

This Report assesses the situation of trafficking in human beings in Ukraine, in particular with regard to the identification, referral, assistance and protection of the rights of trafficked persons. It reviews the current responses by government and non-government institutions to the problems and needs of trafficked persons. The scope of the Report does not include the assessment of preventive activities or practices concerning the prosecution of perpetrators. Based on the findings, the Report provides recommendations on strengthening the identification of trafficked persons in Ukraine, protection of their rights and enhancing their access to assistance within the framework of an effective National Referral Mechanism in Ukraine.

The overall aim of the Report is to assist Ukraine in strengthening the capacity of the systems to identify and refer trafficked persons for assistance, protect their rights and ensure their access to justice. The findings of the Report are based on the information obtained from national and regional key stakeholders as well as from international institutions involved in the field of combating trafficking in human beings in Ukraine. In addition, available data from relevant research and assessments related to the identification, referral, assistance and protection of the rights of trafficked persons was analysed and accessible legislation was reviewed. The feedback from key stakeholders in Ukraine (including international organisations (hereinafter, the “IOs”)), the OSCE Secretariat in Vienna and ODIHR on the preliminary findings and proposed recommendations was integrated in the Report.

Over the past years, efforts have been made by the Government to improve the normative and legislative regulations of the issues related to combating trafficking in human beings and to provide assistance to trafficked persons. With the new “*State Programme of Combating Trafficking in Human Beings for the Period until 2010*” (State Programme), the Government aims to create conditions for combating trafficking in human beings, to enhance the efficiency of the work related to the identification of crimes and to resolve the problems related to the reintegration of trafficked persons. co-operation with NGOs and IOs is explicitly highlighted, though direct funding by the State of NGOs working with trafficked persons is still not envisaged. At large, the *State Programme* is still very general and lacks some important elements, such as performance indicators. This also applies to the regional programmes.

The Ministry of Ukraine for Family, Youth and Sports, which within the framework of the State Programme assumes a co-ordination role, very much strives to further the process of developing a well-functioning National Referral Mechanism. At national and regional level, relevant bodies have been established for the co-ordination of activities related to combating trafficking in human beings. Little experience is yet available as to the functioning of the newly created Inter-Agency Council, which is not only to deal with trafficking issues, but also with matters related to family, gender equality, and demographic development. The Expert Working Group on the Issues of Prevention of Domestic Violence and Combating

Trafficking in Human Beings, however, is a well-established advisory body. It is expected to positively contribute – within its capacity to act – to the development of a National Referral Mechanism. At regional level, co-ordination bodies are not yet fully operational in all of the regions (“oblasts”).

In the absence of a national model provision on the mode of operation, the quality and functioning of co-operation mechanisms at regional level differ from one oblast to another. Similarly, the level of participation of governmental agencies in existing co-operation schemes nationally and regionally varies from institution to institution. Quite often, such partnerships depend on personal contacts.

While national, regional and local authorities play a key role in the fight against trafficking in human beings, in many instances they have not yet fully recognized their responsibilities for their participation in the identification of and assistance to trafficked persons. In some cases, it was argued that it is not within their terms of references. Others referred to their limited resources and little experience for attending these issues. Their involvement in these processes therefore has to be strengthened and multidisciplinary co-operation and co-ordination needs to be increased within the National Referral Mechanism. In some instances, serious efforts have been made or are underway to tackle this problem. The Ministry of Interior, for instance, has created departments for combating trafficking in human beings at central and oblast (regional) level and good co-operation with anti-trafficking NGOs has been established, which makes it possible to refer trafficked persons to support services. These involve particularly NGOs, which are supported by IOM and provide assistance to trafficked persons under co-operation agreements with IOM. In most cases, social authorities are not directly involved in this process, even in the oblasts where no anti-trafficking NGOs are active, as in such cases the police usually refer trafficked persons directly to IOM. Also, the State Employment Service is currently endeavouring to sensitise staff of employment centres on the needs of trafficked persons and train them accordingly as well as to enhance co-operation with anti-trafficking NGOs.

Victims of trafficking are basically identified by the police as victims of crime or by social services providers, particularly NGOs. Most cases are reportedly related to sexual exploitation. Experiences with cases of labour exploitation or other forms of exploitation are just at nascent stage. Likewise, only little information is available as to the phenomenon of internal trafficking, as well as on the numbers and profile of non-Ukrainian citizens who were subject to trafficking in human beings.

With regard to children who had been trafficked, no special procedures are in place for their rapid identification, and the personnel of the social authorities dealing with children, including educational institutions, mainly do not have the expertise to participate in the identification process. As a result, no special national rehabilitation programmes for trafficked children could be identified.

There is no unified consolidated statistics on the numbers and profile of trafficked persons in Ukraine. Law enforcement agencies hold the official statistics of those whom they registered. NGOs and IOM maintain their own databases of those whom they assisted.

In many areas, social authorities may establish contact with trafficked persons but for several reasons, be it the lack of skills to actively participate in the identification process, restricted terms of references or other reasons, they usually do not identify trafficked persons as such and therefore they do not have their own statistics on trafficking cases.

According to IOM, almost 95% of all assistance programmes addressing the needs of trafficked persons in Ukraine are being financed by IOM. Most NGOs currently active in anti-trafficking activities have built their capacities through the support of foreign/international funding, and many of them have established partnerships with national authorities and are now important service providers to trafficked persons. In six oblasts, NGOs run rehabilitation centres for trafficked persons, which offer a wide range of services and shelter. While the bulk of funding for these centres comes from IOM or other donors, the Government may provide subsidized facilities and in-kind support. Therefore, sustainability of the level of these services at present depends very much on the international community.

Upon the initiative of the Ministry of Ukraine for Family, Youth and Sports, 20 anti-crises centres were set up in the regions to address the needs of families in crises and in 14 regions shelters were established alongside these centres. Although these centres and shelters may also be used for trafficked persons, reports indicate that so far only a few trafficking cases have been registered. Similar reports were received from other service providers, such as healthcare institutions. One main problem of social authorities is related to the limited financial resources of the State to cover the costs involved for the provision of adequate assistance. Another reason for not utilizing these services may be linked to the lack of skills and experience of staff of social authorities to spot trafficked persons and tend to their pertinent needs. This, again, may be related to the lack of specific regulations for the provision of support and assistance to trafficked persons.

At present, there is no specific law on trafficking in human beings. The Ministry of Ukraine for Family, Youth and Sports, with the support of the OSCE Project Co-ordinator in Ukraine, however, initiated a process of drafting a comprehensive law on combating trafficking in human beings, which should address all aspects of human trafficking and guarantee that all trafficked persons have access to assistance and protection.

The majority of returns to Ukraine is organised by IOM. Also, La Strada-Ukraine assists trafficked persons in returning; in some instances, local NGOs may get involved in the return procedures. Ukrainian missions abroad participate in the process mainly in connection with the issuance of travel documents for the return.

No special legal provisions, such as the granting of a reflection period, exist for trafficked persons who are not from Ukraine, hence the regular migration regime applies. Returns to their countries of origin are basically organized by NGOs through the IOM network or La Strada-Ukraine, while the State does not assume responsibility for conducting a proper risk assessment.

Various reasons, such as the absence of a notion of non-punishment of victims, the existence of an administrative provision against prostitution, disregard for/poor handling of the principle of confidentiality still create a barrier for trafficked persons to reveal their experiences to the authorities.

A person who is recognized as victim of crime enjoys all rights of a party in court proceedings and can make use of the right to protection. However, proceedings usually take long, the procedures to obtain compensation for damages are complicated and free legal aid is not automatically provided and/or paid for by the State. In various cases, efforts are made to tackle some of these problems and it needs to be seen how the proposals to improve the access to justice and to solve the problems of compensation and assistance for trafficked persons are being pursued.