than three years 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. The Ministry for Social Policy (MSP) continued to coordinate anti-trafficking efforts at the national and local levels, but restructuring and staffing gaps continued to limit its activities. These gaps were due to sweeping personnel changes because of a new presidential administration. The government maintained a 2016-2020 national action plan. MSP published a report on the implementation of the government's anti-trafficking policies for the first half of 2019. In December 2019, the Cabinet of Ministers issued a decree to establish a pilot hotline for trafficking, domestic or gender-based violence, and child abuse. A counter trafficking and migrant advice hotline was operated by a local NGO and funded by international donors. In 2019, the hotline received 22,053 calls, compared with 20,425 in 2018; 83 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 and movie programs, street advertising, public events, and community policing. MSP, in coordination with an international organization, conducted multi-site awareness events on Child Protection Day and World Day Against Trafficking in Persons.

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; in December 2019, licensing responsibility was transferred to the Ministry of Economic Development. In October 2019, parliament introduced a draft law that banned recruitment

companies from charging fees to citizens seeking employment abroad. The government hired 190 additional labor inspectors; however, it extended a moratorium on random labor inspections throughout 2019. The government allowed inspections when credible information of trafficking existed; however, observers reported the number of inspectors, inspections, and resources dedicated to overseeing labor laws and monitoring recruitment agencies' compliance remained inadequate, and a lack of training hampered inspectors' ability to identify trafficking victims. The government did not demonstrate efforts to reduce the demand for commercial sex acts. The government, with assistance from an international organization, continued to provide victim identification and referral training to diplomats.

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 exploited in sex trafficking and forced labor in Ukraine as well as in Russia, Poland, Germany, and other parts of Europe, People's Republic of China, Kazakhstan, and the Middle East. Some Ukrainian children and vulnerable adults are exploited via forced begging. Traffickers target persons from the Roma community, due in part to their lack of access to state social assistance programs. A small number of foreign nationals are exploited 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, 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 smuggled migrants transiting Ukraine are vulnerable to trafficking. Increasingly, low-skilled laborers remain vulnerable to labor exploitation. Traffickers target low-skilled workers transiting Ukraine. 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 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 and Russia's occupation of Crimea has displaced more than three 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. Traffickers reportedly kidnap women and girls from conflict-affected areas for sex and labor trafficking in Ukraine and Russia. Traffickers targeted internally displaced persons and subjected some Ukrainians 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 exploited increasingly in 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. Then, Russian backed forces in territories not controlled by the Ukrainian government reportedly used children to take direct and indirect part in the armed conflict to perform armed duty at checkpoints, as fighters, and served as guards, mailpersons, and secretaries. The recruitment of children by militant groups took place in 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.