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# Prevention of Human Trafficking via Promotion of Non-Discrimination and Empowerment: Assistance to Ukrainian Institutions

Amb. Madina Jarbussynova  
OSCE Project Co-ordinator in Ukraine



Organization for Security and  
Co-operation in Europe  
**Project Co-ordinator in Ukraine**

# General context

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- OSCE Project Co-ordinator in Ukraine (PCU) implements projects following the requests from Ukrainian authorities and NGOs;
- PCU started its anti-trafficking activities in 2003;
- Key partners: Ministry for Social Policy (National Anti-Trafficking Co-ordinator), Ministry of Interior and NGOs;
- Support is provided in the framework of UB and ExB projects;
- 4 P's approach to combating human trafficking (Prevention, Prosecution, Protection and Partnership);
- Efforts to prevent formal and de facto discrimination in anti-trafficking response.

# Support to prevent formal discrimination

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Assistance in the development of:

- Law of Ukraine “On Combating Trafficking in Human Beings” (adopted in Sept 2011);
- State Targeted Social Programme on Combating Trafficking in Human Beings for the period until 2015 (adopted in March 2012);
- Governmental Regulations on:
  - ↳ Status of Victims of Trafficking (adopted in May 2012),
  - ↳ National Referral Mechanism (adopted in August 2012),
  - ↳ Financial Aid to Victims of Trafficking (adopted in July 2012).

# General anti-discrimination approach in the Law

## Article 3. Main Principles of Combating Trafficking in Human Beings

1. Activities aimed at combating trafficking in human beings shall be based on the following principles:

- 1) security of human and civil rights and freedoms, in particular, the right to respect for dignity, private life, legal aid, reimbursement of economic and moral damages according to procedures established by law;
- 2) respect and impartial attitude to the victims of trafficking in human beings;
- 3) confidentiality of information concerning victims of trafficking in human beings;
- 4) voluntary acceptance of assistance by victims of trafficking in human beings, their **non-discrimination on the basis of their race, color of the skin, political, religious and other beliefs, gender, ethnic and social origins, welfare status, place of residence, language or other traits.**

# Specific anti-discriminatory provisions re children

## Article 3. Main Principles of Combating Trafficking in Human Beings (cont.)

2. Should the persons, who became victims or witnesses of trafficking in human beings, be children, all actions applicable to them shall be based on the principles established by the UN Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child with regard to trafficking in children, child prostitution and child pornography.

3. Should a person's age be unknown, and there be grounds to believe that such person is a child, such person shall be deemed a child and granted special protection until his/her age is determined.

# THB-specific anti-discrimination approach

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Assistance is to be provided to:

- Persons who consider themselves victims of trafficking and apply for such status;
- Persons who have been declared victims of trafficking in human beings (i.e. obtained the status of victim of human trafficking);
- Not only Ukrainian citizens, but also foreign nationals and stateless persons;
- Special provisions for children victims of trafficking in human beings.

# THB-specific anti-discrimination approach (cont.)

## Article 14. Rights of the Person, Who Applied for the Declaration of Status of Victim of Trafficking in Human Beings

- In addition to the rights for personal security, respect and free receipt of:
  - 1) information concerning his/her rights and opportunities in the language that such person understands;
  - 2) medical, psychological, legal and other assistance regardless of the place of his/her residence;
  - 3) temporary placement in institutions for assistance to victims of trafficking in human beings;
  - 4) interpreter's services at no charge (for a foreigner or a stateless person);
  - 5) temporary stay in Ukraine according to the procedure established by the effective legislation (for a foreigner or a stateless person).
- Specific clause preventing discrimination based on claimed status of victim of trafficking as well as *de facto* migration status:

“5. A person, who requested declaration of his/her status of a victim of trafficking, **may neither be held in temporary detention** facilities, except for the cases envisaged by law, **nor may such person be expelled out of Ukraine** before the declaration of his/her status of a victim of trafficking has been made.”

# THB-specific anti-discrimination approach (*cont.*)

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## Article 16. Rights of the Victim of Trafficking in Human Beings

6. The provision of **assistance** to a victim of trafficking shall **not depend on**:

- 1) the application of such a person to law enforcement agencies and his/her participation in criminal proceedings;
- 2) the existence with such a person of a personal identification document.



# Support to prevent *de facto* discrimination

- Enhancement of the state-led National Referral Mechanism (NRM) to assist victims of trafficking in co-operation with non-governmental sector;
- Capacity building efforts for social service providers, including training and methodological support in sharing of best practices in identification and assistance to various categories of trafficked persons (women, men and children);
- Capacity building efforts for law enforcement bodies, including assistance in addressing new challenges as well as ensuring co-ordinated approach to prosecution of all forms of THB;
- Prevention of human trafficking by raising awareness and via economic empowerment of at-risk groups and trafficking survivors.

# Enhancement of NRM

The OSCE PCU supports assessment of needs, piloting and multiplication of Ukrainian NRM that:

- Aims at rendering effective assistance to the victims of trafficking and their protection;
- Takes into consideration age, health condition, gender and special needs of such persons (including those relevant to the form(s) of exploitation);
- Includes the identification of the needs of a victim of trafficking and joint multi-agency efforts of bodies or institutions to satisfy such needs;
- Involves Ministries for Social Policy, of Interior, of Foreign Affairs, of Health, of Education, Science, Youth and Sports, State Border Service, State Migration Service and local administrations.

# Enhancement of NRM: Practical

The OSCE PCU supports:

- Establishment of multi-agency groups of anti-trafficking stakeholders at the national and regional levels;
- Development of Standard Operational Procedures (SOPs) and training methodology for provision of assistance to victims of trafficking;
- Training of respective state anti-trafficking stakeholders on identification and assistance to victims of trafficking using the expertise of the local NGOs;
- Inclusion of the courses on identification and assistance to victims of trafficking in the curriculum of state training institutions to ensure sustainability.



# Enhancement of NRM: Results

- During 2010-2012, 528 presumed and actual victims of trafficking were identified in two regions of Ukraine which piloted NRM with OSCE PCU support;
- Among them: 43% are men, 46% - women and 11% - children (reflects the trends identified by anti-trafficking NGOs);
- Every 6<sup>th</sup> case is confirmed;
- Children tend to be identified easier (58% of confirmed cases) vs women (34% of confirmed cases) and men (7% of confirmed cases);
- “Traditional” cases of women and girls suffering from sexual exploitation tend to be confirmed (91%).

**RISK: Stereotypes may lead to  
discrimination of certain groups of victims**

# Capacity building efforts

- Target social service providers as well as law enforcement authorities;
- Involve training, publications, development of approaches and methodologies based on positive practices from the OSCE region;
- Focus: victim-centered approach in prevention, assistance and prosecution;
- Message: “keep your eyes open” to be able to identify and assist various categories of victims subjected to various forms of exploitation (thus avoiding discrimination).



# Prevention of human trafficking

- Raising awareness among general public about risks of VARIOUS forms human trafficking and assistance available for ALL CATEGORIES of victims;
- Economic empowerment of at-risk groups, e.g. orphans, and trafficking survivors;



- Development of a sustainable social business model to increase economic opportunities for persons at risk of trafficking and former victims of trafficking.





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Thank you



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