

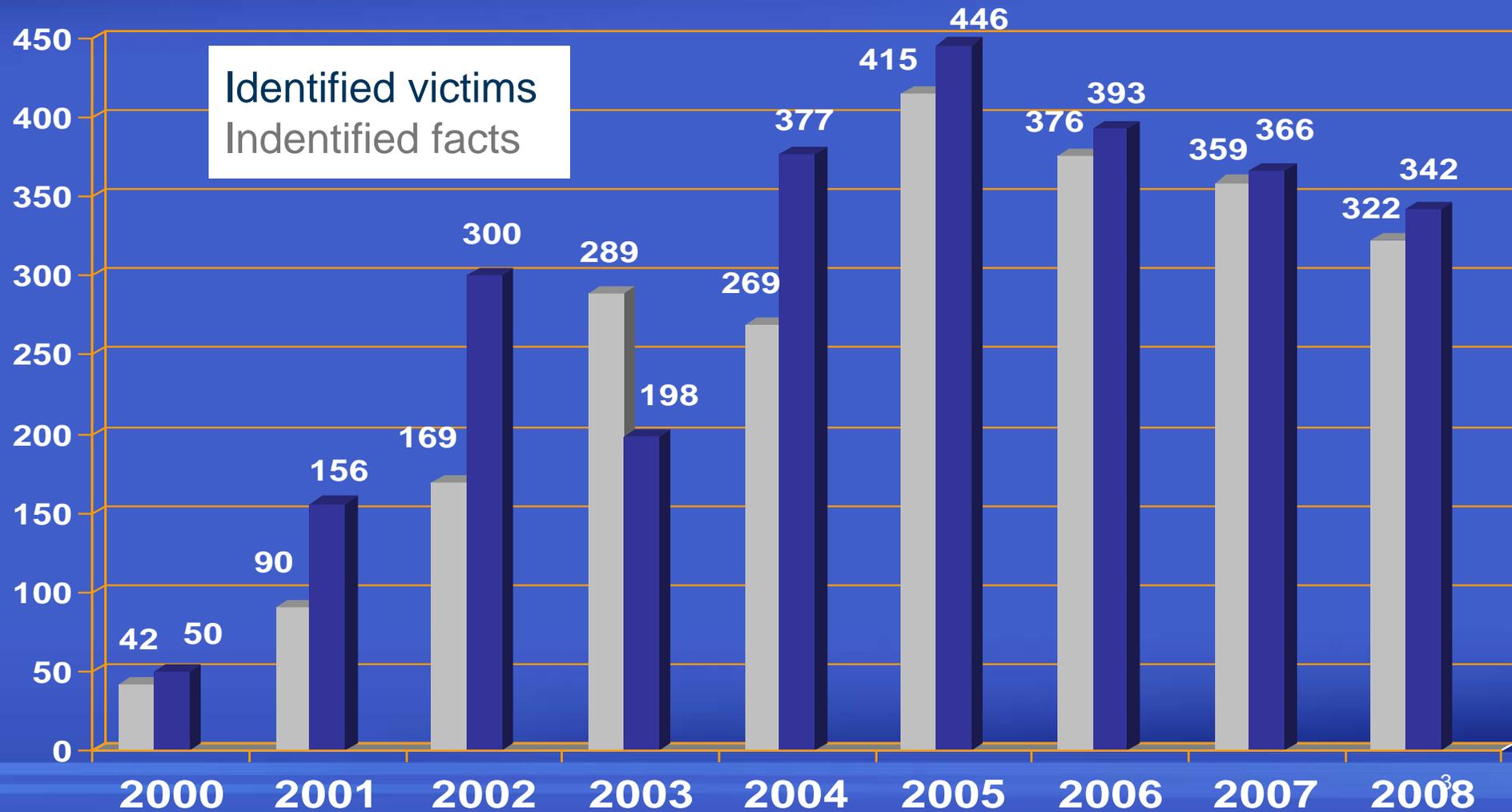
Investigation and Prosecution of Cases of Trafficking for Labour Exploitation in the Agricultural Sector: Ukrainian experience

Technical Seminar on Trafficking for Labour Exploitation Focusing on the Agricultural Sector
27-28 April 2009, Vienna

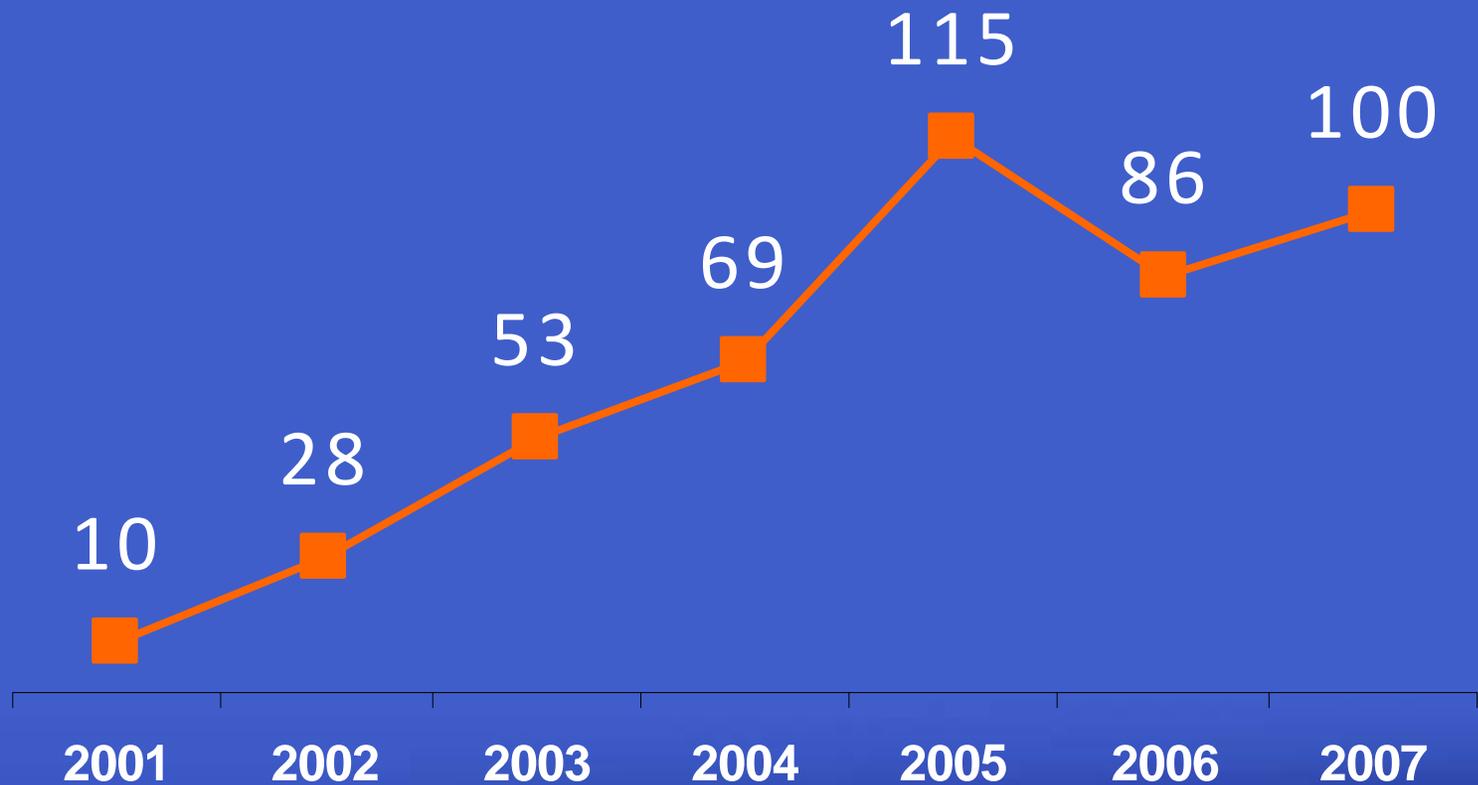
THB response in Ukraine

- THB is criminalized since 1998
- Starting 2005 specialized Department on Combating Crimes Related to Trafficking in Human Beings acts within the Ministry of Interior of Ukraine, having branches in all regions of the country
- Starting 2006 anti-trafficking article in the Ukrainian Criminal Code fully complies with Palermo Protocol definition
- Acting 3rd State Programme on Combating Trafficking in Human Beings (2007–2010)

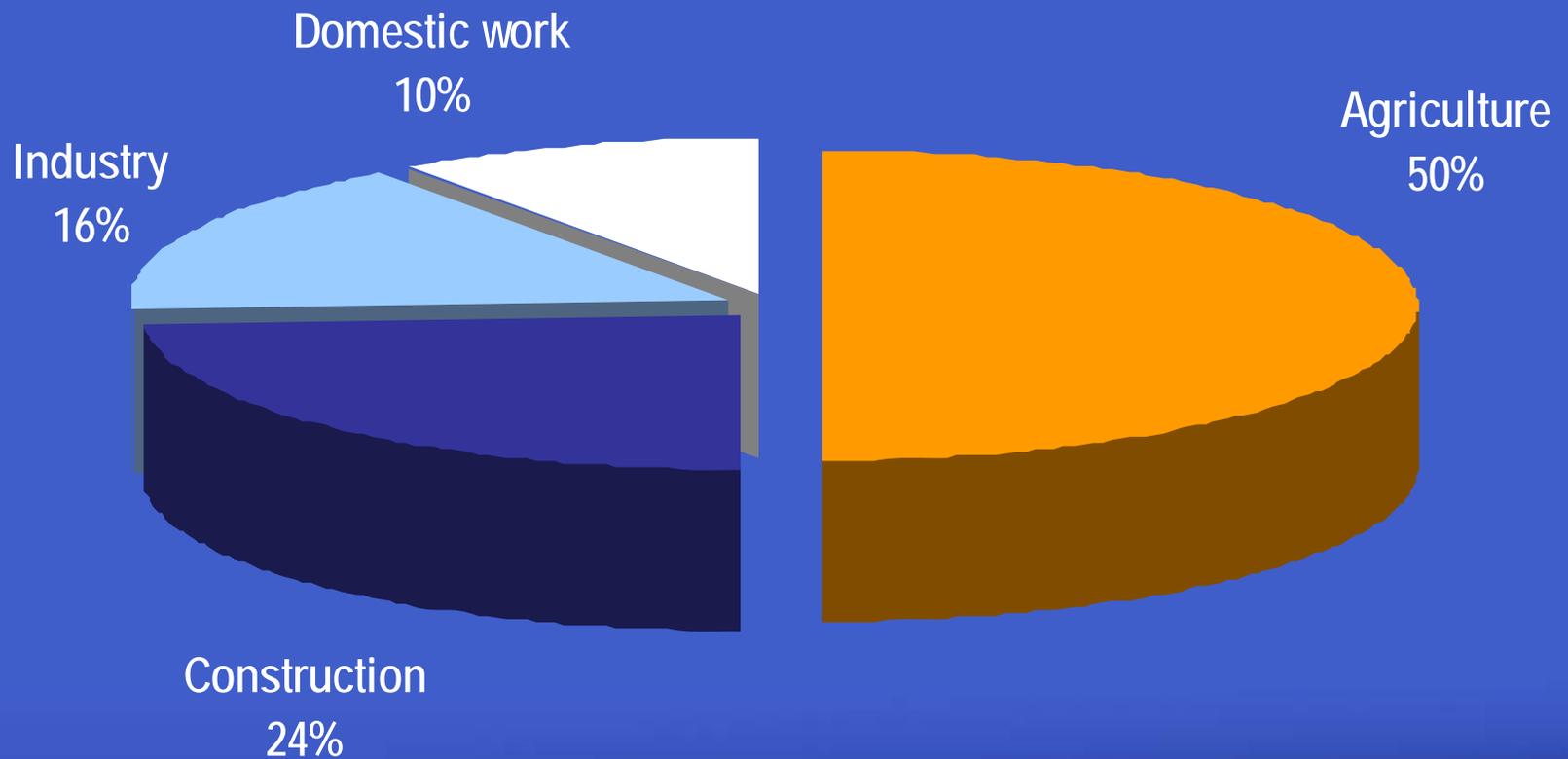
THB cases identified by Department



THB cases successfully prosecuted in courts



THB for labour: main fields of exploitation



THB for exploitation in agriculture in 2008

- Number of cases in 2008: 12
 - 2 transnational THB
 - 10 internal THB

- Number of victims: 86
 - Transnational THB cases - 50 (20 & 30)
 - Internal THB cases - 36

- Main areas of exploitation:
 - To grow vegetables (potato, beet...)
 - To look after pigs, rabbits, cows, goats
 - To grist, make hay
 - Any other types of farm work for 17-19 hours daily

Information about cases of THB for labour exploitation where Ukraine served as a destination country for victims from Moldova, Uzbekistan, Mongolia

THB for exploitation in agriculture

- **Primary risk group:** labour migrants, homeless, mainly inhabitants of rural areas, attracted by the possibility of short-term employment
- **Recruitment:** by means of deception (good salary, accommodation and food provided, limited working hours, transportation provided)
- **Exploitation:** slavery-like labour conditions, supervisors, physical violence, threats to kill, "castes" among victims (those who reconcile themselves get more freedoms, others suffer from terror), living conditions: near pigs

Case: THB for exploitation in agriculture (2009)

■ Background:

- Starting 2007 – recruitment ads in eastern Ukrainian newspapers for work in agriculture – different types of employment with the same contact details
- Recruitment done by citizens of Ukraine and Russia
- Provided transportation: train to Moscow followed by flight to eastern Russia and transportation to exploitation site
- Groups of victims (7-10 persons) were transported, all victims – men
- Among victims – Ukrainians and Belarusians
- Victims were forced to work in a private farm, lived in change houses without elementary hygiene facilities, locked at night; suffered from physical violence – injuries (broken fingers), passports taken away
- Exploiters were warned about visits of controlling bodies and took foreign victims away for checking period (2-3 days victims were kept in dugouts 30-50 km away from the farm)
- Victims escaped, some were getting home by foot during 1,5-2 months, begging in suburban trains to “earn” some food, crossed the border illegally

Case: THB for exploitation in agriculture (2009)

■ LE Activities:

- In 2008 three victims addressed the Ukrainian law enforcement authorities
- During 2008-2009, 50 victims were identified in total

Evidences:

- Ads in printed media
- Conclusions of forensic expertise of victims
- Inquiries to LE authorities of the destination country which provided information that the administrative protocols for illegal employment were issued to the employer twice
- Flight tickets, etc.
- Main - victims testimonies

- In 2009 the criminal case started

Problems in documentation and investigation of THB for exploitation in agriculture

- Need to prove exploitation for starting up the case and successful prosecution (easier in cases of internal THB)
- Difficult to prove the intention to exploit at the recruitment stage
- Lack of experience in documenting such cases by both sides (country of origin and country of destination)
- Difficulties in cooperation with LE bodies of destination countries due to:
 - Different legislation
 - Absence of specialize personnel to deal with THB for labour exploitation in general and exploitation in agriculture in particular
- **Legislation:**
 - Criminal Code articles are to clearly identify and characterize the elements of criminal acts which separately or jointly confirm the fact of the crime
 - Criminal Code articles are to concretize the compulsion mechanisms related to labour exploitation (incl. agriculture) as elements which allow to identify the acts as a crime (should not be limited to provision of evidence of physical violence or threat of it)
- Lack of THB awareness among controlling bodies (e.g. labour inspectors, etc.) which leads to delays in identification of such cases

THANK YOU FOR ATTENTION