

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

**Recommendation CP(2018)29
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Ukraine**

*adopted at the 23rd meeting of the Committee of the Parties
on 9 November 2018*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Ukraine on 29 November 2010;

Recalling Committee of the Parties' Recommendation CP(2014)18 of 5 December 2014 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine and the report of the Ukrainian authorities on measures taken to comply with this recommendation, submitted on 6 December 2016;

Having examined the second report concerning the implementation of the Convention by Ukraine adopted by GRETA at its 32nd meeting (9-13 July 2018), as well as the comments of the Ukrainian Government received on 12 October 2018;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of institutional framework for combating trafficking in human beings (THB), including the setting up of specialised police units and the designation of specialised prosecutors investigating human trafficking cases;
 - the efforts to provide training on human trafficking to relevant professionals and to expand the categories of staff targeted;
 - the steps taken in the area of prevention of human trafficking through raising awareness of human trafficking among the general public and at-risk groups, paying particular attention to trafficking for the purpose of labour exploitation, child trafficking and trafficking for the purpose of forced criminality;

- the efforts made to improve the capacity of relevant actors to identify victims of human trafficking and apply the National Mechanism of Interaction, resulting in an increased number of identified victims of trafficking;
- the increase of the amount of the one-time financial grant paid to formally identified victims of human trafficking and the increase in the number of victims of trafficking having received such a grant;
- the prioritisation by the Prosecutor General and the Ministry of the Interior of the fight against human trafficking, resulting in a considerable increase in the number of investigations into human trafficking cases.

2. Recommends that the Ukrainian authorities take measures to address the following issues for immediate action identified in GRETA's report:

- develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on presumed and identified victims of trafficking and measures to protect and promote their rights, on compensation claimed and awarded to victims, as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to ensure the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database;
- strengthen efforts to prevent trafficking for the purpose of labour exploitation, in particular by:
 - recruiting a sufficient number of labour inspectors and providing them with specialised training on THB for the purposes of labour exploitation, as well as ensuring adequate financial and technical means so that they can be actively engaged in the prevention of THB in all sectors of the economy throughout the country, including by means of unannounced inspections;
 - strengthening the supervision of recruitment agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;
 - sensitising the general public and relevant officials, including police officers, prosecutors, judges, staff of local administrations, social workers and other professionals likely to come into contact with victims of trafficking for labour exploitation about the risks of THB and the rights of victims;
 - enhancing co-operation with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthening corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business.
- strengthen efforts to prevent trafficking in children, in particular by:
 - developing programmes to reduce the vulnerability to THB of children in institutional care, children in street situations, IDP children, "social orphans" and children in Roma communities;
 - providing adequate accommodation and specialist services for unaccompanied and separated migrant children; in this context, reference is made to the Council of Europe's Action Plan on protecting refugee and migrant children (2017-2019);
 - ensuring that all children are registered at birth, and those who are not are provided with an effective possibility to do so.
- ensure that all presumed and identified victims of trafficking receive adequate assistance and support, according to their needs, which should include:

- providing a sufficient number of places around the country for all victims of trafficking who need safe accommodation, which are adapted to the specific needs of victims of THB and provide specialised support and services;
 - ensuring adequate funding and staff to work with victims of THB and facilitating the reintegration of victims of trafficking into society by providing them with vocational training and access to the labour market;
 - setting up agreements/contracts on providing specialist assistance to victims of trafficking with specialised NGOs through public tenders and other relevant transparent procedures, and ensuring adequate funding of assistance to victims of THB when it is delegated to NGOs as service providers;
 - guaranteeing access to health care to all victims of THB, irrespective of their registered residence.
- improve the identification and assistance of child victims of trafficking, in particular by:
- ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to children in street situations, internally displaced children, children in or leaving institutions, and unaccompanied and separated foreign children;
 - providing further training to relevant stakeholders (police, NGOs, child protection authorities, social workers) as well as tools and guidance on the identification of child victims of THB for different purposes, including the exploitation of begging and the exploitation of criminal activities;
 - strengthening the capacity of the State Migration Service to detect victims of trafficking among unaccompanied and separated foreign children, including by providing adequate interpretation services;
 - setting up sufficient shelters with qualified staff and assistance services for presumed child victims of trafficking, for different forms of exploitation, and providing these shelters with sufficient funding;
 - ensuring long-term assistance for the integration of child victims of trafficking;
 - reviewing the existing legislation and practice to ensure effective guardianship in cases of parental involvement in exploitation, or in cases of unaccompanied children;
- ensure that the recovery and reflection period, as provided for in Article 13 of the Convention, is specifically defined in law and that all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention are made available during this period to persons with regard to whom there are reasonable grounds to believe that they are victims of THB;
- adopt such legislative and other measures as may be necessary to ensure that a legal person can be held liable for a criminal offence established in accordance with the Convention;
- ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, including administrative offences, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for police officers, prosecutors and judges on the scope of the non-punishment provision;
- strengthen efforts to ensure that THB cases for different forms of exploitation are investigated and prosecuted proactively and lead to effective, proportionate and dissuasive sanctions, in particular by:

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- reviewing the legislation and the investigation/prosecution procedure with a view to identifying and addressing gaps (e.g. in relation to trafficking for the purpose of labour exploitation/forced labour);
 - ensuring that units investigating and prosecuting THB offences are properly resourced and that specialised anti-THB prosecutors are appointed in all regions;
 - strengthening efforts to investigate and prosecute cases of trafficking for the purpose of labour exploitation.
- make full use of the available measures to protect victims and witnesses of trafficking in human beings and to prevent intimidation or re-traumatisation during the investigation, as well as during and after the court proceedings, including through the use of video conferences and other suitable means to avoid face-to-face cross-examination of victims in the presence of the accused.
3. Requests the Government of Ukraine to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **9 November 2019**.
4. Recommends that the Government of Ukraine take measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of Ukraine to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.