



GRETA
GROUP OF EXPERTS
ON ACTION AGAINST
TRAFFICKING IN HUMAN BEINGS

GRETA(2018)20

**Report concerning the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Ukraine**

SECOND EVALUATION ROUND

Adopted 13 July 2018

Published 22 November 2018

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Secretariat of the Council of Europe Convention
on Action against Trafficking in Human Beings
(GRETA and Committee of the Parties)
Council of Europe
F-67075 Strasbourg Cedex
France

trafficking@coe.int

www.coe.int/en/web/anti-human-trafficking

Table of contents

Preamble	4
I. Introduction	5
II. Main developments in the implementation of the Convention by Ukraine.....	7
1. Emerging trends in trafficking in human beings.....	7
2. Developments in the legal framework	7
3. Developments in the institutional framework	8
4. State Programme to Combat Trafficking in Human Beings.....	10
5. Training of relevant professionals	11
6. Data collection and research	14
III. Article-by-article findings.....	16
1. Prevention of trafficking in human beings.....	16
a. Measures to raise awareness of THB (Article 5)	16
b. Measures to prevent THB for the purpose of labour exploitation (Article 5)	17
c. Measures to prevent trafficking in children (Article 5).....	19
d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)	21
e. Measures to prevent trafficking for the purpose of organ removal (Article 5).....	24
f. Measures to discourage demand (Article 6).....	26
g. Border measures (Article 7)	26
2. Measures to protect and promote the rights of victims, guaranteeing gender equality	27
a. Identification of victims of THB (Article 10)	27
b. Assistance measures (Article 12).....	31
c. Identification and assistance of child victims of THB (Articles 10 and 12).....	33
d. Protection of private life (Article 11)	37
e. Recovery and reflection period (Article 13).....	37
f. Residence permits (Article 14)	38
g. Compensation and legal redress (Article 15)	39
h. Repatriation and return of victims (Article 16)	41
3. Substantive criminal law	42
a. Criminalisation of THB (Article 18).....	42
b. Criminalisation of the use of services of a victim (Article 19).....	43
c. Corporate liability (Article 22)	43
d. Non-punishment of victims of THB (Article 26)	44
4. Investigation, prosecution and procedural law	45
a. Measures related to ensuring effective investigations (Articles 1, 27 and 29).....	45
b. Protection of witnesses and victims (Article 28 and 30)	49
c. Jurisdiction (Article 31).....	50
5. International co-operation and co-operation with civil society.....	50
a. International co-operation (Articles 32 and 33).....	50
b. Co-operation with civil society (Article 35).....	52
IV. Conclusions	53
Appendix List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations	60
Government's comments.....	61

Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA's country-by-country monitoring deals with all parties to the Convention on an equal footing. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to all parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental. By the beginning of 2014, most of the parties had been or were being evaluated for the first time, whilst the number of parties to the Convention continues to grow.

GRETA decided to launch the second evaluation round of the Convention on 15 May 2014. Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA has decided to examine during this new evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of an obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to provide, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual final comments made by the national authorities, are made public and sent to the Committee of the Parties to the Convention.

I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) by Ukraine took place in 2013-2014. Following the receipt of Ukraine’s reply to GRETA’s first questionnaire on 25 June 2013, a country evaluation visit was organised from 21 to 25 October 2013. The draft report on Ukraine was examined at GRETA’s 19th meeting (17-21 March 2014) and the final report was adopted at GRETA’s 20th meeting (30 June - 4 July 2014). Following the receipt of the Ukrainian authorities’ comments, GRETA’s final report was published on 19 September 2014.¹

2. In the first evaluation report, GRETA noted that the legal and policy framework to prevent and combat trafficking in human beings (THB) in Ukraine provided a good basis for tackling this phenomenon from a human rights-based perspective. However, GRETA urged the authorities to enhance the co-ordination of anti-trafficking activities and encourage the involvement of civil society in the planning and implementation of national policy. While welcoming the efforts made in Ukraine to raise awareness of human trafficking, GRETA urged the authorities to strengthen action to combat THB for the purpose of labour exploitation, to pay increased attention to identifying foreign victims of trafficking in Ukraine, and to take steps to address internal trafficking. Further, GRETA urged the authorities to strengthen prevention of THB through social and economic empowerment measures for groups vulnerable to trafficking. GRETA welcomed the introduction of a formal procedure for the identification of victims of trafficking and the adoption of standards of the services provided to victims. However, GRETA urged the authorities to ensure that all professionals who are likely to come into contact with potential victims receive periodic training. GRETA also asked the authorities to specifically define in law the recovery and reflection period and to adopt measures to facilitate and guarantee access to compensation for victims. Moreover, GRETA called on the authorities to develop the training and specialisation of investigators, prosecutors and judges with a view to ensuring that human trafficking offences were effectively investigated and prosecuted, and lead to proportionate and dissuasive sanctions.

3. On the basis of GRETA’s report, on 5 December 2014 the Committee of the Parties to the Convention adopted a recommendation to the Ukrainian authorities, requesting them to report back on the measures taken to comply with this recommendation by 5 December 2016.² The report submitted by the Ukrainian authorities was considered at the 20th meeting of the Committee of the Parties (10 March 2017). The Committee of the Parties decided to transmit the authorities’ report to GRETA for consideration and to make it public.³

4. On 1 February 2017, GRETA launched the second round of evaluation of the Convention in respect of Ukraine by sending the questionnaire for this round to the Ukrainian authorities. The deadline for submitting the reply to the questionnaire was 3 July 2017. Ukraine submitted its reply on 3 July 2017.⁴

¹ Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine, GRETA(2014)20, available at: <http://rm.coe.int/168063caba>

² Recommendation CP(2014)18 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine, adopted at the 15th meeting of the Committee of the Parties, available at: <http://rm.coe.int/168063cab8>

³ Report submitted by the Ukrainian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2017)10 on the implementation of the Convention on Action against Trafficking in Human Beings, available at: <http://rm.coe.int/doc/09000016806fd4a1>

⁴ Reply by Ukraine to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, second evaluation round, available at: <http://rm.coe.int/168073e81d>

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Ukrainian authorities, the above-mentioned report submitted by them to the Committee of the Parties, and information received from civil society. An evaluation visit to Ukraine took place from 2 to 6 October 2017, in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Mr Ola Laurell, member of GRETA;
- Mr Helmut Sax, member of GRETA;
- Ms Petya Nestorova, Executive Secretary of the Convention;
- Mr David Dolidze, Administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation met Ms Natalya Fedorovich, Deputy Minister of Social Policy, responsible for the co-ordination of the anti-trafficking action, and representatives of the Ministry of Social Policy, the Ministry of the Interior, the Ministry of Justice, the Ministry of Education and Science, the Ministry of Health, the Ministry of Foreign Affairs, the Prosecutor General's Office, the National Police, the State Border Service and the State Migration Service. The GRETA delegation also met representatives of the High Specialised Court of Ukraine for Civil and Criminal Cases and the National School of Judges. Further, the delegation met Mr Nikolai Kuleba, President's Commissioner for Children's Rights, and a representative of the Ukrainian Parliament Commissioner for Human Rights.

7. In addition to meetings in Kyiv, the GRETA delegation travelled to Severodonetsk and Lviv in order to collect information about the situation in the area of combating trafficking in human beings at regional and local level. Meetings were held with representatives of the state administrations of Lviv and Luhans'k regions, including the Governor of Lviv region, Mr Oleg Synyutka, members of the regional co-ordinating councils dealing with combating human trafficking, and officials responsible for granting the status of victim of trafficking.

8. Separate meetings were held with representatives of non-governmental organisations (NGOs). The GRETA delegation also met officials of the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the Organization for Security and Co-operation in Europe (OSCE).

9. In the course of the visit, the GRETA delegation visited the Medical Rehabilitation Centre for Victims of Trafficking in Human Beings, run by IOM in Kyiv, the Regional Centre for Social and Psychological Assistance and Children's Home No. 1 in Lviv, and the Centre for Social and Psychological Rehabilitation of Children in Lysychansk (Luhans'k region).

10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

11. GRETA wishes to place on record the co-operation provided by the Ukrainian authorities during the visit and in particular by the contact person appointed by the Ukrainian authorities to liaise with GRETA, Ms Olena Farymets, Head of Division for Counteraction of Human Trafficking at the Ministry of Social Policy.

12. The draft version of the present report was approved by GRETA at its 31st meeting (19-23 March 2018) and was submitted to the Ukrainian authorities for comments on 10 April 2018. The authorities' comments were received on 11 June 2018 and were taken into account by GRETA when adopting the final report at its 32nd meeting (9-13 July 2018). The report covers the situation up to 13 July 2018; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 53-59).

II. Main developments in the implementation of the Convention by Ukraine

1. Emerging trends in trafficking in human beings

13. Ukraine remains primarily a country of origin of victims of THB exploited both abroad and within the country. In the period 2014 - 2017, a total of 418 victims of trafficking were identified by the Ministry of Social Policy (27 in 2014, 83 in 2015, 110 in 2016 and 198 in 2017), including 209 men, 169 women and 40 children (25 girls and 15 boys). Most of the victims were trafficked for the purpose of labour exploitation (256), followed by sexual exploitation (87) and exploitation of begging (42). Further, 17 victims of THB for the purpose of forced criminality were identified in 2017, as well as six victims of trafficking for the purpose of the removal of organs (one in 2015 and five in 2016). All of the identified victims were Ukrainian nationals. The main countries of destination of Ukrainian trafficking victims were the Russian Federation, Poland, Turkey, Ukraine, Germany, Israel, Greece and the United Arab Emirates. No foreign victims of THB were identified in 2014-2017.⁵

14. The IOM Office in Kyiv continues to operate the reintegration and assistance programme for victims of THB, initiated in 2000. According to IOM statistics, the number of presumed victims of THB identified and assisted through this programme (903 in 2014, 740 in 2015, 1,151 in 2016 and 1,259 in 2017) is considerably larger than the above-mentioned figures of victims formally identified by the authorities.

15. Trafficking for the purpose of labour exploitation has emerged as the prevalent form of exploitation of identified victims in Ukraine. Victims are recruited amongst internally displaced persons, persons affected by unemployment and poverty, young people leaving specialised institutions and children in street situations. Recruiting victims through the Internet, via websites advertising jobs and social networks is also a growing trend. The number of persons trafficked for the purpose of begging, who often have some form of physical and/or mental disability, has also increased.

16. Since the first evaluation by GRETA, Ukraine has continued to experience political, social and economic problems following the illegal annexation of the Autonomous Republic of Crimea by the Russian Federation and the City of Sevastopol and the on-going armed conflict in Donetsk and Luhans'k regions. By September 2017, some 1,592,430 persons from among those forced to flee from their places of habitual residence were registered as internally displaced persons (IDPs) by the Ministry of Social Policy. GRETA remains concerned by the negative consequences of the large number of IDPs, including women, children and persons with disabilities, who have been identified as being vulnerable to THB (see paragraphs 52, 78 and 89) on the fight against human trafficking.

2. Developments in the legal framework

17. In the period following the first evaluation by GRETA, amendments have been made to Regulation No. 660 of the Cabinet of Ministers, "On Approval of the Procedure for the Payment of One-Time Financial Assistance to Victims of Trafficking", leading to an increase in the amount of one-time financial grants for victims of trafficking (see paragraph 171). Further, a Joint Order No. 4/5 of the Ministry of Social Policy and the Ministry of the Interior "On Approval of the Regulations on the Collection and Monitoring of Statistical Data on Victims of Trafficking", dated 11 January 2016, amended the application form for the status of victim of trafficking and reinforced the confidentiality of victims' personal data.

⁵ Prior to the period covered by this report, in 2012-2013, six foreign nationals were granted the status of victims of THB (four men from Pakistan, victims of labour exploitation, and a woman from the Republic of Moldova and a girl from the Russian Federation, victims of sexual exploitation).

18. GRETA was informed that a draft Law "On Amending Certain Legislative Acts of Ukraine to Strengthen Combating Trafficking in Human Beings and Protection of Trafficking Victims" was submitted to Parliament on 23 February 2017. The draft envisages amending several legal acts, including the 2011 Law on Combating Trafficking in Human Beings (hereafter, Anti-Trafficking Law), the Law on Local State Administrations, the Law on Local Self-Government, the Law on the Employment of the Population, the Law on the Council of Ministers of the Autonomous Republic of Crimea, the Law on the Legal Status of Foreigners and Stateless Persons, and the Law on the Freedom of Movement and Free Choice of the Place of Residence in Ukraine. Further, a draft law amending Article 149 of the Criminal Code (CC), adding forced marriage and forced begging to the forms of exploitation included in the criminalisation of THB, was approved by Parliament on 7 November 2017 in first reading. Moreover, a draft Law "On Amending Certain Legislative Acts of Ukraine on the Business Activity of Foreign Employment Mediation", aimed at increasing the accountability of companies providing intermediary services for employment abroad, was submitted to Parliament on 31 March 2017. **GRETA would like to be kept informed about the adoption of these draft laws.**

3. Developments in the institutional framework

19. The Interdepartmental Council for Family, Gender Equality, Demographic Growth, Prevention of Family Violence and Combating Trafficking in Human Beings (hereinafter, the Interdepartmental Council), which is a consultative body of the Cabinet of Ministers, continues supervising the implementation of national action plans and strategies in the areas under its competence, including THB. The Ministry of Social Policy provides technical support and functions as the secretariat of the Interdepartmental Council. It is chaired by the Minister of Social Policy and includes as members the Deputy Ministers of Health, Education and Science, Justice, Finance, Economic Development and Trade, the Interior, Foreign Affairs, Agricultural Policy and Food, and Culture, as well as the Deputy Heads of the State Service for Emergency Situations, the Security Service, the State Committee for Television and Radio Broadcasting, and the State Service for Statistics. The Parliamentary Commissioner for Human Rights, the Vice-President of the Academy of Sciences and the Vice-President of the Academy of Pedagogical Sciences have participatory status in the Interdepartmental Council.

20. In its first report, GRETA noted that the Interdepartmental Council had not met since 2010. According to information provided by the Ukrainian authorities, the Interdepartmental Council was convened on 29 March 2016 and discussed, *inter alia*, the strengthening of the National Referral Mechanism and the implementation of Ukraine's commitments in the anti-trafficking area. The Interdepartmental Council subsequently met on 22 December 2017 to discuss issues relating to preventing and combating domestic and gender-based violence and THB.

21. In its first report, GRETA considered that the establishment of the post of National Co-ordinator, supported by a dedicated office, could be instrumental for strengthening co-ordination. The Ministry of Social Policy continues functioning as the national co-ordinating body on action against THB and co-operates with the National Police, the Prosecutor General's Office, the Ministry of the Interior, the Ministry of Education and Science, the Ministry of Public Health, the Ministry of Justice, the Ministry of Foreign Affairs, the Security Service, the Administration of the State Border Guard Service, the State Migration Service and international organisations and NGOs involved in action against THB. The function of the National Co-ordinator is performed by the Deputy Minister of Social Policy. In 2013 the Ministry set up an interagency working group to review issues arising during the implementation of the national policy on combating THB and to improve the legislative and regulatory framework. In 2017, the Ministry convened seven meetings of the interagency working group and in the first five months of 2018, two meetings, with the participation of all agencies involved in the National Referral Mechanism.

22. Following the establishment of the National Police in July 2015, the task of combating THB, along with combating irregular migration, was entrusted to the Department for Combating Trafficking Crimes. Specialised anti-trafficking units of the National Police have been set up in all regions (*oblast*) of Ukraine, with a total of 376 officers, 22 of whom are in Kyiv. However, in some regions, the reorganisation led to the reduction of staff in specialised anti-trafficking departments. For example, in Dnipropetrovsk region, the number of employees of the Department for Combating Trafficking Crimes has been reduced from 46 to 32, and in Ternopil region, the staff has been reduced from 12 to seven.

23. In a letter dated 10 March 2015, the Deputy Prosecutor General instructed the heads of the regional prosecutors' offices to assign prosecutors who would specialise in procedural oversight of criminal proceedings for THB offences. According to the authorities, in large regions up to four specialised prosecutors have been designated. However, in the course of the evaluation visit, GRETA was informed that not all regions had a designated anti-trafficking prosecutor.⁶ GRETA notes that the Prosecutor's Office has been undergoing a reform involving a considerable reduction in the number of prosecutors, which has had an impact on the country's criminal law response to THB.

24. The adoption of a new Law "On the Judicial System and the Status of Judges" on 30 September 2016 launched the reforms of the judiciary, accompanied by reorganisation of courts and re-certification and competitive selection procedure of judges. GRETA was informed that a considerable number of judges had left their jobs and not all vacancies were filled, resulting in an insufficient number of judges, especially in lower instance courts which have competence to examine THB cases.

25. In its first report, GRETA urged the Ukrainian authorities to enhance co-ordination of anti-trafficking activities by ensuring the effective and regular functioning of the Interdepartmental Council and the interdepartmental councils at the regional level. According to information provided by the Ukrainian authorities, regional councils for family, gender equality, demographic growth, prevention of domestic violence and combating trafficking in human beings have been set up at regional (*oblast*) and city level. In the course of the evaluation visit, the GRETA delegation held meetings with the interdepartmental anti-trafficking councils of Lviv and Luhans'k regions. As an illustration of the work at regional level, the authorities have indicated that in the course of May 2018, meetings were held by the regional co-ordination councils in Volyn, Kherson, Kharkiv, Chernivtsi, Zhytomyr, Poltava, Lviv, Sumy, Luhans'k and Dnipropetrovsk.

26. The reorganisation of local governments continues to have negative effects on anti-trafficking activities in some regions as it is often accompanied by staff cuts, loss of experienced staff, and appointment of new managerial staff who has not received training in THB.⁷ The situation is reportedly more difficult at the district (*rayon*) level, where in some cases the task of co-ordinating anti-trafficking activities is ascribed to one person, who as a rule has a number of other responsibilities.

⁶ For instance, in Luhans'k region such a prosecutor was yet to be designated.

⁷ The administrative reform in Ukraine was initiated by the Presidential Decree "On Optimisation of the System of Central Government Bodies" of 9 December 2010. The reform affects the main actors concerned with developing and implementing policies on combating trafficking in human beings at different levels. GRETA already noted in its first report the lack of a unified approach to the setting up of interdepartmental councils and the lack of staff at local level trained on issues related to THB.

27. NGOs continue to play a crucial role in shaping and implementing anti-trafficking policy in Ukraine and participate as members of relevant working groups and co-ordination councils. The All-Ukrainian Coalition of NGOs for Combating Trafficking in Human Beings, comprising 31 NGOs from around the country, is actively involved in preventing THB, identifying and assisting victims, facilitating co-ordination of anti-trafficking activities and providing training to relevant professionals. On 10 December 2014, an Independent Monitoring Group to Combat Trafficking in Human Beings was set up at the initiative of "La Strada - Ukraine".⁸ The Monitoring Group prepares and submit reports on the implementation of Ukraine's international obligations in the area of combating THB to CEDAW, and the United Nations' Human Rights Council and GRETA. In 2016-2017 the Group monitored court decisions in THB cases and the results of this monitoring were presented at the co-ordination meeting organised by the Prosecutor General's Office in February 2017 (see paragraph 198).

4. State Programme to Combat Trafficking in Human Beings

28. In the first evaluation report, GRETA urged the Ukrainian authorities to take further steps to ensure that national action to combat THB is comprehensive, and in particular to pay increased attention to identifying foreign victims of trafficking in Ukraine, including unaccompanied minors, irregular migrants and asylum seekers, and take steps to address internal trafficking.

29. On 24 February 2016, the Cabinet of Ministers adopted the State Social Programme to Combat Trafficking in Human Beings for the period 2016-2020 (hereinafter "the Anti-Trafficking Programme").⁹ The objectives of the Anti-Trafficking Programme include preventing human trafficking, introducing an effective referral mechanism for victims of THB from the police to those responsible for providing assistance, protection of the rights of trafficking victims, especially children, increasing the efficiency of interaction between the authorities, international organisations, NGOs and other actors involved in combating THB, improving the capacity of relevant professionals, including law enforcement officers and the judiciary, reducing prejudice against victims of THB, and building trust in the authorities involved in combating THB.

30. The activities envisaged by the Anti-Trafficking Programme include information campaigns for the general public, training of frontline staff, improving the professional level of investigators, prosecutors, judges and lawyers regarding criminal proceedings in trafficking cases, strengthening co-operation between social services and law enforcement authorities, and facilitating the reintegration of victims. It is envisaged to provide funding for the implementation of the Programme from the state and local budgets, as well as foreign donors. The annual funding from the State budget envisaged for the implementation of the Programme was €2,760 per year in 2016 and 2017, while in 2018-2020 it is envisaged to increase it to €15,350 per year. Local budgets envisage funding of about €6,130 per year in 2016-2020. The funding from "other sources" is estimated at about €200,000 in 2016, €195,000 in 2017, €200,000 in 2018, €195,000 in 2019 and €200,000 in 2020.

⁸ The following NGOs form part of the Independent Monitoring Group: "La Strada - Ukraine", "School of Equal Opportunities", "Avest" (Vinnytsia), "Development of Democracy", "Duma - Centre for Legal and Political Research" (Kharkiv), "Information and Counselling Women's Centre", the All-Ukrainian NGO Network Against Commercial Sexual Exploitation of Children, "Women's Prospects" Western Ukrainian Centre (Lviv), "Rozrada", "Faith Hope Love" (Odesa) and Centre for Social and Gender Research "New Life".

⁹ Ukraine has previously implemented four national programmes on combating THB. The first national programme to prevent trafficking in women and children was adopted by the Ukrainian Government in 1999. Subsequently, the Ukrainian authorities adopted the "Comprehensive programme to combat trafficking in human beings (2002-2005)", the "State Programme to combat trafficking in human beings (2007-2010)" and the National Anti-Trafficking Programme for 2013-2015.

31. In its first evaluation report, GRETA invited the Ukrainian authorities to introduce a periodic independent evaluation of the national anti-trafficking programme as a tool for assessing the impact of the activities, as well as for planning future policies and measures, to combat THB, and to consider establishing an independent National Rapporteur or designate another existing independent mechanism for monitoring the anti-trafficking activities of State institutions. The current Anti-Trafficking Programme includes a number of performance indicators for monitoring its implementation. The Ministry of Social Policy, in co-operation with state research institutes, submits annual reports to the Cabinet of Ministers on the implementation of anti-trafficking action. However, there has been no external, independent evaluation of the implementation of previous National Programmes and Action Plans and no consideration has been given to establishing an independent National Rapporteur.

32. In GRETA's view, independent monitoring, which can be provided by a National Rapporteur or other independent mechanism, reinforces the human rights-based approach to anti-trafficking action underpinning the Convention. The key features of National Rapporteurs' mechanisms within the meaning of Article 29, paragraph 4, of the Convention should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, in the anti-trafficking field and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. A structural separation between these monitoring functions and executive functions makes possible an objective evaluation of the implementation of anti-trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations. **GRETA considers that the Ukrainian authorities should establish an independent National Rapporteur or designate as the equivalent of a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions.**

5. Training of relevant professionals

33. In the first evaluation report, GRETA considered that the Ukrainian authorities should take further steps to provide periodic training on THB and the rights of victims to all relevant professionals (such as law enforcement officials, prosecutors, judges, labour inspectors, child protection specialists, social workers and medical professionals).

34. During the reporting period, the Ministry of Social Policy implemented a number of training activities for public officials. By way of example, the authorities have referred to a thematic workshop entitled "Identification of trafficking victims and the organisation of assistance", conducted on 13-15 April 2016 for 25 officials in local administrations responsible for implementing the procedure on identification of victims of THB. On 14-16 September 2016, a thematic workshop entitled "Rehabilitation and reintegration of trafficking victims" was conducted for 25 officials in local administrations. On 25-26 April 2017, the Ministry of Social Policy, in co-operation with the NGO "Campaign A21", conducted a training event, entitled "Identification of trafficking victims", for 50 aviation security staff at Boryspil Airport (Kyiv).

35. Some of the training was organised with the support of international organisations. For instance, on 18 May 2017, the Ministry of Social Policy, in co-operation with the IOM Office, held a training session, entitled "Identification of trafficking victims", for 25 employees of the government-run contact centre. Further, on 30-31 May 2016, the Ministry of Social Policy, in co-operation with IOM, conducted a similar training for staff of the Ministry of Foreign Affairs preparing to serve in Ukraine's consular representations abroad.

36. Police officers involved in combating THB receive training in the National Academy of the Ministry of the Interior. Thus, from 12 September to 24 December 2016, training courses for 200 police officers of the territorial units for combatting THB were conducted at the National Academy of the Ministry of the Interior, with the support of OSCE, and a further 100 officers received similar training in March-May 2017. Police officers also participated in training sessions and workshops conducted in Kharkiv on 18-31 January 2016 for representatives of the criminal justice system, within the project entitled "Strengthening Ukraine's efforts to combat human trafficking", supported by the IOM Office. Further, on 25-26 April 2016, a training course under the project entitled "Combating trafficking in human beings: interactive training course for law enforcement officers in Ukraine" was held in Lviv with the support of Global Affairs Canada and IOM for 25 investigators and 25 staff members of the anti-trafficking police unit. Training of law enforcement bodies continued in 2018, in particular through participation in training projects in Ukraine (e.g. in Kharkiv, Lviv, Volyn) and abroad (Stockholm, Budapest), with the support of international organisations and the Embassy of the USA in Ukraine.

37. From 24 April to 1 June 2017, a training course was provided to 30 investigators, 30 staff members of the units for combating THB, 30 border guards, 30 prosecutors and 20 court officials. In addition, a workshop entitled "Capacity building of law enforcement agencies for combatting trafficking in human beings by strengthening their role in the National Mechanisms for Interaction of Agents for Combating Trafficking in Human Beings" was conducted in November 2016 with the support of IOM. The participants included officers in regions adjacent to the territory of the anti-terrorist operation, in particular Zaporizhzhya, Kharkiv, Luhans'k, Sumy, Kherson, Dnipropetrovsk, Donetsk and Mykolaiv regions.

38. The National Academy of Prosecutors continues to offer courses on "Procedural oversight of the pre-trial investigation of trafficking crimes". Training in this area was conducted on 15-26 May 2017 for prosecutors from local prosecutors' offices and military prosecutors' offices. A round table was held with investigators from military prosecutors' offices in garrisons on 28 November 2016, which focussed on pre-trial investigation in criminal proceedings on charges of THB in special circumstances, also paying attention to the protection of victims and compensation for harm caused by the criminal offence. Further, on 27 November 2017, the National Prosecution Academy of Ukraine, in co-operation with the Prosecutor General's Office, approved methodological guidelines entitled "Procedural guidance of pre-trial investigation and support of public prosecution in criminal proceedings in trafficking cases".

39. On 26-27 May 2016, a workshop entitled "Improving mechanisms for combating trafficking in human beings: detecting and documenting trafficking crimes, co-operation of the Prosecutor's Office, pre-trial investigation bodies and investigative units in criminal proceedings on charges of THB" was held in Kyiv with the participation of the Prosecutor General's Office and the State Border Guard Service. On 25-26 May 2017, the Ministry of Social Policy, the National Police and the Higher Specialised Court for Civil and Criminal Cases, in co-operation with the Prosecutor General's Office, conducted a training within the project entitled "Strengthening criminal prosecution of human traffickers using information technologies", supported by OSCE.

40. On 25-26 April 2017, the Ministry of Social Policy, in co-operation with the Council of Europe, conducted a training session on financial investigations in human trafficking cases. It brought together some 50 law enforcement officers, prosecutors, judges and ministerial officials.

41. The Ministry of Social Policy organised on 7-8 February 2017 a training session entitled "Combating trafficking in children and protecting the rights of victims" for 25 directors of services for children's affairs. Educational programmes for professional training of teachers include thematic courses covering the prevention of THB, commercial sexual exploitation of children and abuse of children, and issues of child safety on the Internet. The Ukrainian authorities have referred to a number of training activities conducted in 2016-2017 by institutes and centres for pedagogical education.¹⁰ By way of example, on 22 November 2016, a workshop for practicing psychologists and school counsellors in secondary schools was conducted in Vinnytsia region on the topic "Methodological aspects of the activities of the psychological service staff for prevention of trafficking in children". A training entitled "Psychological support of trafficking victims" was conducted by the Chernihiv Regional Institute of Postgraduate Pedagogical Education for practicing psychologists in general and vocational schools and out-of-school education institutions. Further, in the course of 2017, the Ministry of Social Policy held a series of educational seminars and trainings, which included the topic of identification and assistance of child victims of trafficking, for 87 heads of institutions for the social protection of children.

42. The Diplomatic Academy of the Ministry of Foreign Affairs runs a two-day training course on THB, which is mandatory for all persons to be appointed as consuls in diplomatic missions abroad.

43. In 2015-2017 the NGO "La Strada - Ukraine", in co-operation with the National Police, conducted 33 lectures on the topics of combating THB and preventing domestic violence, for 670 police officers of the Department on Combating THB. In the period 2014 - July 2017 "La Strada - Ukraine" and the National Trainers' Network conducted 1,242 thematic training sessions for a total of 43,390 professionals, including social workers, educators, staff of centres for legal aid and employment centres.

44. Pursuant to the 2016-2018 Research Plan of the National School of Judges, in the course of 2016, nine training workshops were conducted for judges on the topic "Building the capacity of law enforcement agencies to combat THB through strengthening their role in the National Mechanism for Interaction of Agents for Combating Trafficking in Human Beings" with the participation of judges from nine regions.¹¹ The workshops were organised in co-operation with the IOM Office in the framework of the project entitled "Strengthening Ukraine's efforts to combat trafficking in human beings". Further, in 2017, eight workshops were conducted on the topics "Building the capacity of law enforcement agencies of Ukraine to combat THB through strengthening the National Mechanism for Interaction to provide assistance to victims" and "Practical aspects of the use of legislation on combatting THB, especially children, by Ukrainian courts". These workshops were attended by judges from eight regions.¹² In 2018, a training course for judges, entitled "Practical aspects of court consideration of criminal proceedings in trafficking cases", will be included in the compulsory training curriculum for judges at the National School of Judges, with the support of UNODC. The training covers, *inter alia*, qualification of crimes under Article 149 of the CC and their distinction from other crimes, practical aspects of the application of Article 149 of the CC by courts, providing evidence in criminal proceedings in THB cases, ethical aspects of the trial, ensuring the safety of participants in criminal proceedings, compensation and legal redress, and civil claims in criminal proceedings.

¹⁰ For example, training was held for psychologists and school counsellors by the Ivano-Frankivsk Regional Centre for Practical Psychology and Social Work, entitled "Education and preventive work to combat trafficking in human beings". The Centre for Applied Psychology, Social Work and Healthy Lifestyle in the Kharkiv Academy of Continuous Education has developed an 18-hour course for teachers entitled "Preventing the manipulation of consciousness trafficking in human beings". The Vinnytsia Academy of Continuing Education has conducted practical classes on the topic "Combating trafficking in human beings and preventing violence among students" as part of advanced training courses for a total of 96 teachers.

¹¹ Dnipropetrovsk, Donetsk, Zaporizhia, Luhans'k, Mykolaiv, Sumy, Kharkiv, Kherson and Chernihiv.

¹² Kirovohrad, Luhans'k, Mykolaiv, Kherson, Khmelnytsky, Cherkasy and Chernihiv.

45. GRETA notes that labour inspectors have not benefited from training in order to detect victims of THB for the purpose of labour exploitation (however, see paragraph 65). Further, representatives of the centre for social and psychological rehabilitation of children in Luhans'k region informed GRETA that there was lack of training on THB for the staff of relevant bodies in the region as such training was mainly organised in Kyiv and were accessible only to a limited number of staff.

46. While welcoming the efforts of the authorities, NGOs and international organisations to train relevant professionals in Ukraine, **GRETA considers that the authorities should:**

- **expand the range of professionals covered by such training to include labour inspectors, health-care professionals and social workers;**
- **ensure that the training concerning THB is embedded in the core training curricula of police officers, border guard, prosecutors, judges, lawyers, staff of the State Migration Service and staff of local state administrations and social assistance centres;**
- **ensure that the training aims at strengthening victim identification and protection, improving the effectiveness of prosecutions and convictions, and guaranteeing the right to effective access to compensation to victims.**

6. Data collection and research

47. In its first evaluation report, GRETA urged the Ukrainian authorities to develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors, including NGOs involved in victim identification and assistance, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.

48. In their reply to the Committee of the Parties' Recommendation CP(2014)18, the Ukrainian authorities referred to Order 4/5 of the Ministry of Social Policy and the Ministry of the Interior, issued on 11 January 2016, approving the Instruction for Collecting and Monitoring Statistical Information on Trafficking Victims. It defines the procedure for collecting statistical information regarding the detection and referral of trafficking victims by the structural units of local administrations, services for children's affairs, centres of social services for family, children and youth, and police units for combatting THB. According to the Instruction, data on trafficking victims should be disaggregated by sex, age, type of exploitation, country of origin and/or destination.

49. GRETA notes that statistical data on THB in Ukraine remains largely unconsolidated: law enforcement agencies collect data on the number of victims of THB registered in the course of criminal investigations, the Ministry of Social Policy keeps records of persons who have formally applied for the status of victim of THB, and the IOM Office, NGOs and social service providers keep their own statistics on victims and presumed victims of THB assisted by them.

50. **GRETA once again urges the Ukrainian authorities to 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.**

51. In its first report, GRETA considered that the Ukrainian authorities should conduct and support research on THB-related issues as an important source of information for the evaluation of current programmes and for planning future policy measures. According to GRETA, areas where more research was needed included trafficking for the purpose of labour exploitation, trafficking of foreign nationals to Ukraine for different types of exploitation, trafficking for the purpose of organ removal and trafficking within Ukraine.

52. From 29 December 2015 to 12 January 2016 the NGO "La Strada - Ukraine" carried out a survey on the risks of THB among IDPs in 16 regions.¹³ According to the survey's findings, 72.1% of respondents were aware of the THB phenomenon, while 31.6% did not know what institution to contact if a person was trafficked. Further, GfK Ukraine, with support of the IOM Office, carried out a population survey concerning risks of irregular migration and THB, which revealed that the proportion of the population potentially vulnerable to THB had increased from 14% to 21%. In January 2016, GfK Ukraine conducted another survey on awareness of the risks of THB among vulnerable children and young people.

53. In December 2016, the School of Social Work in the National University "Kyiv Mohyla Academy" conducted, with the support of the IOM Office, a population survey entitled "Trafficking in men for the purpose of labour exploitation: Ukraine, Moldova and Belarus". The findings of this survey were taken into consideration by the Ministry of Social Policy for an information campaign within the framework of the Anti-Trafficking Programme. A video on combating labour exploitation of men within Ukraine was developed with state funding and was distributed in all regions of the country.

54. The Ministry of Social Policy continues preparing, in co-operation with research institutes, annual reports on combating THB. In 2015, in co-operation with the State Institute for Family and Youth Policy, the Ministry of Social Policy published the "Report on the implementation of the state policy on combating trafficking in human beings and the situation with Ukraine's compliance with international agreements in this area". Further, in 2016, together with the Mykhailo Ptukha Institute of Demography and Social Studies, National Academy of Sciences, the Ministry of Social Policy published the "Report on the implementation of the state policy on combating THB for 2015 and the first half of 2016".

55. GRETA welcomes the research carried out in Ukraine and considers that the Ukrainian authorities should conduct and support further research on different aspects of THB, such as trafficking in children, trafficking for labour exploitation, trafficking for the purpose of forced criminality, trafficking for the purpose of organ removal, the possible links between THB and surrogacy and the possible links between online streaming of sexual abuse of children and human trafficking.

¹³ Donetsk, Dnipropetrovsk, Zakarpattia, Zaporizhzhya, Kyiv, Kropyvnytsky, Lviv, Odesa, Poltava, Rivne, Sumy, Kharkiv, Kherson, Cherkasy and Chernihiv, and the City of Kyiv.

III. Article-by-article findings

1. Prevention of trafficking in human beings

a. Measures to raise awareness of THB (Article 5)

56. In its first report, GRETA considered that the Ukrainian authorities should continue their efforts to prevent THB and design future awareness-raising measures in the light of the assessment of previous measures, focussing on the needs identified. GRETA stressed that awareness-raising should target vulnerable groups and inform the general public of new trends in THB, such as trafficking for the purpose of labour exploitation, removal of organs and trafficking within Ukraine.

57. During the reporting period, the Ministry of Social Policy, in co-operation with partner NGOs and international organisations, conducted several nationwide information campaigns. On the occasion of the World Day against Trafficking in Persons (30 July 2016), the Ministry of Social Policy, in co-operation with the IOM Office, conducted an information campaign entitled "Joint efforts against trafficking in human beings in Ukraine" in 15 cities of Ukraine (Dnipro, Zhytomyr, Lutsk, Sumy, Rivne, Poltava, Zaporizhzhya, Kherson, Chernivtsi, Kropyvnytsky, Mykolaiv, Ternopil, Kharkiv, Cherkasy and Vinnytsia). Further, one-week photo exhibitions dedicated to the problem of THB were hosted in Kyiv on 28 July 2016 and in Lviv on 30 July 2016. These exhibitions were organised in partnership with the NGO "Campaign A21" and the OSCE Project Co-ordinator as part of the information campaign entitled "Live free". A campaign was launched in October 2016, comprising videos on state and private television and radio channels and accompanied by the distribution of information materials. Further, on the occasion of the European Anti-Trafficking Day (18 October), a symbolic march through Kyiv, entitled "Walk for Freedom", was organised on 15 October 2016 by the NGO "A21 Campaign".

58. The Ministry of Social Policy commissioned the preparation of two videos, entitled respectively "Combating child begging" and "Preventing labour exploitation", which were broadcast on national and regional television channels in the course of 2017. Further, the Ministry produced a video entitled "Ukrainians as drug couriers. Modern challenges", concerning THB for the purposes of exploitation of forced criminality, to raise awareness about this emerging form of exploitation affecting Ukrainian nationals abroad. This video was shared by Ukrainian diplomatic missions on their websites and social media, along with the contact information of local authorities in oblast state administrations responsible for the identification of victims of THB and specialised NGOs involved in combatting THB in Ukraine.

59. A national information campaign entitled "Hrani" was launched on 2 December 2016 with the support of the IOM Office. It covers 16 regions¹⁴ and aims at increasing awareness of THB by means of art installations.

60. From 1 to 15 May 2017, the State Border Guard Service, the Ministry of Social Policy and the National Police conducted an information campaign entitled "Eurovision 2017 without trafficking in human beings", supported by OSCE. It involved the distribution of an information booklet including the number of the telephone hotline for reporting possible THB cases to persons arriving in Ukraine on the occasion of Eurovision Song Contest.

¹⁴ Kyiv, Vinnytsia, Zhytomyr, Rivne, Lutsk, Uzhgorod, Khmelnytsky, Chernihiv, Sumy, Severodonetsk, Kramatorsk, Zaporizhzhya, Kherson, Mykolaiv, Kropyvnytsky and Cherkasy.

61. The NGO "La Strada - Ukraine" organised activities aimed at increasing public awareness on THB, including the displaying of the National Toll Free Hotline on Prevention of Domestic Violence, Trafficking in Human Beings and Gender Discrimination at Kyiv South railway station, and placing electronic banners with the telephone number of the web sites of regional police departments on combating THB. Posters and leaflets entitled "Safety tips for travelling abroad", as well as cards and booklets entitled "Human trafficking is not a fiction" were disseminated, which led to an increased number of calls to the hotline. Some 7,725 calls made on the hotline in 2014 (7.3% concerned THB), 9,135 in 2015 (5.4% regarding THB), 38,547 in 2016 (2% regarding THB) and 28,999 in 2017 (0.9% regarding THB).

62. The authorities stated that the results of the surveys conducted by NGOs (see paragraph 52) were used as a tool for assessing the impact of awareness-raising activities and were taken into consideration when designing follow-up activities.

63. GRETA welcomes the efforts of the Ukrainian authorities, NGOs and international organisations to raise awareness of THB among the general public. **GRETA considers that the Ukrainian authorities should continue conducting information and awareness-raising campaigns on different forms of THB, including within Ukraine, taking into account the impact assessment of previous measures.**

b. Measures to prevent THB for the purpose of labour exploitation (Article 5)

64. In its first report, GRETA urged the Ukrainian authorities to strengthen action to combat THB for the purpose of labour exploitation by involving labour inspectors, trade unions, employment agencies, businesses and civil society.

65. As noted in paragraph 15, trafficking for the purpose of labour exploitation has emerged as the predominant form of THB in Ukraine. This trend was taken into account when drafting the Anti-Trafficking Programme for 2016-2020, which includes activities to address the use of services of trafficked persons in different sectors and combat THB for labour exploitation, with the involvement of labour inspectors, trade unions, employment mediation agencies, private companies and NGOs. As noted in paragraph 45, no training on THB has been provided to labour inspectors. GRETA was informed that as part of the ILO's project entitled "Strengthening the System of Labour Inspection and Social Dialogue Mechanisms", the National Research Institute for Industrial Safety and Labour Protection, jointly with the State Labour Service, has been developing a distance learning course for labour inspectors aimed at overcoming undocumented employment in Ukraine and combatting trafficking in human beings.

66. The State Labour Inspectorate, in co-operation with the State Employment Service, has carried out information and education activities on safe employment abroad, the risks of irregular labour migration and the importance of legal employment. In the first half of 2016, the State Labour Inspectorate and staff of regional employment centres conducted 434 joint workshops, with the participation of heads of enterprises, individual entrepreneurs and unemployed persons. Topics covered during the workshops included the framework for the employment of foreigners in Ukraine, legislation on employment abroad, legal protection of Ukrainian nationals abroad, consequences of irregular labour migration, and the prevention of the exploitation of child labour.

67. Following the adoption on 16 December 2015 of Regulation No. 1060 of the Cabinet of Ministers, the Ministry of Social Policy has become the licensing authority for recruitment agencies for employment abroad. As of 1 June 2017, there were 1,248 intermediary employment agencies registered by the Ministry. According to the Ministry's annual report for 2016, some 79,200 Ukrainians were employed through such agencies in Poland, the Czech Republic, Greece, Cyprus, the United Kingdom, Germany, Panama, the United States, the Netherlands, Belgium and other countries. The main sectors of employment were the construction industry, agriculture and the marine industry.

68. A moratorium on scheduled inspections of recruitment agencies for employment abroad entered into force in 2014 and has been extended until the end of 2018. According to the authorities, unscheduled inspections resumed in November 2016 and the Department of Labour Market and Employment of the Ministry of Social Policy conducted four such inspections, which did not result in detecting any cases of THB for the purposes of labour exploitation.

69. GRETA was informed of the preparation by the Ministry of Social Policy of amendments to several by-laws concerning the conditions for licensing of recruitment agencies for employment abroad, as well as the criteria for assessing risks of economic activity and determining the periodicity for inspections.¹⁵ Further, on 31 March 2017, draft amendments were submitted to Parliament regarding legislation regulating the economic activity of recruitment agencies for employment abroad with the view to enhancing their accountability and preventing THB. At the time of the adoption of the present report, these amendments have not yet been adopted by Parliament. GRETA was informed that the Cabinet of Ministers approved on 28 February 2018 Resolution No. 140 introducing new licensing conditions for intermediary recruitment agencies for employment abroad. One new condition is that a draft employment contract, certified by the foreign employer, with an indication of the obligations assumed by the latter and detailed information on the working conditions, must be included among the documents necessary for obtaining a license.

70. **GRETA urges the Ukrainian authorities to strengthen their 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 Rights¹⁶ and Recommendation CM/Rec(2016)3 on human rights and business.¹⁷**

¹⁵ For more details, see reply to question 23 of the Ukrainian reply to GRETA's questionnaire for the second evaluation round, available at: <http://rm.coe.int/168073e81d>

¹⁶ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

¹⁷ [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

c. Measures to prevent trafficking in children (Article 5)

71. GRETA was informed that the provision of information on THB to children and young people is part of the educational system of Ukraine. Round-table meetings and discussions are organised at schools in order to alert children to the risks of THB. Vocational and higher education institutions also carry out educational activities to raise awareness among students about THB. According to the authorities, in the course of 2016, 31,100 students in boarding schools and vocational schools were informed about the risks of trafficking and safety precautions through a peer-to-peer education campaign, and 15,100 students were reached by this campaign in 2015. Sets of information and educational materials for children were distributed through the network of institutions for the social protection of children, including comic strips, leaflets and games. Information materials were also sent to the network of centres providing secondary legal aid (see paragraph 172).

72. The Ministry of Education and Science developed, in co-operation with the Ukrainian Foundation "Well-Being of Children" and support of the IOM Office, a training programme entitled "Personal Dignity. Life Safety. Civic Position" for pupils in grades 7 to 11. The implementation of this programme started in 2015 and was continued in the following school year. Its implementation was evaluated through a survey conducted by the Foundation "Well-being of Children" in December 2017 -January 2018. Further, a handbook for secondary school teachers was developed, including information materials, guidance for conducting a lesson on THB, a practical legal workshop and learning materials for students. The Ministry of Education and Science, in co-operation with the OSCE Project Co-ordinator, developed a 15-hour course for secondary school teachers. It is planned to integrate this course into the curriculum of teacher training programmes in Ukraine.

73. From 30 May to 2 September 2016, with the support of the IOM Office, the Ministry of Social Policy conducted an information campaign against street child begging in Odesa, with the aim of drawing attention to this phenomenon and establishing a mechanism of co-operation between law enforcement bodies and children's services. The campaign was subsequently conducted in Kyiv and Lviv in 2017. In 2016, the Ministry of Social Policy produced a video on counteracting child begging, which has been broadcast on national and local television channels and shown at railway stations, airports and in other public fora.

74. In its first report, GRETA urged the Ukrainian authorities to continue their efforts to ensure the registration of all children at birth as a preventive measure against trafficking. Article 144 of the Family Code stipulates that parents must register the birth of a child no later than one month after the child is born. In case of death of the parents and impossibility to register the birth of a child for other reasons, registration may be carried out upon application by relatives, other persons or an authorised representative of a health-care institution in which the child was born or is kept. Pursuant to Article 13 of the Law "On State Registration of Civil Status Acts", if a child is born outside of a health-care institution, a document confirming birth is issued by the health-care institution which examined the mother and the new-born. In the absence of a birth-confirming document from a health-care institution, or a medical counselling commission, a court ruling on establishing the fact of birth would serve as a ground for registration.

75. To facilitate registration of civil status acts, including birth registration, for IDPs and Ukrainians living in the conflict-affected areas of Ukraine, the relevant legal acts were amended to allow such persons to apply for registration in any office for civil status registration. Further, to simplify court proceedings for establishing the fact of birth on the territories temporarily outside Ukraine's effective control, on 4 February 2016 the Civil Procedure Code was amended to allow applications for registering births which occurred on occupied or conflict-affected territory to be submitted to any court elsewhere in Ukraine, to be considered immediately, applicants to be issued with copies of court decisions, and court decisions to be immediately enforced. In addition, to create favourable conditions for simplifying access to administrative services of birth registration, staff of units for state registration of civil acts accept birth registration documents and issue certificates directly in medical institutions where children are born.¹⁸ As a result, 72,865 birth certificates have been issued in maternity houses since the introduction of this possibility.

76. According to information received by GRETA, since the occupation of Crimea and parts of the territory of Donetsk and Luhans'k regions, 8% of children born in Crimea and 38% of children born on the territory beyond the effective control of the Ukrainian authorities in Luhans'k and Donetsk regions have received birth certificates. Obtaining a birth certificate involves travelling to a territory controlled by the Ukrainian authorities and applying to a court. In some regions, the waiting time for a court decision is up to five to seven days, which entails travel and subsistence expenses, seldom affordable to applicants.

77. The Ukrainian authorities informed GRETA that a draft Law "On Amending the Law of Ukraine "On State Registration of Civil Status Acts" and Some Other legislative Acts of Ukraine Concerning Decentralisation and Bringing Administrative Services in State Civil Acts Registration Closer to Citizens" which stipulates that registration of the birth of a child is carried out by any state civil registration body, regardless of the place of residence of the child and his/her parents and his/her place of birth, was submitted to Parliament. **GRETA would like to be kept informed about the adoption of these amendments.**

78. The President's Commissioner for Children's Rights informed GRETA that children without parental care, in particular unaccompanied IDP children, experience different types of hardship and seek opportunities to earn money, which increases their vulnerability to exploitation and trafficking. Another group of children vulnerable to trafficking are the so-called "social orphans", i.e. children whose parents have migrated for employment abroad. According to the Commissioner, the child protection system lacks professionals to effectively prevent trafficking among children without parental care.

¹⁸ Pursuant to Order No. 1593/5 of 26 August 2015 on "Some aspects of the organisation of activities of the departments for state registration of civil status acts related to state registration of the birth of a child" amended through Order No. 519/5 of the Ministry of Justice of 22 February 2016.

79. In its first report, GRETA highlighted the need to take a more comprehensive approach to address the risks of trafficking faced by unaccompanied foreign children.¹⁹ GRETA was informed that 30 unaccompanied or separated children were registered in Ukraine in 2014, 16 in 2015, 11 in 2016 and 6 in 2017; out of these children, three received refugee status and three received additional protection. According to representatives of organisations working on the protection of refugees and asylum seekers in Ukraine, the authorities have made some improvements in the area of protection of unaccompanied foreign children, including by improving the appointment of legal guardians.²⁰ However, GRETA was informed of difficulties relating to the birth registration of children whose parents are asylum seekers. Reference was made to a case of the disappearance of a two-year old child of a Somali asylum seeker, who, not having been registered by the authorities and not having a birth certificate, disappeared after his mother's death in January 2017. According to the Ukrainian authorities, in 2015, six unaccompanied or separated children disappeared from institutional care. Further, GRETA was informed that the existing institutions for children do not have the capacity to accommodate asylum-seeking children, there are no possibilities for foster care and some unaccompanied or separated migrant children have to live in unsupervised arrangements with unrelated adults, which puts them at risk of exploitation and trafficking.

80. While welcoming the measures taken by the Ukrainian authorities to prevent trafficking in children, **GRETA urges the authorities to strengthen their efforts, 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)²¹;
- **ensuring that all children are registered at birth, and those who are not are provided with an effective possibility to do so.**

81. **Further, GRETA considers that the Ukrainian authorities should continue sensitising teachers, social workers, staff of child protection institutions and legal guardians to the risks of THB and how to prevent trafficking in children.**

d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)

82. In its first report, GRETA urged the Ukrainian authorities to strengthen prevention of THB through social and economic empowerment measures for groups vulnerable to THB. GRETA noted that such measures should be based on the identified root causes of THB (economic and social conditions, poverty, inadequate education, absence of employment opportunities) and should aim to decrease and ultimately eliminate these causes.

¹⁹ See GRETA's first report on Ukraine, paragraphs 140-142.

²⁰ The Ukrainian authorities referred to the adoption by the Cabinet of Ministers on 16 November 2016 of Regulation No. 832 on the procedure for interaction of state bodies and local authorities in identifying foreign children separated from their families. According to this regulation, the head of the guardianship authority may designate an employee of the service for children's affairs to act as a legal guardian of an unaccompanied foreign child.

²¹ Adopted at the [127th Session of the Committee of Ministers](#) in Nicosia, Cyprus, on 19 May 2017.

83. The Ukrainian authorities have adopted a number of strategic policy documents aiming to promote gender equality and enhance equal opportunities for women and men. These documents include the Strategy of the President of Ukraine on Human Rights and the National Plan for its implementation (adopted in 2015); the National Action Plan to implement UN Security Council Resolution No. 1325 "Women, Peace and Security" until 2020 (adopted in 2016); the Poverty Reduction Strategy and the Plan for its implementation (2016); the Strategy for reforming public finance management by 2021, taking into account the gender mainstreaming approach (adopted in 2017); and the Draft Strategy "Education: The Gender Dimension 2020". Further, the Cabinet of Ministers approved, on 11 April 2018, the State Social Programme for the Equal Rights and Opportunities of Women and Men for the period up to 2021.

84. The Ministry of Finance, in co-operation with the Ministry of Social Policy, the Ministry of Youth and Sports, the Ministry of Education and Science and the Ministry of Health, are implementing the project "Gender-oriented budgeting in Ukraine", covering the period from 2014 to 2018, which is funded by the Swedish International Development Co-operation Agency (Sida). Under this project a video on vulnerability of women to sexual violence was produced by the NGO "Community A-21" and shown during the exhibition "Live Free" (see paragraph 57).

85. The Ministry of Social Policy has prepared a draft Order "On Approval of Methodological Guidelines for the Organisation of State Procurement of Social Services" which aims at applying a gender-based approach in the provision of social services by assessing the needs of men and women. Further, to respond to complaints regarding cases of gender-based discrimination, the Ministry of Social Policy has set up an advisory body, the Expert Council for Preventing and Combating Gender Discrimination. Its tasks include examining complaints regarding gender discrimination, determining the causes of discrimination and promoting gender equality. The vast majority of the 24 applications received by the Expert Council in 2017 concerned discriminatory advertising and resulted in recommendations to the relevant media and advertising agencies aimed at eliminating gender stereotypes and sexism in the media.

86. On 7 June 2017 the Cabinet of Ministers of Ukraine set up the post of the Government Commissioner for Gender Policy, which was filled in March 2018. The Commissioner is mandated to participate in the co-ordination of activities of relevant ministries, central and local authorities on ensuring equal rights and opportunities for women and men, to co-operate with the civil society, to enhance co-ordination of the implementation of the recommendations of international human rights institutions, to participate in the preparation of state reports on the implementation of the UN Convention on the Elimination of all Forms of Discrimination against Women and other relevant reports and to prepare state programmes on gender equality.

87. The State Employment Service provides guidance to the unemployed on entrepreneurial activity and self-employment, information and counselling services, and vocational training for the purpose of starting a business. In the first half of 2016, more than 3,500 persons started businesses with the assistance of unemployment assistance, and in 2017, 1,900 persons. IDPs are provided with social services and assistance in finding employment, vocational training, career counselling, promoting entrepreneurial activities and self-employment. Thus, from January to April 2018, some 1,700 IDPs found employment. A number of incentives have been put in place for employers to employ IDPs.

88. Further, the Ministry of Social Policy, in co-operation with the OSCE Project Co-ordinator, is implementing a project entitled "Prevention of trafficking in human beings in Ukraine by strengthening the economic capacity of risk group members". It aims at improving the income-generating capacity of people at risk of THB and victims of THB through the use of a sustainable model of social business. As part of this project, social enterprises were set up in Kyiv, Lviv, Vinnytsia and Zhytomyr. Vocational training courses were followed by 85 persons, 72 women and 13 men. The project aims to achieve by the end of 2018 the financing of at least 20% of local NGOs' anti-trafficking activities from the profits generated by social businesses.

89. The previously mentioned survey "Assessment of trafficking risks for IDPs in Ukraine" conducted by the NGO "La Strada - Ukraine" highlighted the vulnerability of IDPs to THB (see paragraph 52). According to information provided by the IOM office, in 2015-2016, some 19 IDPs contacted IOM and its partners for assistance in relation to having been trafficked. The UN Committee on the Elimination of Racial Discrimination (CERD), in its Concluding Observations on Ukraine, notes the difficulties faced by IDPs, in particular the linkage of social benefits to the status of IDPs and their residence in the areas controlled by Ukraine, which prevents some IDPs from having access to social benefits, difficulties in accessing affordable housing and adequate employment, and restrictions on freedom of movement preventing their access to social services, education and health-care.²²

90. Persons from Roma communities are vulnerable to THB due to poverty, difficulties in accessing education, housing and employment, and lack of identity documents which prevents them from fully benefiting from social services. The Ministry of Social Policy, in co-operation with the NGO Roma Women's Fund "Chiricli" and the support of the Renaissance Foundation, is implementing a project entitled "Support for a network of Roma medical-social mediators", aimed at protecting the rights of the Roma population. Roma mediators assist pregnant women to register in ante-natal clinics and obtain birth certificates for their children. However, some Roma women do not have identity documents or registration at a permanent place of residence, which constitutes an impediment in obtaining birth certificates for their children. Several sources note that the lack of birth certificates and identity documents, affecting persons from Roma community, including children, are important factors impeding their access to education and increasing the risk of child, early and forced marriages.²³ ECRI in its Fifth Evaluation Report on Ukraine notes that the Strategy for the Protection and Integration of the Roma Ethnic Minority in Ukraine has no budget and remains largely unimplemented.²⁴ While acknowledging the setting up of the data-collection system established for monitoring acquisition of documents by Roma, and that some 2,143 identity documents were issued in 2015, ECRI notes that the lack of identity documents, such as birth certificates, internal "passports" or residence registration, still affects between 30% and 40% of Roma in some communities.

91. There are about 5,460 stateless persons legally residing in Ukraine, but no procedure on determination of statelessness has been put in place. In addition, an estimated 30,000 people have undetermined citizenship. Many of them are undocumented since 1990s, having limited or no access to basic rights and services, which makes them vulnerable to THB.

²² Concluding observations of the Committee on the Elimination of Racial Discrimination on the twenty-second and twenty-third periodic reports of Ukraine, 90th session (2-26 August 2016).

²³ ECRI's Fifth Evaluation Report on Ukraine, adopted on 20 June 2017, available at: <https://www.coe.int/t/dghl/monitoring/ecri/country-by-country/ukraine/UKR-CbC-V-2017-038-ENG.pdf>; Written Comments of the European Roma Rights Centre and the Ukrainian Roma women NGO "Chiricli" concerning Ukraine for consideration by the Committee on the Elimination of All Forms of Discrimination of Women (CEDAW), submitted for its 66th session (13 February – 3 March 2017), http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/UKR/INT_CEDAW_NGO_UKR_26221_E.pdf

²⁴ ECRI's Fifth Evaluation Report on Ukraine, adopted on 20 June 2017.

92. Ukraine is a destination and a transit country for persons in need of international protection. The UNHCR Office in Ukraine estimated that there were around 5,000 asylum seekers in Ukraine in October 2017, among whom 30% were women and 15% were children. According to the State Migration Service, as of 1 July 2017, there were 2,399 persons granted refugee status in Ukraine and 674 persons granted complementary protection. Many asylum seekers and refugees choose to move on to third countries in search of better integration prospects.

93. **GRETA considers that the Ukrainian authorities should take further measures to strengthen the prevention of THB through social, economic and other measures for groups vulnerable to THB, including Roma communities, IDPs, asylum seekers and stateless persons. Further efforts should be made to promote gender equality, combat gender-based violence and stereotypes, and improve social and economic conditions of IDPs through appropriate housing and opportunities, income-generating activities and effective access to social benefits.**

e. Measures to prevent trafficking for the purpose of organ removal (Article 5)

94. GRETA notes that while trafficking in human beings for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs²⁵ are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.²⁶ Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of trafficking in human beings.

95. In Ukraine, trafficking in human beings for the purpose of organ removal is criminalised under Article 149 of the CC. Further, Article 143 of the CC criminalises the violation of transplantation procedures, the removal of an organ or a tissue by coercion or deception, and the illegal trade in human organs and tissues.

²⁵ Opened for signature on 25 March 2015 in Santiago di Compostela, Spain; entry into force on 1 March 2018.

²⁶ See "[Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs](#)", [Joint Council of Europe/United Nations Study](#) (2009), in particular pages 55-56; "Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding", OSCE Occasional Paper No. 6 (2013).

96. The Ukrainian legal framework regulating transplantation of organs consists of the Law on Health Care, the Law on Transplantation of Organs and Other Anatomic Materials to Humans, and the Law on Burial and the Funeral Business. Two regulations have been adopted by the Cabinet of Ministers, in 2000 and 2007, and relevant orders have been issued by the Ministry of Health.²⁷ The supervision of the medical care and recovery of donors and recipients of organs is the responsibility of the Ministry of Health and the structural health-care units in the regional and Kyiv City administrations. Lists of donors and recipients are kept by the Co-ordination Centre for the Transplantation of Organs, Tissues and Cells in the Ministry of Health. Further, on 17 May 2018, amendments were adopted to certain legislative acts dealing with transplantation of organs, which will enter into force on 1 January 2019. Pursuant to them, adults with full capacity can give their written consent to donate their organs and/or anatomic material after their death. The amendments also introduce new standards for regulating activities related to transplantation, reinforce the protection of the confidentiality of information concerning donors and recipients, and increase the penalties for violations.

97. In the course of the evaluation visit, representatives of the Ministry of Health informed GRETA that basic training courses for doctors include the subject of THB for the purpose of organ removal and trafficking in organs. The online programme entitled "Combating trafficking in human beings: interactive training course for law enforcement officers of Ukraine" (see paragraph 36), developed with the support of Global Affairs Canada and IOM, covers the detection of cases of THB for the purpose of the removal of organs. The Department for the Social Protection of the Population in the Dnipropetrovsk Regional State Administration conducted 17 training workshops for relevant staff in state bodies and local authorities, attended by 301 persons.

98. GRETA was informed that the shortage of donors creates demand for illegal organ transplantations, which, together with the increased economic and social vulnerability of the population, benefits criminal groups. Most transactions are initiated through contacts via the Internet and social networks, where announcements are placed for the sale or purchase of organs. An analysis of these cases revealed that victims, both male and female, were in a vulnerable position (e.g. due to debts or bank loans, illnesses of family members), and that surgery for kidney removal was performed abroad (mostly Turkey and Israel).

99. As noted in paragraph 13, one person was identified as a victim of trafficking for the purpose of organ removal in 2015 and five in 2016. The authorities noted that it is not easy to detect THB for the purpose of organ removal as donors usually agree to sell their organs while being in a position of extreme vulnerability and are reluctant to report to law enforcement authorities. The authorities referred to a case from Dnipropetrovsk region concerning a man whose kidney was removed under coercion; he was granted the status of a victim of trafficking and criminal proceedings were initiated.

100. According to the authorities, medical doctors are under an obligation to inform law enforcement authorities of any violations of the legislation concerning transplantation of organs.

101. GRETA considers that the Ukrainian authorities should sensitise the general public about the risks of THB for the purpose of organ removal and continue to train health-care professionals and law enforcement officials, drawing attention to the need to monitor offers to sell or buy human organs and report any suspected cases. Further, the authorities should keep under review the implementation of the amended legislation and its impact on preventing THB for the purposes of the removal of organs.

102. Further, GRETA encourages Ukraine to ratify the Council of Europe Convention against Trafficking in Human Organs, which would contribute to the prevention of trafficking for the purpose of organ removal.

²⁷ The full list of relevant orders of the Ministry of Health appears in reply to question 21 of the Ukrainian authorities' reply to GRETA's questionnaire for the second evaluation round, available at: <http://rm.coe.int/168073e81d>

f. Measures to discourage demand (Article 6)

103. In the first report, GRETA urged the authorities to enhance their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with NGOs, trade unions, international organisations and the private sector.

104. According to the authorities, some of the educational and awareness-raising activities referred to in paragraphs 71-72 were designed to discourage demand for services of victims of THB. The authorities have also referred to various educational activities, methodological materials for teachers, as well as programmes on gender equality and combating gender stereotypes at universities preparing teachers which according to them are relevant to discouraging demand.

105. The use of services of victims of THB, with the knowledge that the person is a victim, is still not criminalised in the Ukrainian law (see paragraph 187).

106. GRETA notes that a considerable number of persons are trafficked within Ukraine for the purpose of sexual or labour exploitation, which warrants the adoption of targeted measures to address the demand side of human trafficking.

107. GRETA considers that the Ukrainian authorities should adopt legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:

- **raising awareness of the responsibility and the important role of the media, advertising companies and businesses in tackling demand which leads to human trafficking;**
- **continuing to implement educational programmes in schools which stress the importance of gender equality and respect for the dignity and integrity of every human being and the consequences of gender-based discrimination;**
- **promoting awareness among businesses, strengthening corporate social responsibility and preventing trafficking in supply chains.**

g. Border measures (Article 7)

108. According to information provided by the Ukrainian authorities, 12 persons were prevented from leaving the country at border crossing points in 2016 because of being considered to be victims of trafficking. Since 2017, Ukrainian border guards aim at detecting THB offences and identifying possible victims during the crossing of the state border by applying a nationwide risk profile prepared in consultation with the IOM Office in Ukraine and relevant units of the National Police. Particular attention is paid to the following indicators: citizenship of the person and region of Ukraine of which the person is resident; age; purpose of the trip; scope of future employment; documents; itinerary; appearance; luggage, behavioural peculiarities; inviting party; availability of cash and documents guaranteeing the stay. The application of this risk profile resulted in four possible victims of trafficking being identified at the border in the first quarter of 2017.

109. State Border Guard Service officers receive periodic training as members of multi-disciplinary groups to combat THB. Representatives of the State Border Guard Service also took part in several regional conferences relevant to combating THB in the context of border control.

110. The authorities have continued their co-operation in the area of prevention of THB with the border guard services of other countries, through the first secretaries and liaison officers for law enforcement issues in Ukraine's embassies in Poland and the Slovak Republic, and through liaison officers for law enforcement issues in Ukraine's embassies in Germany, France, the Netherlands, Austria and the United Kingdom. Analysis experts from the Border Guard Service took part in the development of joint analytical materials for the annual risk profile to identify victims of trafficking, carried out in co-operation with the European Border and Coast Guard Agency (Frontex).

111. On 25-26 April 2017, the NGO "A21 Campaign", in co-operation with the Ministry of Social Policy, conducted training entitled "Identification of victims of trafficking" for 50 aviation security employees at Boryspil Airport. The authorities aim to increase the knowledge of staff working at airports, railway stations and bus stations of the need to inform law enforcement bodies and local state administrations about detected victims of trafficking.

112. **GRETA considers that the Ukrainian authorities should continue their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration. This should include steps to build the capacity of all competent authorities to detect indicators of THB among persons arriving in Ukraine and the provision of information to foreign nationals arriving irregularly or seeking asylum, in a language that they can understand, about the risks of THB, their rights and where to turn for advice and assistance.** In this context, GRETA refers to the United Nations Office of the High Commissioner for Human Rights (OHCHR) 2014 Recommended Principles and Guidelines on Human Rights at International Borders.²⁸

2. Measures to protect and promote the rights of victims, guaranteeing gender equality

a. Identification of victims of THB (Article 10)

113. As noted in GRETA's first report on Ukraine, pursuant to the Anti-Trafficking Law of 2011, a formal procedure for the identification of victims of THB was introduced by Decree No. 417 of the Cabinet of Ministers on "On Approval of the Procedure for the Declaration of the Status of a Victim of Trafficking in Human Beings" (hereinafter "Victim Status Procedure") and Decree No. 783 "On Approval of the Procedure for Interaction of Agents for Combating Trafficking in Human Beings", adopted respectively in May and August of 2012.

114. Article 14 of the Anti-Trafficking Law provides that persons who consider themselves victims of THB can submit an application for victim status to the local state administration or to the local law enforcement body. According to Article 15 of the Anti-Trafficking Law, an interview with the applicant and the filing of a questionnaire drawn up by the Ministry of Social Policy are the required steps of the identification procedure. Interviews with persons wishing to be identified as victims of trafficking are carried out by designated persons in the local state administrations. An interview is not required if the person has already been identified as a victim of THB by law enforcement agencies, a court or the authorities of the country he/she is returning from. The responsible officials in the local administrations transmit the received applications to the Ministry of Social Policy, which must decide whether to grant victim status not later than one month from the day of the first interview. Co-operation with the law enforcement authorities is not required in order to be identified as a victim of THB by the Ministry of Social Policy.

115. As already described in GRETA's first evaluation report,²⁹ the National Mechanism for Interaction of Agents for Combating Trafficking in Human Beings (NMI) was set up pursuant to Article 13 of the Anti-Trafficking Law. The NMI comprises the Ministry of Social Policy, the Ministry of the Interior, including the National Police, the Ministry of Foreign Affairs and Ukrainian diplomatic missions abroad, the Ministry of Health, the Ministry of Education and Science, the Ministry of Justice, the State Border Guard, the State Migration Service, the Security Service, regional and local state administrations, agencies for assisting victims of trafficking providing psychological, social, educational, medical, legal, informational and other types of assistance, local self-government bodies and enterprises, institutions and NGOs involved in the action against THB.

116. In March 2016, amendments were made to the form used to apply for trafficking victim status and the non-disclosure statement.³⁰ Two questions were added to the form, in addition to the questions concerning trafficking indicators, namely whether the person concerned has participated in criminal proceedings and whether he/she wishes to co-operate with law enforcement bodies. The form for non-disclosure specifies which personal data obtained during interviews and the examination of documents is not subject to disclosure (see also paragraph 153).

117. GRETA was informed that the joint Order No. 4/5 of the Ministry of Social Policy and the Ministry of the Interior "On Approval of the Instruction on the Procedure for Monitoring and Collection of Statistical Information on Persons Affected by Trafficking in Human Beings" sets out a detailed procedure to be followed by relevant actors from structural units of local state administrations in charge of the victim identification procedure, services for children's affairs, centres of social services for children and youth, and units for combatting trafficking offences of the National Police.

118. Since GRETA's first evaluation of Ukraine, the victim identification procedure has become fully operational and the number of victims identified by the Ministry of Social Policy has gradually increased. Thus, the status of victim of trafficking was granted to 83 persons in 2015, 110 in 2016 and 198 in 2017. At the same time, GRETA notes that the number of formally identified victims of THB in Ukraine remains considerably lower than the numbers reported by the IOM Office in Ukraine (see paragraph 14).

119. There are no common indicators for the identification of victims of THB currently in place. GRETA was informed that the Ministry of Social Policy had developed a draft list of indicators, in co-operation with relevant NGOs and international organisations, but it has not yet been adopted.

120. In the framework of criminal proceedings, a person can be recognised as a victim according to Article 55 of the Criminal Procedure Code (CPC). Thus, 102 victims of THB were identified by law enforcement bodies in the context of criminal proceedings in 2015, 86 in 2016 and 367 in 2017. GRETA notes that these figures are at variance with the figures of victims of THB identified by the Ministry of Social Policy: there were more victims identified by the police in 2015 and 2017.

121. GRETA notes the authorities' efforts to improve the capacity of relevant actors at the local level, who may come across presumed victims of THB, to implement the NMI and to ensure that they have the necessary guidance for submitting applications to the Ministry of Social Policy (paragraphs 34 and 37). However, the practical implementation of the NMI varies across the country. Persons in charge of implementing the NMI in local state administrations have many other responsibilities, which may result in inaccurately filled applications, leading to negative decisions of the Ministry of Social Policy. Further, even though training of persons in charge of the implementation of the NMI is on-going, considerable staff turnover leads to continuous lack of qualified staff.

²⁹ See paragraphs 128-131 of GRETA's 1st report on Ukraine, available at: <http://rm.coe.int/168063caba>

³⁰ Order of the Ministry of Social Policy No. 287 of 25 March 2016 "On Amending the Application Form for the Determination of the Status of a Trafficking Victim and the Non-Disclosure Form Approved by Order No. 366 of the Ministry of Social Policy of 18 June 2012".

122. According to representatives of NGOs, the lack of documented evidence, especially in cases of THB for the purpose of labour exploitation, is often a reason for refusal to grant victim status. The need to gather different supporting documents³¹ is also a deterrent. By way of example, GRETA was informed of the case of a presumed victim of trafficking for the purpose of labour exploitation in the Russian Federation who applied to the Department for the Social Protection of the Population for trafficking victim status and provided all the documents at his disposal, but was not granted victim status owing to the lack of supporting documents. In another case, Roma victims of trafficking reportedly attempted to apply for victim status, but were not allowed to enter the building of the local administration; they were later assisted by NGO representatives in filing their applications. Moreover, GRETA was informed that it is not always clear at which level of administration presumed victims should apply for trafficking victim status.

123. The State Migration Service, responsible for implementing the state policy on migration, citizenship, registration of refugees and asylum seekers and combating irregular migration, has the responsibility for detection and identification of victims of trafficking amongst aliens. State Migration Service representatives referred to difficulties to identify victims of THB among irregular migrants as there are no criteria or clear indicators that they could apply. NGO representatives consider that limited access to interpretation may be another reason for ineffective identification of victims of THB among irregular migrants in Ukraine. This situation is aggravated by the absence in law of the recovery and reflection period (see paragraph 157) which would provide a safeguard against their removal from Ukraine.

124. GRETA was informed by representatives of international organisations and NGOs that identifying victims of trafficking for sexual exploitation in Ukraine was becoming increasingly difficult as victims were not prepared to self-report. Representatives of the National Police informed GRETA that women were trafficked within Ukraine for the purpose of exploitation of prostitution. Various interlocutors shared the view that insufficient efforts were being made to carry out outreach work and take proactive measures to detect victims of THB for the purposes of sexual exploitation in Ukraine.

125. According to representatives of specialised NGOs, labour migration of a considerable scale takes place in Ukraine for seasonal work in agriculture, construction and trade, with most workers not being registered by their employers. Representatives of IOM referred to a case of 16 Vietnamese nationals exploited in Kherson region, who were not identified as trafficking victims. Labour inspectors do not have sufficient human resources and means of transport to inspect all areas and prevent or detect possible labour exploitation. The number of labour inspectors remains manifestly inadequate to the number of businesses to inspect.³² As a result, labour inspectors are unable to identify possible THB cases, even though their inspecting powers extend to all sectors of the economy and entitle them to carry out both planned and unplanned inspections, including in domestic households, provided the person is employed in that household by a formal contract.

³¹ Pursuant to Article 12 of the Victim Status Procedure, the supporting documents include: a copy of the declaration of the person concerned that he/she considers him/herself to be a victim of THB; a copy of the complaint to law enforcement authorities or a copy of the statement of a law enforcement official that the offence of THB has been committed; a copy of the reply to the identification questionnaire by the person applying for victim status or, in case of children, by their legal representative; other documents and materials serving as grounds for establishing the status of victim of THB (travel documents, medical conclusions, etc.).

³² According to the State Labour Service, in 2018, labour inspectors made 1,015 inspection victims to 957 companies and identified 1,628 employees without proper documentation in 261 companies.

126. Identification of victims of THB and the provision of assistance is currently not possible on the territory of the Autonomous Republic of Crimea as the Ukrainian authorities exercise no control on that territory. Further, parts of the regions of Luhans'k and Donetsk affected by conflict are also outside the Government's effective control, which prevents the conducting of any anti-trafficking activities on these territories. GRETA was informed by representatives of social services in Severodonetsk that during the temporary occupation of the town of Schastye, four teachers were kidnapped by separatist militia from a local school, moved to the uncontrolled territory and forced to dig trenches, clean buildings and perform other work, while being kept in captivity, beaten, given very little food and subjected to fake executions. The four teachers were later exchanged for members of the militia imprisoned by the Ukrainian authorities. GRETA was informed that three of the teachers applied and were granted the status of victims of THB by the Ministry of Social Policy, together with the accompanying one-time financial grant (see paragraph 171).

127. Representatives of the NGO "La Strada - Ukraine" informed GRETA that in the period 2014 - mid-2017, the National Toll Free Hot Line on the Prevention of Domestic Violence, Human Trafficking and Gender Discrimination received 71 calls concerning surrogate motherhood, the majority of which (59) were made by women intending to become or already being surrogate mothers. The Ukrainian authorities have referred to one case, dating back to 2000, concerning a woman from Rivne region who was recruited to work as a domestic worker for a family in Italy, but was forced to have sexual relations with her employer supposedly because he and his wife could not have children. Following the opening of a criminal case in 2002, two men who had recruited the woman were sentenced by Rivne City Court in 2006 (Decision No. 1-371/06) under several provisions of the Criminal Code, including under Article 149, paragraph 2 (human trafficking). The woman concerned was granted the status of a victim of human trafficking in 2015 by the Ministry of Social Police and was provided social support, psychological counselling, legal assistance and a one-time financial assistance.

128. While welcoming the Ukrainian authorities' efforts to improve the identification of victims by providing training and tools to the actors involved in the implementation of the National Mechanism for Interaction (NMI), GRETA considers that the Ukrainian authorities should take further steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided under the Convention, and in particular to:

- ensure that all actors involved in the NMI adopt a proactive and harmonised approach to detecting and identifying victims of trafficking with a view to decreasing reliance on self-identification;**
- adopt, without any further delay, operational indicators for the identification of victims of THB for different forms of exploitation and disseminate them to all professionals who are likely to come into contact with victims of THB;**
- include labour inspectors among the actors responsible for the implementation of the NMI, in particular in the identification of victims of THB for the purpose of labour exploitation, and ensure that they have the necessary training, human and financial resources to carry out this task efficiently;**
- improve the identification of victims of trafficking among foreign nationals, asylum seekers and persons in irregular migration situations, including through the provision of training and clear, binding procedures to be followed by staff of the State Migration Service and other relevant bodies.**

b. Assistance measures (Article 12)

129. In its first evaluation report, GRETA urged the Ukrainian authorities to take further measures to provide victims and potential victims of THB with adequate assistance and protection, and to allocate the necessary human and financial resources to all providers of assistance to victims of THB, including when such assistance is delegated to NGOs as service providers.

130. The modalities for providing assistance to victims of THB in Ukraine have not changed since the first evaluation by GRETA. Persons who apply for victim status are referred to the relevant agency responsible for the provision of assistance in order for it to carry out an assessment of the person's needs and provide the initial assistance envisaged under Article 14 of the Anti-Trafficking Law. Pursuant to Article 16 of the Anti-Trafficking Law, victims of trafficking formally identified by the Ministry of Social Policy are entitled to: personal security; information on their rights in a language they can understand; medical, psychological, social, legal and other necessary assistance; temporary accommodation for up to three months, which may be extended if considered necessary by the local state administration, including for the purpose of participation in criminal proceedings; a one-time financial grant, calculated on the basis of the minimum subsistence level of living; assistance to find a job; and access to education and professional training. Foreign victims of THB and stateless persons identified as victims have the right to interpretation services free of charge. The standards for services aimed at social reintegration of adult and child victims are set out in Order No. 458 of 30 July 2013 "On Approval of the Standards for the Provision of Social Services to Victims of Human Trafficking".

131. As noted in the first evaluation report, access to assistance does not depend on the victim's participation in criminal proceedings and is based on the principle of voluntary acceptance. According to Order 4/5 of the Ministry of Social Policy and the Ministry of the Interior of 11 January 2016 "On approval of the Instruction for the Collection and Monitoring of Statistical Information on Victims of Trafficking in Human Beings", the person responsible for the victim status procedure should inform the applicant about the possibility of receiving assistance, the types and conditions of assistance and the relevant procedure. The receipt of this information should be confirmed through the victim's signature.

132. Victims of trafficking can be accommodated in one of the 18 centres of social-psychological assistance set up around the country which have a number of designated places for victims of THB (up to 15 places per centre). These centres provide psychological, social, medical, legal and other assistance to different categories of persons in difficult life circumstances (e.g. victims of domestic violence, IDPs, victims of human trafficking). Further, according to the authorities, there are 667 social centres for family, children and youth which can provide assistance to victims of THB. However, according to NGOs, only some of these social centres have trained staff to assist trafficking victims.

133. Once a victim of trafficking is formally identified, the relevant centre of social services for families, children and youth draws up a rehabilitation plan and initiates a joint meeting of local agencies involved in the NMI to approve it. Assistance is provided by relevant agencies in the locality of the victim's registered residence. Representatives of public bodies informed GRETA that the budgets of local centres for social services were increasing and there were plans to launch mobile groups in all regions to provide specialised services to victims of violence and human trafficking. As of November 2015, the Ministry of Social Policy, in co-operation with the International Charitable Fund "Ukrainian Fund of Public Health" and the United Nations Population Fund in Ukraine, has been implementing a project entitled "Strengthening of humanitarian response to the needs of the most vulnerable categories of women and adolescent girls in the context of armed conflict in the east of Ukraine: strengthening of the interdepartmental system for preventing and overcoming gender-based violence and providing access to reproductive health services". The project was initially implemented in five regions of Ukraine³³ and has been extended since October 2017 to five more regions.³⁴ Mobile teams consisting of two psychologists and a social worker, carry out on-call and planned visits to regional centres and remote villages and settlements to identify cases of gender-based violence, including domestic violence. Currently, there are a total of 46 such mobile teams.

134. Reintegration assistance to victims of trafficking may also be provided by NGOs with funding from donors. NGOs are under an obligation to ensure the application of standards of services approved by the national authorities (see paragraph 130). The assistance provided by NGOs includes legal consultation and representation by lawyers in criminal and civil proceedings, medical care, psychological support, shelter, vocational training, and a small-grants programme to assist former victims of THB to set up a business. Most victims of THB in Ukraine receive assistance either in the Medical Rehabilitation Centre run by the IOM Office in Ukraine or under the reintegration and assistance programme implemented by IOM in co-operation with NGOs. Since 2000, the IOM Office in Ukraine has assisted a total of 14,105 victims of THB.

135. In the course of evaluation visit, the GRETA delegation visited once again the Medical Rehabilitation Centre in Kyiv which has been operated by IOM since 2002, in co-operation with the Ministry of Health. The centre provides free health care and psychological assistance to victims of THB and can accommodate up to 14 people. IOM provides funding for all types of care provided at the centre, including medication, and covers the costs of transporting victims of THB detected in other parts of Ukraine to the centre. Since its opening, the centre has provided services to around 3,000 victims of THB. GRETA was informed of plans to transfer the running of the Medical Rehabilitation Centre to the Ministry of Social Policy or the Kyiv City administration. **GRETA would like to be kept informed of further developments regarding the functions and capacity of the Medical Rehabilitation Centre and the modalities for ensuring sufficient budgetary and human resources for its unimpeded operation.**

136. The GRETA delegation also visited the regional Centre for Social and Psychological Assistance in Lviv, which had a capacity of 15 beds. Due to the increase in the number of IDPs, the centre had been accommodating primarily this category of beneficiaries. At the time of the visit, there were 11 adults and six children accommodated at the centre, mostly IDPs. GRETA was informed that a woman who was a possible victim of THB living in another region had been accommodated at the centre for a short period of time in order to testify in court. On another occasion, a mother and her daughter, both IDPs, had been referred to the centre as possible victims of THB after being returned from Montenegro. The centre employed seven staff members, including social workers and a psychologist, but no staff trained on assisting victims of THB. Persons can in principle stay at the centre for up to 90 days, but this period can be extended. GRETA was informed that the centre did not receive funding from the central budget and the financial resources available were inadequate; further, there was a shortage of social workers in Lviv region.

³³ Dnipropetrovsk, Zaporizhzhya, Kharkiv and in the government-controlled territories of Donetsk and Luhans'k regions.

³⁴ Vinnytsa, Kiev, Lviv, Odesa and Kherson.

137. In a submission made to GRETA in the context of the second evaluation round, the All-Ukrainian Coalition of NGOs analysed 66 cases of persons assisted after being formally identified as victims of trafficking in 16 regions of Ukraine. The analysis of these cases found that the time taken by local public service providers to assess victims' needs and draw up rehabilitation plans was longer than envisaged by the regulations (i.e. up to five days after the submission of the application form claiming victim status application and 10 days after the status is granted). Often the contribution of public authorities in the rehabilitation assistance of victims was limited to the payment of a one-time financial grant. The analysis further revealed that some centres for socio-psychological assistance would only admit persons aged from 18 to 35 who have children, contrary to the existing regulations which do not envisage such age limitations. Problems with admission to some centres were also detected due to the absence of identity documents and medical certificates, and applications being lodged in a region other than the region in which the person was registered as a resident. The financing of these centres from the local budgets differed considerably, which led to inconsistent provision of services and varying availability of specialists (medical doctors, psychologists and others). Moreover, victims of THB encountered difficulties in accessing medical assistance.

138. GRETA notes that the provision of assistance to victims of trafficking continues to rely to a considerable extent on the assistance and rehabilitation programme run by the IOM Office in Ukraine and NGOs. Assistance to victims of THB is mostly donor-driven and there is a risk that in case of a change of donors' priorities, NGOs will no longer be able to cover the cost of most assistance measures. Apart from the Medical Rehabilitation Centre for victims of THB run by IOM in Kyiv, no other specialised shelters are available to victims of trafficking. The centres for social-psychological assistance are intended for different categories of persons in need and have had to be used increasingly for IDPs, further limiting their availability to victims of trafficking.

139. **GRETA urges the Ukrainian authorities to comply with their obligations under Article 12 of the Convention and to ensure that all presumed and identified victims of trafficking receive adequate assistance and support, according to their needs. This should include measures to:**

- **provide 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;**
- **ensure adequate funding and staff to work with victims of THB and facilitate the reintegration of victims of trafficking into society by providing them with vocational training and access to the labour market;**
- **set up agreements/contracts on providing specialist assistance to victims of trafficking with specialised NGOs through public tenders and other relevant transparent procedures, and ensure adequate funding of assistance to victims of THB when it is delegated to NGOs as service providers;**
- **guarantee access to health care to all victims of THB, irrespective of their registered residence.**

c. Identification and assistance of child victims of THB (Articles 10 and 12)

140. In its first report, GRETA urged the Ukrainian authorities to improve the identification of victims of THB among unaccompanied foreign children, to address the problem of their disappearance by providing suitable safe accommodation and assigning adequately trained legal guardians, and to take further measures to provide child victims of THB with adequate assistance and protection.

141. The child victim identification procedure remains as described in GRETA's first report.³⁵ The National Mechanism for Interaction of Agents for Combatting Trafficking in Human Beings (NMI) contains specific rules for the identification of child victims of THB. The application has to be submitted by the child's legal representative or another person who has become aware that a child may be a victim of trafficking. The interview with the child must take place in the presence of his/her legal representative. Further, the presence of a psychologist or pedagogue and a lawyer is mandatory during the interview. The draft indicators on the identification of victims of THB referred to in paragraph 119 contain specific indicators for identification of child victims of THB.

142. According to available statistics, from 2014 to June 2017, the Ministry of Social Policy identified 29 Ukrainian children (13 boys and 16 girls) as victims of trafficking. The majority of them (eight boys and 14 girls) were trafficked within Ukraine. Most of the trafficked children (16) were subjected to labour exploitation, followed by sexual exploitation (11) and exploitation of begging (7). According to the authorities, in most cases the trafficked children were identified by law enforcement authorities.

143. In the course of the second evaluation, significant practical shortcomings in the identification of child victims came to GRETA's attention. NGO representatives noted that the lack of co-operation between the police patrol service and other police structures is a significant obstacle to the detection of child victims of trafficking, in particular among children in street situations or exploited in begging. NGOs also observed that the police sometimes do not respond to reports concerning children discovered in vulnerable situations, such as in street begging. To improve the response to children in vulnerable situations, the NGO "Faith, Hope, Love" has developed a protocol on working with children engaged in vagrancy and begging, which was distributed to the police in Odesa.

144. The President's Commissioner for Children's Rights indicated that the scale of child labour is not known in Ukraine and the social protection system fails to detect and address such cases. He also raised concerns about the risk of child trafficking and sexual exploitation in institutions in which children are placed (such as boarding schools and, orphanages), which are not adequately monitored.

145. The NGO "La Strada - Ukraine" informed GRETA that from 2014 to mid-2017, the National Child Toll Free Hot Line (0 800 500 225 or 116 111) received 2,264 calls related to children, including nine from Crimea and 13 from the occupied territories in Donetsk and Luhans'k regions. The NGO "La Strada - Ukraine", in co-operation with the Ministry of Social Policy, the National Police, the Ministry of Education and Science, the Ministry of Health and UNICEF developed "Standard Operating Procedures of Interaction of the Subjects of Providing Social Assistance to Children in Difficult Life Situations and the National Child Toll Free Hot Line".

146. No foreign children have been identified as victims of THB in Ukraine in 2014-2017. The State Migration Service is the frontline agency likely to encounter possible victims of trafficking among unaccompanied foreign children. The authorities reported that the State Migration Service had designated staff members to work with unaccompanied children when examining applications for international protection. These staff members have followed the training module "Interviewing methods", administered the European Asylum Support Office (EASO) to enable detection of trafficking victims among unaccompanied children. However, the State Migration Service's capacity to identify victims of THB among unaccompanied children remains limited due to the lack of qualified interpretation services as well as the high turnover of staff.

³⁵ See paragraph 135 of GRETA's first report.

147. Pending the decision on victim status, the local state administration on the territory of which a child victim of THB was detected assesses the child's needs and prepares a plan of priority assistance measures, which is approved by the local commission for the protection of children's rights. If the child is an orphan or is deprived of parental care, the local administration decides on the child's accommodation. There are a total of 82 centres for the social and psychological rehabilitation of children in Ukraine which, according to the authorities, offer individualised assistance programmes for child victims of THB, involving health-care and education professionals.

148. In the course of the evaluation, GRETA visited the centre for social and psychological rehabilitation of children in Lysychansk (Luhans'k region). The centre provides temporary accommodation for up to nine months for children in difficult life circumstances, including child victims of trafficking. It has the capacity to accommodate 30 children, aged from three to 18 years, and at the time of GRETA's visit was accommodating 28 children, none of whom were victims of trafficking. The centre is funded by the regional administration. GRETA was informed that the funding received was insufficient to cover the centre's needs and international organisations helped with donations to meet the centre's material needs. The centre had 32 staff posts, of which 28 were filled, including a doctor, two nurses, two psychologists and four educators/tutors.

149. The GRETA delegation also visited Children's Home No. 1 in Lviv, which provides temporary accommodation for children in difficult life circumstances, including any child victims of trafficking. It was accommodating 44 children at the time of the visit and had a staff complement of 110 (including health care staff, educators, nannies and a psychologist). Each child has an individual plan drawn up. GRETA was informed that there was a shortage of adoptive or foster parents. The Director of the Home fulfilled the functions of legal guardian for all of the children.

150. According to the President's Commissioner for Children's Rights, centres for social assistance and rehabilitation of children lack resources and specialisation to cater for children who are victims of sexual violence or human trafficking. With a view to improving the situation of children placed in institutional care, a national deinstitutionalisation strategy was presented in March 2017 and an action plan for its implementation was in the process of being developed. The authorities plan to adopt by 2019 relevant legislation, analyse the existing network of child care institutions, develop curricula for the training of child specialists, raise funding for the implementation of the reform, and promote the development of social services for families with children. The grounds for placing children in residential institutions will be limited and decisions for such placement will be adopted on the basis of multidisciplinary consultation.

151. Pursuant to Article 3 of the Anti-Trafficking Law, if the age of a person is unknown and there are grounds to believe that this person is a child, he/she is deemed a child. The procedure for determining the age of a person suspected to be a child is set out in Decree No. 903/1464/711 of 23 October 2013 "On examination to determine the age of a child who is left without parental care and needs social protection" issued jointly by the Ministry of Health, the Ministry of Education and Science and the Ministry of Social Policy of Ukraine. It stipulates that an examination to determine the age of a child without parental care³⁶ will be carried out by a special Commission.³⁷ The authorities have also referred to Regulation No. 832 of the Cabinet of Ministers of 16 November 2016 "On the special aspects of the social protection of children separated from their families who are not citizens of Ukraine", which stipulates that in case of reasonable doubt, the State Migration Service refers an unaccompanied foreign child for age determination, with the aid of an interpreter and with the consent of the child and his/her legal representative. The procedure for determining a child's age consists of three stages: analysing available information about the child and the country of his or her origin, psychological assessment and physiological assessment.³⁸ Psychological assessment is carried out on the premises of a psychological-medical-pedagogical counselling service by at least two specialists in social pedagogy, child psychology and/or social work with the involvement of independent experts. Physiological assessment is carried out by experts in paediatrics, paediatric endocrinology and paediatric dentistry and, if necessary, by a radiologist, based on markers that have the highest degree of correlation with biological maturation. Based on the results of these assessments, the Commission draws up a conclusion and sends it to the person or agency requesting the procedure.

152. **GRETA urges the Ukrainian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to:**

- **ensure 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;**
- **provide 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;**
- **strengthen the capacity of the State Migration Service to detect victims of trafficking among unaccompanied and separated foreign children, including by providing adequate interpretation services;**
- **set up sufficient shelters with qualified staff and assistance services for presumed child victims of trafficking, for different forms of exploitation, and provide these shelters with sufficient funding;**
- **ensure long-term assistance for the integration of child victims of trafficking;**
- **review the existing legislation and practice to ensure effective guardianship in cases of parental involvement in exploitation, or in cases of unaccompanied children.**

³⁶ Any child registered by a service for children's affairs in the special register for such children, including unaccompanied children and children who applied themselves or whose parents applied for asylum or subsidiary protection in Ukraine.

³⁷ The Commission to determine the age of a child who is left without parental care and needs social protection is in charge of keeping records of persons undergoing the age determination procedure, referring children for physiological/psychological evaluation of their age to health-care institutions, psychological, medical and pedagogical counselling centres; monitoring the procedure to establish the age of a child; referring, if necessary, the child for further in-patient examination to health-care institutions in order to clarify elements required to determine his/her age; and reviewing applications and complaints regarding age determination.

³⁸ See paragraph 143 of GRETA's first report.

d. Protection of private life (Article 11)

153. The Law on the Protection of Personal Data safeguards the right to privacy with regard to the processing of personal data, including that of victims of THB. If a victim does not wish to co-operate with the law enforcement bodies, the responsible local state administration unit should inform the law enforcement agency about this and the circumstances of the trafficking offence, indicating the victim's refusal to co-operate and enclosing a signed non-disclosure form. As noted in paragraph 116, the non-disclosure form has been amended by Order No. 287 of the Ministry of Social Policy of 25 March 2016 by specifically indicating which personal data obtained during interviews and the examination of documents are not subject to disclosure (names of the person, place of residence/stay, telephone number, identity document information (and marital status of the applicant)).

154. NGOs involved in the identification and assistance of victims of THB reported violations of the above-mentioned requirement, such as disclosure of victims' names and addresses, contrary to the victims' wishes, to law enforcement authorities. The Ministry of Social Policy indicated to GRETA that it had repeatedly informed the local state administrations of the need to comply with the requirements regarding the confidentiality of victims' personal data. However, GRETA was informed by civil society representatives that the practice of sending group letters from the Ministry, containing the names of applicants for the victim status whose requests have been rejected, continued, which created the risk that if the refusal was appealed to the administrative court, letters would have to be provided, thus disclosing the names of persons not appealing the decision.³⁹ This claim has been contested by the Ministry of Social Policy, according to which separate letters are sent to each applicant for victim status.

155. GRETA considers that the Ukrainian authorities should continue ensuring respect for the confidentiality of personal data of victims of trafficking at all stages of processing of such data by relevant actors of the NMI. The authorities should further sensitise responsible officials of local state administrations, social workers, medical doctors and other health-care professionals to the observance of the confidentiality of victims' personal data.

e. Recovery and reflection period (Article 13)

156. In its first evaluation report, GRETA urged the Ukrainian authorities to 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.

157. No legislative developments have taken place in this respect. The Ukrainian authorities interpret the period of up to one month to consider an application for victim status under Article 15(3) of the Anti-Trafficking Law as equivalent to the recovery and reflection period.

158. GRETA was informed of forthcoming amendments to the Anti-Trafficking Law to the effect that a foreigner or a stateless person who has applied for the status of victim of trafficking has the right to make a decision on co-operation with law enforcement agencies, which he/she shall communicate in writing to the appropriate body within 30 days.

³⁹ See paragraph 133 of GRETA's first evaluation report.

159. To illustrate the non-application of the recovery and reflection period, NGOs brought to GRETA's attention the case of a workshop for sewing counterfeit clothing where 24 foreign workers were found by the police. Criminal proceedings were initiated under Article 149 of the CC (trafficking in human beings). However, the State Migration Service filed an administrative appeal for expulsion of these foreign workers from Ukraine. The district court upheld this appeal and the persons concerned were detained in a migration detention centre. The expulsion decision was challenged by representatives of the local NGO and was overruled.

160. GRETA notes that the purpose of the recovery and reflection period, i.e. to enable possible victims of trafficking to escape the influence of traffickers and/or to take an informed decision on co-operating with competent authorities, is not stated in the Anti-Trafficking Law. The Convention requires the recovery and reflection period to be provided as soon as there are reasonable grounds to believe that a person may be a victim of THB, for instance, when a presumed victim of THB is detected by law enforcement bodies, social services or competent NGOs, irrespective of whether the person has applied for victim status.

161. GRETA once again urges the Ukrainian authorities to 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. It should be made clear that the recovery and reflection period should last at least 30 days and should not be conditional upon any additional requirement, beyond the existence of reasonable grounds.

f. Residence permits (Article 14)

162. In the first evaluation report, GRETA urged the Ukrainian authorities to ensure that victims of trafficking can benefit from the right to obtain a renewable residence permit, including when they are unable to co-operate with the authorities and need to remain in the country owing to their personal situation.

163. No amendments have been made to the legislation regarding residence permits for victims of THB in Ukraine. As noted in the first evaluation report, Article 16(2) of the Anti-Trafficking Law entitles a foreigner or a stateless person formally identified as a victim of THB to a temporary stay in Ukraine of up to three months, a period which can be extended for the purpose of his/her participation in criminal proceedings. The certificate of application for victim status issued by the Ministry of Social Policy allows the person to be registered at the place of his/her stay by the State Migration Service. Further, Article 16(4) of the Anti-Trafficking Law stipulates that if there are reasonable grounds to believe that the life, physical or mental health, freedom or integrity of a foreign national or a stateless person identified as a victim of THB will be threatened in case of return to his/her country of origin after the expiry of the residence permit, the status of victim of THB may be extended to allow that person to remain in Ukraine.

164. A person who has been living in Ukraine with the status of victim of THB for three consecutive years following identification as a victim has the right to request a permanent residence permit. Such permits are granted within the annual immigration quota set by the Cabinet of Ministers. According to the authorities, no new residence permits were issued to foreign or stateless victims of THB in the period 2014-2017 as none were identified as victims.

165. GRETA recalls that Article 14 of the Convention allows Parties to choose between granting a residence permit for the purpose of co-operation with the authorities or on account of the victim's needs, or indeed to allow the granting of permits on both of these grounds. There are situations in which victims might be afraid to co-operate in the investigation or criminal proceedings because of threats from the traffickers. Granting a residence permit to a victim of human trafficking on account of their personal situation takes in a range of situations, such as the victim's safety, state of health and family situation, and tallies with the human-rights based approach to combating THB. **GRETA considers that the Ukrainian authorities should provide for the legal possibility of granting temporary residence permits to victims of THB on the basis of their personal situation, in addition to permits on the basis of the victim's co-operation in the investigation or criminal proceedings.**

166. **Further, GRETA considers that the Ukrainian authorities should ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, without prejudice to the right to seek and enjoy asylum.**

g. Compensation and legal redress (Article 15)

167. In its first evaluation report, GRETA urged the Ukrainian authorities to adopt measures to facilitate access to compensation for victims of trafficking and to set up a State compensation scheme accessible to victims of THB, regardless of their citizenship and residence status.

168. The legislative provisions relevant to compensation of victims of trafficking remain as described in GRETA's first evaluation report. It should be recalled that Article 16(4) of the Anti-Trafficking Law provides that a formally identified victim has the right to claim compensation for economic and moral damage from the perpetrators through civil proceedings, in accordance with the procedure established by the Civil Code. Alternatively, under Article 128 of the Criminal Procedure Code (CPC), a person who has sustained material and/or moral damage as a result of a criminal offence may file a civil action against an accused in the course of criminal proceedings before the trial has commenced. According to Article 368, paragraph 1, point 7, of the CPC, the criminal court must adjudicate on the civil action and decide on the amount of compensation to be awarded. In case of appeal, the execution of the decision is postponed until the appeal court has passed a final judgment. GRETA notes that, following the adoption of amendments to the Constitution of Ukraine, which entered into force on 30 September 2016, prosecutors no longer have the right to bring a civil action on behalf of victims of offences who, owing to their physical condition or financial situation, age, incapacity or limited capacity, are unable to do so on their own.

169. The previously mentioned submission by the All-Ukrainian NGO Coalition (see paragraph 137) contained an analysis of court judgments in cases of THB in the period 2013-2016, according to which there has been a significant increase in the number of victims claiming compensation in court proceedings. Out of 64 compensation claims, 47 were approved, though the amounts awarded (ranging from €75 to €1,455) were lower than those claimed. The analysis of court judgments found that in seven of the 16 regions, no compensation claims were filed by victims of trafficking, which could be indicative of lack of information to victims about their rights.

170. GRETA notes that despite the above-mentioned trend, access to compensation for victims of THB remains difficult in practice. There are no clear guidelines for determining the level of compensation for moral damage. Further, it is very difficult to enforce compensation orders owing to the fact that 95% of court judgments under Article 149 of the CC are delivered without confiscation of the perpetrators' assets/property. Representatives of the judiciary confirmed that claiming compensation through civil proceedings is cumbersome and ineffective. In the opinion of judges interviewed by GRETA during the visit, examining claims for compensation in the course of criminal proceedings may yield better results.

171. As noted in the first GRETA report, a one-time financial grant is paid to formally identified victims of trafficking, in pursuance of Article 16 of the Anti-Trafficking Law.⁴⁰ In November 2016, the procedure for the payment of this one-time financial grant was amended to increase its amount from one to three minimum subsistence incomes.⁴¹ According to the authorities, 27 victims of trafficking identified by the Ministry of Social Policy received the one-time grant in 2014, 74 in 2015, 87 in 2016 and 163 in 2017. GRETA notes the gradual increase in the number of victims of THB having received the one-time financial grant.

172. As described in the first evaluation report, the Law on Free Legal Aid of 2 June 2011 establishes the right to receive free secondary legal aid.⁴² Despite GRETA's recommendation in the first report that victims of THB be ensured effective access to both primary and secondary legal aid, Article 14 of the Law of Free Legal Aid, which lists the categories of persons eligible for free legal aid, does not expressly mention victims of THB. In practice, legal aid continues to be provided to victims of trafficking by lawyers working for NGOs, with the support of the IOM Office in Ukraine; it includes the provision of information, assistance in preparing lawsuits, consultations during pre-trial investigation and court representation.

173. GRETA considers that the Ukrainian authorities should adopt further measures to facilitate and guarantee access to compensation for victims of trafficking, including by:

- **ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed, and are provided with effective access to free legal aid, in accordance with the internal law;**
- **enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials, prosecutors and the judiciary;**
- **reviewing the practice for considering compensation claims in the course of criminal proceedings, including by encouraging prosecutors to request compensation orders to the largest possible extent;**
- **making full use of the legislation on the freezing and confiscation of assets to secure compensation to victims of THB and ensure effective enforcement of compensation orders;**
- **facilitating access of victims of THB to the one-time financial grant and reviewing the amount of the grant with a view to meeting the reintegration needs of victims.**

⁴⁰ See paragraph 150 of GRETA's first report.

⁴¹ Cabinet of Ministers' Resolution "On Amending the Procedure for the Payment of One-Time Benefit to Trafficking Victims" No. 833 of 16 November 2016. As of 1 January 2018, the amount of the one-time financial grant for victims of THB is as follows: children under the age of six years – UAH 4476 (approximately €137); children from six to 18 years of age – UAH 5580 (approximately €172); working adults – UAH 5286 (approximately €163); handicapped persons – UAH 4119 (approx. €127).

⁴² As per Article 7 of the Law on Free Legal Aid, primary legal aid comprises the provision of legal information, advice and explanation of legal issues; drafting applications, complaints and other legal documents (except for procedural documents); and assisting in gaining access to secondary legal aid and mediation. Pursuant to Article 13.2 of the Law on Free Legal Aid, free secondary legal aid includes the following types of legal services: 1) defence from prosecution; 2) representation of the interests of persons who have a right to free secondary legal aid in the courts, other state agencies, self-governing authorities, and versus other persons; 3) drafting procedural documents.

h. Repatriation and return of victims (Article 16)

174. In its first evaluation report, GRETA urged the Ukrainian authorities to take further steps to ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity and the status of related legal proceedings; this implies risk assessment before a person is sent back to his/her country, protection from retaliation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child.

175. As described in GRETA's first evaluation report, Article 18 of the Anti-Trafficking Law states that Ukrainian diplomatic missions shall issue the documents required for the return of Ukrainian nationals from abroad and, if necessary, shall support the return of Ukrainian victims of THB who have no financial means to do so. Foreign diplomatic missions maintain contacts with relevant international and non-government organisations, such as IOM, the National Council of Women of Ukraine, the NGO "La Strada - Ukraine" and Caritas-Ukraine, which are implementing programmes for victims of trafficking.

176. According to information provided by the authorities, 16 Ukrainian victims of trafficking were returned to Ukraine in 2015 (five from Turkey, five from Lebanon, three from Cyprus, two from Italy and one from China). In 2016, 32 Ukrainian victims were returned (from Kuwait, Lebanon, Cyprus, Jordan, Malaysia and Poland) and in 2017, 32 Ukrainian victims (eight from Azerbaijan, two from Armenia, two from Brazil, two from Georgia, one from Jordan, one from Cyprus, one from China, 13 from Poland, and two from Turkey) The returnees were recognised as victims of THB by the Ministry of Social Policy and were provided with assistance and re-integration measures.

177. According to the authorities, a child victim of trafficking will be returned to his/her country of origin if the parents or persons exercising parental authority or an institution for the protection of children in that country have agreed to the repatriation and are able to provide care and protection of the child. When deciding on whether to return the child victim of trafficking or not, the child's opinion, his/her age, physical and intellectual development and interests are taken into account. Offices of Children's Services under the Ministry of Social Policy have the responsibility of carrying out risk assessments prior to any such returns. There have been no cases of foreign child victims of THB identified in the reporting period and, consequently, no returns to countries of origin.

178. GRETA considers that the Ukrainian authorities should continue taking steps to ensure that the return of victims of THB is conducted with due regard to their rights, safety and dignity, is preferably voluntary, complies with the obligation of *non-refoulement* and the right to seek and enjoy asylum, and in the case of children, fully respects the principle of the best interests of the child. In this context, the authorities should continue to develop co-operation with countries of origin of victims in order to ensure comprehensive risk and security assessment (Article 16(7) of the Convention) and safe return of the victims, as well as their effective reintegration on return. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked persons and those at risk of being trafficked.⁴³

⁴³ [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, HCR/GIP/06/07, 7 April 2006.](#)

3. Substantive criminal law

a. Criminalisation of THB (Article 18)

179. In its first report, GRETA invited the Ukrainian authorities to align the two definitions of THB in national law (i.e. in the Criminal Code and in the Anti-Trafficking Law) with a view to ensuring that they cover all of the concepts in Article 4 of the Convention, in a manner consistent with the principles of the Convention. GRETA also considered that spelling out the irrelevance of the victim's consent to the intended exploitation could improve the implementation of the anti-trafficking provisions and provide victims with greater confidence in self-reporting.

180. No amendments have been made since GRETA's first evaluation to the definition of THB in Article 149 of the CC, which reads as follows:

"1. Trafficking in human beings or other unlawful agreement in respect of a person, as well as recruitment, transportation, harbouring, transfer or receipt of a person, committed for the purpose of exploitation by means of deception, blackmail or abuse of a person's position of vulnerability, is punishable by deprivation of liberty for a term of three to eight years.

2. Any such actions as provided for by paragraph 1 committed in respect of a minor (up to 18 years of age) or perpetrated upon two or more persons, or repeatedly, or by a group of persons as a result of prior conspiracy, or by an official through the abuse of authority, or by a person upon whom the victim was dependent materially or otherwise, or committed in combination with violence that is not endangering the life or health of the victim or his/her close relatives, or in combination with threats of such violence, is punishable by deprivation of liberty for a term of five to twelve years, with or without the forfeiture of property.

3. Any such actions as provided for by paragraphs 1 or 2 committed in respect of a child up to 14 years of age, or by an organised group, or in combination with violence that is endangering the life or health of the victim or his/her close relatives, or in combination with threats of such violence, or committed by an organised group, or if causing grave consequences, are punishable by deprivation of liberty for a term of eight to fifteen years, with or without the forfeiture of property."⁴⁴

181. The notes to Article 149 of the CC (which form an integral part of the CC), set out the forms of exploitation as follows: "all forms of sexual exploitation, use in pornography businesses, forced labour or services, slavery or practices similar to slavery, servitude, involvement in debt bondage, extraction of organs, experimentation over a person without his/her consent, adoption for commercial purposes, forced pregnancy, involvement into criminal activity, use in armed conflicts, etc." The Ukrainian authorities have indicated that "forced begging" is covered by Article 149 as it is considered a form of forced labour and the list of forms of exploitation is not exhaustive.

182. "Position of vulnerability" is defined in the notes to Article 149 of the CC as "the status of a person, due to his/her physical or mental peculiarities or external conditions, that divests or abridges his/her ability to comprehend his/her commission or omission of an act or to manage his/her actions, to make his/her own decisions according to his/her will, to maintain adequate resistance to violent or other illegal actions, as well as concurrence of severe personal, family or other circumstances."⁴⁵

183. The notes to Article 149 of the CC state that the use of means is irrelevant when the offence is committed against a child.

⁴⁴ Unofficial translation.

⁴⁵ Unofficial translation.

184. The aggravating circumstances set out in paragraphs 2 and 3 of Article 149 of the CC include trafficking in children, trafficking committed by two or more persons or by a group of persons with prior conspiracy, trafficking committed by an official through abuse of authority (all punishable by imprisonment from five to 12 years), trafficking committed in combination with violence and endangering the life or health of the victim or his/her close relatives, or in combination with threats of such violence, trafficking committed by an organised group, and trafficking causing grave consequences (all punishable by imprisonment of eight to 15 years).

185. GRETA was informed of the planned adoption of amendments to Article 149 of the CC, intending to bring the definition of trafficking in human beings closer to the definition contained in the Council of Europe Convention. The draft law introduces the means of "fraud", "coercion", "paying a third person to obtain consent to exploit a person" and "kidnapping" to the existing list of means for committing human trafficking. Sub-paragraph 3 on trafficking in children is amended by adding the commission of the offence by parents, adoptive parents, guardians or trustees. Further, forced abortion, forced marriage and forced involvement in begging are added to the forms of exploitation. Finally, the draft contains an express reference to the irrelevance of the consent of the person, if obtained through any of the means listed in Article 149 of the CC. In this respect, GRETA stresses that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provisions. **GRETA would like to be kept informed of the adoption of these amendments and to receive the final text of Article 149 of the CC.**

b. Criminalisation of the use of services of a victim (Article 19)

186. In its first report, GRETA invited the Ukrainian authorities to consider establishing as a criminal offence the use of services which are the object of exploitation as defined in Article 4 of the Convention, with the knowledge that the person is a victim of trafficking in human beings.

187. The use of services of victims of THB, with the knowledge that the person is a victim, is still not criminalised in the Ukrainian law. Bearing in mind the increasing instances of exploitation of victims of THB in Ukraine (see paragraph 106), **GRETA considers that the Ukrainian authorities should examine the possibility of criminalising the use of services of victims of trafficking, with the knowledge that the persons concerned are victims, for different types of exploitation.**

c. Corporate liability (Article 22)

188. In its first report, GRETA urged the Ukrainian authorities to 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, as required under Article 22 of the Convention. In their reply to the Committee of the Parties Recommendation CP(2014)18, the Ukrainian authorities reported that efforts were being made to amend Article 96-3 of the CC by adding the commission of THB among the grounds for bringing criminal action against legal persons. However, these efforts have so far not resulted in the adoption of relevant legislative amendments.

189. **GRETA urges the Ukrainian authorities to 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.**

d. Non-punishment of victims of THB (Article 26)

190. In its first report, GRETA considered that the Ukrainian authorities should take further steps to ensure compliance with Article 26 of the Convention through the adoption of a provision on non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, or by issuing guidance to public prosecutors and migration officials on this issue. GRETA stressed that, while the identification procedure is on-going, possible victims of THB should not be punished for immigration-related violations.

191. Ukrainian legislation still does not contain a specific provision on the non-punishment of victims of trafficking. Courts may decide to discharge a person from criminal liability, in accordance with the provisions of Chapter IX of the CC. Circumstances excluding criminal liability are laid down in Article 39 (extreme necessity) and Article 40 (physical or mental coercion) of the CC.⁴⁶

192. No cases of victims of THB being punished for their involvement in unlawful activities were found in the course of the previously mentioned analysis of court practice by the All-Ukrainian NGO Coalition (see paragraph 137). GRETA has not received other information indicated that victims of THB have been punished in Ukraine for their involvement in unlawful activities during the reporting period. However, according to information received from civil society, some 100 Ukrainian nationals were being detained in prisons in Greece on charges of migrant smuggling whereas they had apparently been forced to steer the boats transporting migrants and were therefore victims of THB for the purpose of forced criminality. Reference is also made to paragraph 207 concerning cases of Ukrainian nationals who were recruited in Ukraine and exploited in other countries for the purpose of forced criminality.

193. GRETA notes that Article 181.1 of the Code of Administrative Offences envisages the imposition of a fine for engagement in prostitution. To GRETA's knowledge, there is no provision in law providing for exemption of victims of trafficking from such a sanction if they have been compelled to engage in prostitution.

194. GRETA notes with concern reports according to which foreign nationals presumed to be victims of THB were detained for the violation of immigration laws (see paragraph 159). Article 14(5) of the Anti-Trafficking Law prohibits the holding in temporary detention facilities run by the State Migration Service of persons who request to be identified as victims of THB, except for cases envisaged by law (which include detention during criminal proceedings as a preventive measure, pursuant to the CPC) or expelling them from Ukraine prior to the final decision concerning their application. GRETA is concerned that this might result in the detention of possible victims of trafficking for migration-related offences which were the consequence of them being trafficked.

195. Prosecutors informed GRETA that the Prosecutorial Academy offered training on THB, including on the Convention and the non-punishment provision. However, GRETA notes that no guidance has been issued to prosecutors on the application of the non-punishment provision.

⁴⁶ Pursuant to Article 39(3) of the CC, "when preventing an imminent danger to a person or legally protected rights of that person or other persons, or public interests or interests of the state, a person shall not be criminally liable for exceeding the limits of extreme necessity where he/she could not, as a result of high excitement raised by the danger, evaluate whether the harm caused would be proportionate to danger." One of the circumstances excluding criminal liability under Article 40, considered in conjunction with extreme necessity, is physical or psychological coercion which rendered the person unable to maintain control of his/her actions.

196. **GRETA once again urges the Ukrainian authorities to take additional measures to 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.** Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.⁴⁷

4. Investigation, prosecution and procedural law

a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

197. In its first evaluation report, GRETA urged the Ukrainian authorities to develop the training and specialisation of investigators, prosecutors and judges with a view to ensuring that human trafficking offences are effectively investigated and prosecuted, leading to proportionate and dissuasive sanctions.

198. As noted in paragraphs 23 and 24, the reforms of the Prosecutor's Office and the judiciary, involving a reduction in the number of prosecutors and judges and the reorganisation of courts, has had an impact on the criminal justice response to human trafficking. Following an announcement by the Minister of the Interior that 2017 would be a "year of combating trafficking in human beings", the National Police drafted a Plan of additional measures to strengthen combatting human trafficking crimes. Further, on 24 February 2017, the Prosecutor General convened an inter-agency meeting of heads of law enforcement bodies and other crime prevention agencies which focussed on preventing and combating THB. The resolution issued after the meeting refers to statistics on the number of disclosed THB offences, the inefficiency of some investigations and prosecutions, and lack of effective convictions. The resolution outlines a number of objectives, including the establishment of inter-agency working groups, training of relevant professionals, analysing pre-trial investigations, decisions to halt criminal proceedings and the appropriateness of sanctions under Article 149 of the CC, and introducing regular checks of recruitment agencies. According to the authorities, the marked increase in the number of investigations into THB cases (115 in 2016, 342 in 2017) is the result of the priority given to combating THB. GRETA welcomes the prioritisation of combating THB by the Ministry of the Interior and the Prosecutor General's Office.

199. As noted in the first evaluation report, Chapter 21 of the CPC sets out the special investigation techniques which may be used during investigations of grave or especially grave offences, including THB, where information on a criminal offence and its perpetrator cannot be obtained otherwise. According to information provided by the authorities, the most frequently used special investigation techniques in THB cases are: temporary access to documents held by banking institutions; temporary access to documents owned by mobile operators; information about international money transfers; audio and video control of the person; interception, inspection and seizure of correspondence; obtaining information from transport telecommunication networks; obtaining information from electronic information systems; examination of publicly inaccessible places, houses or other possessions of a person; establishing the location of radio electronic devices; secret surveillance of a person; audio and video surveillance of the place; secret receipt of samples; and use of confidential co-operation.

200. Article 96(1) of the CC provides for special confiscation by a court order of money, valuables and other property for intentional crimes carrying the penalty of deprivation of liberty or a fine of more than 3,000 tax-free minimum incomes, thus covering THB. Article 131 of the CPC defines seizure of property as one of the measures for facilitating criminal proceedings. Pursuant to Article 170(2) of the CPC, seizure of property is allowed for the following purposes: 1) securing evidence; 2) special confiscation; 3) confiscation of property as punishment or a criminal law measure against a legal person; 4) compensation of damages caused as a result of a criminal offense (civil action) or the recovery of an unlawful benefit from a legal person. According to the authorities, six judgments with confiscation of assets were delivered for THB offences in 2015, two in 2016 and two in 2017.

201. The Ukrainian authorities have stated that financial investigations are a priority during the proceedings for crimes generating high profits, including THB. However, according to the National Police, no offences under Article 209 of the CC ("laundering the proceeds of crime") have been detected during proceedings related to THB. GRETA refers to the Committee of Experts on Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) Fifth Round Mutual Evaluation Report on Ukraine, according to which no money-laundering related financial investigations were being conducted by the units investigating organised crime and human trafficking as both units lacked the resources and capacity to conduct such investigations.⁴⁸

202. GRETA was informed that the Cyber Police Department of the National Police monitors the Internet to detect, identify and prosecute criminals creating online accounts and resources for disseminating images of sexual abuse of children and other forms of sexual exploitation. This department has detected a number of locations in Ukraine producing and distributing sexual images on the Internet (so-called "video chats"). The Cyber Police Department participates in the International Task Force (VCACITF) composed of law enforcement officials from more than 40 countries with the purpose of counteracting online sexual abuse of children.

203. According to official statistics, investigations into THB offences were initiated in 111 cases in 2015, 115 in 2016 and 342 in 2017. In 2015, convictions were handed down in respect of 32 persons, of whom 12 received prison sentences of from one to 10 years, and 20 were given conditional sentences. In 2016, final convictions were delivered in respect of 26 persons, of whom five received prison sentences of from two to 10 years and 20 received conditional sentences. In 2017, convictions for THB were handed down in respect of 23 persons (of whom three were women and two were foreign citizens); seven of them were given imprisonment sentences of up to five years and 16 were released on probation.

204. Investigated cases of trafficking for sexual exploitation are sometimes qualified as other offences, such as fraud (Article 190 of the CC), opening or running or brothels and organisation of prostitution (Article 302 of the CC), or pimping or engaging a person in prostitution (Article 303 of the CC). Re-qualifying of proceedings started under Article 149 of the CC into other offences with lighter penalties also occurs during court proceedings. For example, GRETA was informed that a court in Kharkiv region re-qualified a case initiated as THB, which concerned a person taken to Israel under the pretext of receiving medical treatment who was forced to provide sexual services, into a case under Article 303 of the CC. The prosecution appealed this decision and the Kharkiv Regional Court supported the appeal, sending the indictment for a new trial under Article 149 of the CC to the court of first instance.

⁴⁸ MONEYVAL's Fifth Round Mutual Evaluation Report on Ukraine was published on 30 January 2018 and is available via the following link: <https://www.coe.int/en/web/portal/-/ukraine-new-report-on-combatting-money-laundering-and-terrorism-financing>

205. Criminal investigations into cases of THB for the purpose of labour exploitation are often discontinued due to difficulties to obtain evidence or are re-qualified as other offences. Reference can be made to the case of O. from Sumy region, who responded to a newspaper announcement about work in the construction sector in the Russian Federation. O. joined a group of 12 men in a minivan, giving his passport to the persons whom he believed were his employers. Upon arrival, O. was placed in the basement of a guarded building and was taken every day to a construction site in a truck, accompanied by guards, to perform hard physical work. Three months later, O. was rescued during an inspection by the Federal Migration Service of the Russian Federation, had his passport returned to him and was paid 2,000 Russian roubles (approximately €60). Upon return to Ukraine, O. reported his case to law enforcement officers but was informed that since it was impossible to gather evidence, no criminal investigation would be initiated. Nevertheless, O. applied for and was granted the status of a victim of THB by the Ministry of Social Policy. In another case, two men trafficked for forced labour applied to the local department of the Ministry of the Interior in Khmelnytsky region, but the pre-trial investigation was initiated for fraud instead of THB. The criminal proceedings were closed due to lack of evidence. The application for the status of victim of THB was refused by the Ministry of Social Policy because of a procedural error by the staff member of the local administration responsible for the transmission of applications to the Ministry of Social Policy.

206. To illustrate the investigation of THB cases, the Ukrainian authorities have referred to a case dating back to June 2016, when in the course of operative activities regarding the organisation of prostitution, the Directorate for Combating Trafficking Crimes of the National Police in Kharkiv region detained a person suspected of organising the transportation of three young women to Moscow for the purpose of sexual exploitation. The person reportedly obtained their consent by abusing their position of vulnerability (i.e. difficult life circumstances) and by promises of earnings. While attempting to take the women to the Russian Federation in his personal vehicle, the suspect was arrested by police officers of the Directorate for Combating Trafficking Crimes of the National Police in Kharkiv region. The trafficker in this case was convicted to five years' imprisonment at first instance, which was confirmed at second instance.

207. The authorities have also referred to cases of THB for the purpose of forced criminality. A criminal group operating in the Dnipropetrovs'k region and in Kyiv in 2014-2016 recruited, via Internet, Ukrainian nationals from different regions, offering them work as couriers of parcels and freight packages in the Russian Federation. Once in the Russian Federation, the recruited persons (both men and women) were involved in the transportation of narcotic drugs. Russian law enforcement authorities arrested an estimated 50 Ukrainian citizens on charges of drug trafficking. In Ukraine, four of the organisers of the criminal group were arrested and criminal proceedings were initiated under Article 149(2) of the CC. The authorities reported a similar scheme used by another criminal group, dismantled in January 2017, which recruited young people in difficult financial situations with fraudulent recruitment proposals abroad. In the course of 2014-2016, the group sent eight persons to Brazil, where they were allegedly forced to transport cocaine from Brazil to Thailand. These persons were subsequently imprisoned in the two countries. Through joint efforts of the law enforcement agencies, the Ministry of Social Affairs and NGOs, and in co-operation with the Brazilian authorities, one of them was released and returned to Ukraine, while another was awaiting court judgement. The remaining two Ukrainians were sentenced to 25 years' imprisonment by a Thai court. In January 2017, law enforcement authorities initiated criminal proceedings under Article 149(2) of the CC, arrested four members of the criminal group and seized evidence proving the commission of the offence (bank cards, notebooks, computers, mobile phones and notes).

208. Further, in a case of THB for the purpose of the removal of organs, the Ternopil District Court convicted on 2 March 2014 a person under Article 149(2) of the CC for the commission of this offence against five persons by means of abuse of their position of vulnerability, which was due to financial hardship, lack of property, inability to find employment and the fact of having dependent children.

209. The previously mentioned submission by the All-Ukrainian NGO Coalition containing an analysis of court judgments demonstrates that 20 out of 32 perpetrators convicted in 2015 and 21 out of 26 convicted in 2016 received conditional sentences and were released on probation, based on Article 75 of the CC ("discharge on probation"). Article 66(2) of the CC ("mitigating circumstances") is reportedly frequently applied in THB cases; pursuant to it, voluntary compensation of losses or reparation of damages by the accused constitutes one of the circumstances mitigating punishment. GRETA was informed that many victims accept proposals of voluntary compensation by perpetrators and testify in court that part of their damages were restored, which mitigates the punishment. GRETA is concerned that a significant number of prosecutions into trafficking cases do not lead to convictions for THB and even when perpetrators are convicted, the sentences are often conditional and are not proportionate to the gravity of the offence. GRETA notes that according to the above-mentioned resolution of the inter-agency meeting on 24 February 2017, insufficient efforts are being made to target the masterminds behind THB offences and the majority of those convicted are the recruiters.

210. In the course of the evaluation visit, GRETA asked Ukrainian officials whether corruption influenced the criminal justice response to THB. According to the authorities, there is no evidence of corruption influencing the fight against THB. GRETA refers to the report by the Group of States against Corruption (GRECO) on the fourth evaluation round of Ukraine, according to which, despite a number of important anti-corruption measures taken since February 2014,⁴⁹ opinion polls show that there is still a popular sense that corruption is pervasive.⁵⁰ According to GRECO's report, the independence of judges appeared to be extremely fragile and influence by politicians on judicial activity as well as pressure by prosecutors on judges remained frequent phenomena.

211. GRETA urges the Ukrainian authorities to strengthen their 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:

- **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.**

212. Further, GRETA considers that the Ukrainian authorities should:

- **intensify their efforts to carry out financial investigations in THB cases in order to identify, seize and confiscate criminal assets, including through the use of special investigation techniques;**
- **continue to improve the knowledge of investigators, prosecutors and judges about the seriousness of THB, the severe impact of exploitation on the victims, the need to respect their human rights, and the need to hand down effective, proportionate and dissuasive sanctions on traffickers, which should be effectively enforced.**

⁴⁹ Such as the establishment of the National Agency on Corruption Prevention, the National Anti-Corruption Bureau (NABU), and the Special Anti-Corruption Prosecutor's Office (SAPO), and the adoption of the Anti-Corruption Strategy for 2014-2017 and its Action Plan.

⁵⁰ Group of States against Corruption (GRECO) report on Ukraine for the fourth evaluation round, published on 8 August 2017, available at: <http://www.coe.int/en/web/human-rights-rule-of-law/-/ukraine-publication-of-the-4th-round-evaluation-report>

b. Protection of witnesses and victims (Article 28 and 30)

213. In its first report, GRETA urged the Ukrainian authorities to make full use of the measures available to protect victims and witnesses of THB, including children, and to take additional measures to ensure that victims of trafficking are adequately informed of their rights and existing remedies and assisted during pre-trial and court proceedings.

214. The measures envisaged by the CPC and the Law "On Securing the Safety of Persons Participating in Criminal Proceedings" to ensure the safety of persons participating in criminal proceedings include the possibility of providing a personal guard and protection of residence and property; special means of individual protection and notification of threats; monitoring and wire-tapping of telephone and other conversations and visual surveillance; replacement of identity documents; change of appearance; change of the place of work or study; transfer to a different place of residence; placement in a pre-school education institution or institutions and bodies for the social protection of the population; securing confidentiality of information about the person; and closed court proceedings. According to the authorities, in the course of 2016, investigators changed the personal data of two persons as a protection measure in the course of investigations into THB cases. Further, in 2017, six victims of THB benefited from protection measures in the course of criminal proceedings. The authorities have stated that the use of video-conferences has increasing during pre-trial investigation and procedural actions.

215. According to NGOs, the existing legal provisions on the protection of victims and witnesses participating in criminal proceedings are not effectively implemented. This is due, in particular, to the failure of law enforcement bodies to systematically request the application of protection measures, inadequate assessment of risks for the participants in criminal proceedings and lack of funding to apply certain measures. GRETA was informed of several cases where victims' protection needs were not met. By way of illustration, in a case from Zhytomyr region, the recruiters' relatives reportedly put pressure of the son of a victim of THB to disclose the new address of his mother and threatened the woman and her son's family. Despite this incident being reported to the police, no protection measures were taken in respect of the victim and her family and the victim withdrew her testimony.

216. The previously mentioned submission by the All-Ukrainian NGO Coalition notes that out of the sample of court cases related to THB examined, *in camera* hearings were used in only 11% of cases in the period 2013-2016. To adopt a decision on a hearing *in camera*, a motion must be submitted by a participant in the proceedings or the prosecutor. However, victims or witnesses are often not aware of this opportunity and fail to make the necessary request. Further, it would appear that, when determining on preventive measures in respect of the accused of THB, courts tend to resort to alternatives to pre-trial detention, such as travel restrictions or bail, thus enabling the accused to exert pressure on witnesses and victims, often by threatening them.

217. GRETA notes that releasing suspects on bail not only influences the evidence in a case, but also endangers the safety of the victims. Intimidation and threats against victims and witnesses in an investigation have been reported as very common in Ukraine. GRETA was also informed that victims and witnesses are intimidated and threatened by suspects during court sessions, including in a trafficking case which was on-going during GRETA's evaluation visit.

218. **GRETA once again urges the Ukrainian authorities to make full use of the available measures to protect victims and witnesses of THB 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;** in this context, GRETA refers to Opinion No. 12 of the Consultative Council of European Prosecutors (CCPE) CCPE Opinion No. 12 (2017) on "The role of prosecutors in relation to the rights of victims and witnesses in criminal proceedings."⁵¹

c. Jurisdiction (Article 31)

219. Article 6 of the CC provides that persons who commit offences on Ukrainian territory are criminally liable under the CC. According to Article 7, paragraph 1, of the CC, Ukrainian nationals and stateless persons permanently residing in Ukraine who have committed offences abroad shall be liable under the Ukrainian CC, unless otherwise provided by treaties to which Ukraine is a party. Further, Article 8, paragraph 1, of the CC stipulates that foreign nationals or stateless persons not residing in Ukraine who have committed criminal offences outside Ukraine shall be liable under Ukrainian law in cases provided for by treaty, or if they have committed grave crimes or crimes of special gravity against the rights and freedoms of Ukrainian citizens, or interests of Ukraine, as prescribed in the CC.

220. On 13 October 2015 the Ministry of Foreign Affairs of Ukraine submitted a declaration stating that "from 20 February 2014 and for the period of temporary occupation by the Russian Federation of a part of the territory of Ukraine – the Autonomous Republic of Crimea and the city of Sevastopol – as a result of the armed aggression of the Russian Federation committed against Ukraine and until the complete restoration of the constitutional law and order and effective control by Ukraine over such occupied territory, as well as over certain districts of the Donetsk and Luhans'k regions of Ukraine, which are temporarily not under control of Ukraine as a result of the aggression of the Russian Federation, the application and implementation by Ukraine of the obligations under the above Conventions, Protocols, Agreements, as applied to the aforementioned occupied and uncontrolled territory of Ukraine, is limited and is not guaranteed." This declaration covers the implementation of the Council of Europe's Anti-Trafficking Convention.

5. International co-operation and co-operation with civil society

a. International co-operation (Articles 32 and 33)

221. Article 544 of the CPC provides that in the absence of an international agreement concluded by Ukraine, international legal assistance or other co-operation may take place upon the request of another state, or if requested from another state, on the basis of reciprocity, covering co-operation in extradition, transfer of criminal proceedings, enforcement of foreign criminal judgments, handing of invitations to appear before a foreign court, interrogation of witnesses and court experts, crime scene investigation, search of premises and persons, seizure of tools and proceeds from crime, the application of special investigation techniques, as well as the spontaneous provision of information without prior request, and the establishment of joint investigation teams.

222. In addition to the bilateral agreements relevant to combating THB already mentioned in GRETA's first evaluation report,⁵² Ukraine has concluded treaties on mutual legal assistance co-operation in criminal matters with Brazil, the United Arab Emirates, Senegal, Malaysia, Sri Lanka and Thailand.

⁵¹ Opinion No. 12 of the Consultative Council of European Prosecutors (CCPE) CCPE Opinion No. 12 (2017) on "The role of prosecutors in relation to the rights of victims and witnesses in criminal proceedings" [Adopted](#) during the 12th plenary meeting of the CCPE on 23-24 November 2017 in Strasbourg.

⁵² Ukraine has concluded co-operation agreements containing provisions relevant to combating THB with the governments of Czech Republic (30 June 1997), Poland (3 March 1999), Slovak Republic, Cyprus (16 February 2006), Bulgaria

223. As already mentioned in the first report, Ukraine is Party to a number of Council of Europe conventions in the criminal field which are relevant to action against THB.⁵³ Ukraine is also Party to international and regional agreements concluded within the Commonwealth of Independent States (CIS),⁵⁴ Interpol and Europol.⁵⁵ GRETA was informed that an agreement on co-operation between Ukraine and Eurojust entered into force in September 2017.

224. According to information provided by the authorities, on 12 January 2018, the Prosecutor General's Offices of Ukraine and Lithuania signed an Agreement to establish a Joint Investigation Team (JIT) with the aim of investigating THB. The first meeting was held on 28 March 2018. An agreement on co-operation in the criminal field has also been concluded in 2018 between the Prosecutor General's Office of Ukraine and the Belgian Federal Prosecutor's Office. The possibility of setting up JITs is currently being examined with the Italian and Turkish authorities. Further, in March 2018 representatives of Ukrainian law enforcement bodies travelled to Athens with the aim of establishing bilateral co-operation with Greek law enforcement agencies in cases involving THB. In addition, the authorities referred to two cases in 2017 with the involvement of the State Border Guard Service and relevant Polish, Lithuanian, British and Moldovan services, resulting in dismantling two transnational channels for trafficking persons for the purpose of labour exploitation.

225. GRETA considers that the Ukrainian authorities should increase their efforts to carry out joint or parallel investigations and use other forms of international co-operation in THB cases in order to make it possible to arrest and convict not only recruiters in Ukraine, but also those who organise and profit from the exploitation of victims. Such co-operation should be strengthened in particular with countries of destination of Ukrainian victims of THB.

226. GRETA was informed that the Integrated Information Retrieval System entitled "Rozshuk", operated by the National Police, contains information on missing persons, including children, whose disappearance has been reported to the police. Ukraine has a Missing Children Search Service, operated by the NGO "Magnolia". To alert the public to the problem of missing children and encourage reporting, the Missing Children Search Service has prepared information materials which advertise the telephone numbers 116 000 and 102 for reporting information about missing children. These materials are publicised, including on 32 TV channels, 20 printed press editions and eight outdoor advertising agencies. The search results are published on the Internet⁵⁶ and the NGO's pages on social networks. As of 1 January 2016, 1,134 missing children had been found thanks to the co-operation of the public, the mass media, the police and the Missing Children Search Service.

(25 September 2006), Lithuania (12 April 2007), Turkey (4 December 2009), Malta (9 July 2008), Germany (30 August 2010), Slovenia (11 October 2011). Further, the Office of the Prosecutor General of Ukraine and concluded co-operation agreement with its counterpart of Chile (3 October 2008), Belarus (18 May 2010), Russian Federation (15 September 2010) and Kazakhstan (5 October 2011). The Ministry of the Interior has similar agreements with the Ministries of the Interior of Poland (12 March 1992), Romania (18 May 1992), Czech Republic (6 September 1993), Slovak Republic (14 October 1993), Bulgaria (18 April 1994), Vietnam (15 March 1995), Georgia (20 October 2011) and Kazakhstan (24 November 2011).

⁵³ In particular, the European Convention on Mutual Assistance in Criminal Matters and its Additional Protocols; the European Convention on Extradition and its Additional Protocols; the European Convention on Transfer of Proceedings in Criminal Matters; and the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.

⁵⁴ Agreement on Co-operation of the CIS Member States in Combating Trafficking in Persons, Human Organs and Tissues of 25 November 2005; Agreement on Information Exchange in Combatting Crime (within the CIS) of 22 May 2009; Agreement on Co-operation Between the Offices of Prosecutors General of the CIS Member States to Combat Trafficking in Persons, Human Organs and Tissues of 3 December 2009; Agreement on Co-operation Between the Ministries of Internal Affairs (Police) of the CIS Member States to Combat Trafficking in Human Beings of 17 September 2010.

⁵⁵ Agreement between the European Police Office and Ukraine on Strategic Co-operation of 4 December 2009.

⁵⁶ See www.missingchildren.org.ua

b. Co-operation with civil society (Article 35)

227. In its first report, GRETA considered that the authorities should further develop co-ordination between public bodies and civil society actors engaged in anti-trafficking action, and increase the involvement of NGOs and trade unions in the planning and implementation of national policy, for example by encouraging the conclusion of Memoranda of Understanding.

228. A co-operation agreement was concluded between the Ministry of Social Policy and the All-Ukrainian NGO Coalition for Combating Trafficking in Human Beings. The 32 NGOs which are members of the Coalition also co-operate with local government structures. At local level, NGOs participate in anti-trafficking co-ordination councils of the regional administrations, for example in Ivano-Frankivsk, Sumy, Lviv, Kharkiv, Chernivtsi, Mykolaiv, Kyiv, Zakarpattia and Donetsk regions. Several regional administrations have signed memoranda of co-operation with NGOs on taking joint measures against THB.

229. GRETA was informed that the authorities consulted NGOs when preparing the National Programme to Combat Trafficking in Human Beings for 2016-2020 and some of the proposals made by NGOs were taken into account. Nevertheless, NGO representatives noted the need for greater transparency from public bodies when reporting on measures taken to prevent and combat THB, in particular from the National Police and the Ministry of Social Policy. NGOs were also concerned by what appears to be a tightening of control over their activities through additional reporting obligations.

230. **GRETA considers that the Ukrainian authorities should continue building strategic partnerships with NGOs and other members of civil society, such as trade unions and professional associations, in accordance with Article 35 of the Convention, by involving them in the prevention of human trafficking, the protection of rights of victims of THB, and the planning, monitoring and evaluation of anti-trafficking action.**

IV. Conclusions

231. Since the adoption of GRETA's first report on Ukraine in July 2014, progress has been made in a number of areas.

232. The legal framework has continued to evolve and further amendments to the Law on Combating Trafficking in Human Beings, the Law on the Legal Status of Foreigners and Stateless Persons, and the Criminal Code are in the pipeline.

233. The institutional framework for combating human trafficking has also been further developed, with the setting up of specialised police units and the designation of specialised prosecutors to deal with human trafficking cases. At regional level, interdepartmental anti-trafficking councils have been set up across the country, bringing together a range of relevant actors, including civil society.

234. In addition to the State Social Programme to Combat Trafficking in Human Beings (2016-2020), the Ukrainian authorities have adopted a number of strategic policy documents and actions plans to promote gender equality and enhance equal opportunities for women and men which have the potential of preventing human trafficking by tackling the root causes of this phenomenon.

235. Efforts have been made to continue the provision of training to relevant professionals and to expand the categories of staff targeted. The training is often carried out in co-operation with NGOs and international organisations and, whenever possible, a multi-stakeholder approach is promoted.

236. GRETA welcomes the efforts of the Ukrainian authorities, NGOs and international organisations to raise 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. Further, GRETA commends the research carried out on different aspects of human trafficking.

237. Further, GRETA notes the efforts to improve the capacity of relevant actors at local level to identify victims of human trafficking and apply the National Mechanism of Interaction, resulting in an increased number of persons granted the status of victims of trafficking.

238. Another positive development is 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.

239. Moreover, GRETA welcomes the decision taken by the Prosecutor General and the Ministry of the Interior in early 2017 to prioritise the fight against human trafficking and improve interagency co-operation, which has resulted in a considerable increase in the number of investigations into human trafficking cases.

240. However, despite the efforts made, several issues continue to give rise to concern. In this report, GRETA requests the Ukrainian authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in brackets.

Issues for immediate action

- **GRETA once again urges the Ukrainian authorities to 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 (paragraph 50);**
- **GRETA urges the Ukrainian authorities to strengthen their 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 (paragraph 70);**
- **GRETA urges the authorities to strengthen their efforts, 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 (paragraph 80);**
- **GRETA urges the Ukrainian authorities to comply with their obligations under Article 12 of the Convention and to ensure that all presumed and identified victims of trafficking receive adequate assistance and support, according to their needs. This should include measures to:**
 - **provide 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;**

- ensure adequate funding and staff to work with victims of THB and facilitate the reintegration of victims of trafficking into society by providing them with vocational training and access to the labour market;
- set up agreements/contracts on providing specialist assistance to victims of trafficking with specialised NGOs through public tenders and other relevant transparent procedures, and ensure adequate funding of assistance to victims of THB when it is delegated to NGOs as service providers;
- guarantee access to health care to all victims of THB, irrespective of their registered residence (paragraph 139);
- **GRETA urges the Ukrainian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to:**
 - ensure 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;
 - provide 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;
 - strengthen the capacity of the State Migration Service to detect victims of trafficking among unaccompanied and separated foreign children, including by providing adequate interpretation services;
 - set up sufficient shelters with qualified staff and assistance services for presumed child victims of trafficking, for different forms of exploitation, and provide these shelters with sufficient funding;
 - ensure long-term assistance for the integration of child victims of trafficking;
 - review the existing legislation and practice to ensure effective guardianship in cases of parental involvement in exploitation, or in cases of unaccompanied children (paragraph 152);
- **GRETA once again urges the Ukrainian authorities to 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. It should be made clear that the recovery and reflection period should last at least 30 days and should not be conditional upon any additional requirement, beyond the existence of reasonable grounds (paragraph 161);**
- **GRETA urges the Ukrainian authorities to 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 (paragraph 189);**
- **GRETA once again urges the Ukrainian authorities to take additional measures to 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 (paragraph 196);**

- **GRETA urges the Ukrainian authorities to strengthen their 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:**
 - **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 (paragraph 211);**
- **GRETA once again urges the Ukrainian authorities to make full use of the available measures to protect victims and witnesses of THB 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 (paragraph 218).**

Further conclusions

- GRETA considers that the Ukrainian authorities should establish an independent National Rapporteur or designate as the equivalent of a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions (paragraph 32);
- GRETA considers that the authorities should:
 - expand the range of professionals covered by such training to include labour inspectors, health-care professionals and social workers;
 - ensure that the training concerning THB is embedded in the core training curricula of police officers, border guard, prosecutors, judges, lawyers, staff of the State Migration Service and staff of local state administrations and social assistance centres;
 - ensure that the training aims at strengthening victim identification and protection, improving the effectiveness of prosecutions and convictions, and guaranteeing the right to effective access to compensation to victims (paragraph 46);
- GRETA welcomes the research carried out in Ukraine and considers that the Ukrainian authorities should conduct and support further research on different aspects of THB, such as trafficking in children, trafficking for labour exploitation, trafficking for the purpose of forced criminality, trafficking for the purpose of organ removal, the possible links between THB and surrogacy and the possible links between online streaming of sexual abuse of children and human trafficking (paragraph 55);
- GRETA considers that the Ukrainian authorities should continue conducting information and awareness-raising campaigns on different forms of THB, including within Ukraine, taking into account the impact assessment of previous measures (paragraph 63);
- GRETA considers that the Ukrainian authorities should continue sensitising teachers, social workers, staff of child protection institutions and legal guardians to the risks of THB and how to prevent trafficking in children (paragraph 81);

- GRETA considers that the Ukrainian authorities should take further measures to strengthen the prevention of THB through social, economic and other measures for groups vulnerable to THB, including Roma communities, IDPs, asylum seekers and stateless persons. Further efforts should be made to promote gender equality, combat gender-based violence and stereotypes, and improve social and economic conditions of IDPs through appropriate housing and opportunities, income-generating activities and effective access to social benefits (paragraph 93);
- GRETA considers that the Ukrainian authorities should sensitise the general public about the risks of THB for the purpose of organ removal and continue to train health-care professionals and law enforcement officials, drawing attention to the need to monitor offers to sell or buy human organs and report any suspected cases. Further, the authorities should keep under review the implementation of the amended legislation and its impact on preventing THB for the purposes of the removal of organs (paragraph 101);
- GRETA encourages Ukraine to ratify the Council of Europe Convention against Trafficking in Human Organs, which would contribute to the prevention of trafficking for the purpose of organ removal (paragraph 102);
- GRETA considers that the Ukrainian authorities should adopt legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:
 - raising awareness of the responsibility and the important role of the media, advertising companies and businesses in tackling demand which leads to human trafficking;
 - continuing to implement educational programmes in schools which stress the importance of gender equality and respect for the dignity and integrity of every human being and the consequences of gender-based discrimination;
 - promoting awareness among businesses, strengthening corporate social responsibility and preventing trafficking in supply chains (paragraph 107)'
- GRETA considers that the Ukrainian authorities should continue their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration. This should include steps to build the capacity of all competent authorities to detect indicators of THB among persons arriving in Ukraine and the provision of information to foreign nationals arriving irregularly or seeking asylum, in a language that they can understand, about the risks of THB, their rights and where to turn for advice and assistance (paragraph 112);
- While welcoming the Ukrainian authorities' efforts to improve the identification of victims by providing training and tools to the actors involved in the implementation of the National Mechanism for Interaction (NMI), GRETA considers that the Ukrainian authorities should take further steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided under the Convention, and in particular to:
 - ensure that all actors involved in the NMI adopt a proactive and harmonised approach to detecting and identifying victims of trafficking with a view to decreasing reliance on self-identification;
 - adopt, without any further delay, operational indicators for the identification of victims of THB for different forms of exploitation and disseminate them to all professionals who are likely to come into contact with victims of THB;
 - include labour inspectors among the actors responsible for the implementation of the NMI, in particular in the identification of victims of THB for the purpose of labour exploitation, and ensure that they have the necessary training, human and financial resources to carry out this task efficiently;

- improve the identification of victims of trafficking among foreign nationals, asylum seekers and persons in irregular migration situations, including through the provision of training and clear, binding procedures to be followed by staff of the State Migration Service and other relevant bodies (paragraph 128);
- GRETA considers that the Ukrainian authorities should continue ensuring respect for the confidentiality of personal data of victims of trafficking at all stages of processing of such data by relevant actors of the NMI. The authorities should further sensitise responsible officials of local state administrations, social workers, medical doctors and other health-care professionals to the observance of the confidentiality of victims' personal data (paragraph 155);
- GRETA considers that the Ukrainian authorities should provide for the legal possibility of granting temporary residence permits to victims of THB on the basis of their personal situation, in addition to permits on the basis of the victim's co-operation in the investigation or criminal proceedings (paragraph 165);
- GRETA considers that the Ukrainian authorities should ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, without prejudice to the right to seek and enjoy asylum (paragraph 166);
- GRETA considers that the Ukrainian authorities should adopt further measures to facilitate and guarantee access to compensation for victims of trafficking, including by:
 - ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed, and are provided with effective access to free legal aid, in accordance with the internal law;
 - enabling victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials, prosecutors and the judiciary;
 - reviewing the practice for considering compensation claims in the course of criminal proceedings, including by encouraging prosecutors to request compensation orders to the largest possible extent;
 - making full use of the legislation on the freezing and confiscation of assets to secure compensation to victims of THB and ensure effective enforcement of compensation orders;
 - facilitating access of victims of THB to the one-time financial grant and reviewing the amount of the grant with a view to meeting the reintegration needs of victims (paragraph 173);
- GRETA considers that the Ukrainian authorities should continue taking steps to ensure that the return of victims of THB is conducted with due regard to their rights, safety and dignity, is preferably voluntary, complies with the obligation of *non-refoulement* and the right to seek and enjoy asylum, and in the case of children, fully respects the principle of the best interests of the child. In this context, the authorities should continue to develop co-operation with countries of origin of victims in order to ensure comprehensive risk and security assessment (Article 16(7) of the Convention) and safe return of the victims, as well as their effective reintegration on return. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked persons and those at risk of being trafficked (paragraph 178);
- GRETA considers that the Ukrainian authorities should examine the possibility of criminalising the use of services of victims of trafficking, with the knowledge that the persons concerned are victims, for different types of exploitation (paragraph 187);

-
- GRETA considers that the Ukrainian authorities should:
 - intensify their efforts to carry out financial investigations in THB cases in order to identify, seize and confiscate criminal assets, including through the use of special investigation techniques;
 - continue to improve the knowledge of investigators, prosecutors and judges about the seriousness of THB, the severe impact of exploitation on the victims, the need to respect their human rights, and the need to hand down effective, proportionate and dissuasive sanctions on traffickers, which should be effectively enforced (paragraph 212);
 - GRETA considers that the Ukrainian authorities should increase their efforts to carry out joint or parallel investigations and use other forms of international co-operation in THB cases in order to make it possible to arrest and convict not only recruiters in Ukraine, but also those who organise and profit from the exploitation of victims. Such co-operation should be strengthened in particular with countries of destination of Ukrainian victims of THB (paragraph 225);
 - GRETA considers that the Ukrainian authorities should continue building strategic partnerships with NGOs and other members of civil society, such as trade unions and professional associations, in accordance with Article 35 of the Convention, by involving them in the prevention of human trafficking, the protection of rights of victims of THB, and the planning, monitoring and evaluation of anti-trafficking action (paragraph 230).

Appendix

List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations

Public bodies

- Ministry of Social Policy;
- Ministry of the Interior, including:
 - National Police,
 - State Border Service
 - State Migration Service
- Ministry of Justice;
- Ministry of Education and Science;
- Ministry of Health;
- Ministry of Foreign Affairs;
- Prosecutor General's Office;
- High Specialised Court of Ukraine for Civil and Criminal Cases;
- National School of Judges;
- President's Commissioner for Children's Rights;
- Ukrainian Parliament Commissioner for Human Rights;
- State administration of Lviv region;
- State administration of Luhans'k region.

Intergovernmental organisations

- International Organization for Migration (IOM);
- United Nations High Commissioner for Refugees (UNHCR);
- Organization for Security and Co-operation in Europe (OSCE).

NGOs and other civil society organisations

- All-Ukrainian NGO Coalition for Combating Trafficking in Human Beings
- NGO "A21"
- NGO "La Strada-Ukraine"
- NGO Media Initiative for Human Rights
- NGO Ukrainian Helsinki Human Rights Union

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Ukraine

GRETA engaged in a dialogue with the national authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the authorities on 11 September 2018 and invited them to submit any final comments. The comments of the authorities, submitted on 11 October 2018, are reproduced hereafter.

**Executive Secretary of the
Council of Europe Convention
on Action against
Trafficking in Human Beings**

Ms Petya Nestorova

Dear Ms Nestorova,

According to Article 38, paragraph 6, of The Council of Europe Convention on Action against Trafficking in Human Beings, I enclose herewith the comments from the authorities on the report drawn up by the Group of Experts on Action against Trafficking in Human Beings (GRETA) concerning the implementation of the Convention by Ukraine (second evaluation round).

I would like to express my respect to you and hope for further close cooperation in combating trafficking in human beings.

Sincerely,

Olena Farymets,
Deputy Head of the Department of
counter trafficking in persons and
prevention of domestic violence –
Head of the Division for counter trafficking in persons

Comments on the report of GRETA

Text of the report	Comments
Ministry of Justice	
<p>102. Further, GRETA encourages Ukraine to ratify the Council of Europe Convention against Trafficking in Human Organs, which would contribute to the prevention of trafficking for the purpose of organ removal.</p> <p>123. The State Migration Service, responsible for implementing the state policy on migration, citizenship, registration of refugees and asylum seekers and combating irregular migration, has the responsibility for detection and identification of victims of trafficking amongst aliens. State Migration Service representatives referred to difficulties to identify victims of THB among irregular migrants as there are no criteria or clear indicators that they could apply. NGO representatives consider that limited access to interpretation may be another reason for ineffective identification of victims of THB among irregular migrants in Ukraine. This situation is aggravated by the absence in law of the recovery and reflection period (see paragraph 157) which would provide a safeguard against their removal from Ukraine.</p>	<p>Ukraine is in a process of ratification of the Council of Europe Convention against Trafficking in Human Organs. In January 2018 in the Ministry of Justice of Ukraine was created a Working Group involving the representatives of Ministry of Foreign Affairs, Ministry of Health Care, Ministry of Justice, National Police. On a later stage the representatives of the General Prosecutor's Office also joined the Group. At the moment the Group has drafted the laws on ratification and implementation of the Convention, which are now in the process of inter-ministerial approval.</p> <p>The State Migration Service is a central executive body which activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs and which implements state policy in the spheres of migration (immigration and emigration), including counteraction to illegal (illegal) migration, citizenship, registration of individuals, refugees and other categories of migrants defined by the law.</p> <p>In accordance with the Law of Ukraine "On counteraction to trafficking in human beings", the State Migration Service of Ukraine is one of the actors involved in counteracting trafficking in human beings. In its turn, the Ministry of Social Policy of Ukraine defines the status of persons, who have suffered from trafficking in persons. If a foreigner or a stateless person, who has suffered from trafficking in a particular country and who has applied for the status of a person, who has suffered from trafficking in persons in the territory of Ukraine, the local state administration within two working days from the date of filing the application for the status issued a certificate of appeal a foreigner or stateless person to establish the status of a person who has suffered from trafficking in human beings in the form approved by the decision of the Cabinet of Ministers of Ukraine dated May 23, 2012 No. 417 "On Approval of the Procedure for Establishing the Status of a Person Affected by Trafficking in Human Beings". An official of a local state administration sends a foreigner or stateless person, if necessary, to a territorial body or department of the State migration service to conduct a registration procedure on the basis of a certificate of application for establishing the status of a person who has suffered from trafficking in persons. In case of necessity, the support of the specified person is provided.</p> <p>Therefore, the State Migration Service is not responsible for recognizing the status of persons who have suffered from human trafficking among foreigners.</p>

<p>152. GRETA urges the Ukrainian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to:</p> <ul style="list-style-type: none"> - strengthen the capacity of the State Migration Service to detect victims of trafficking among unaccompanied and separated foreign children, including by providing adequate interpretation services; <p>240. However, despite the efforts made, several issues continue to give rise to concern. In this report, GRETA requests the Ukrainian authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in brackets.</p> <p>Issues for immediate action:</p> <ul style="list-style-type: none"> • GRETA urges the Ukrainian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to strengthen the capacity of the State Migration Service to detect victims of trafficking among unaccompanied and separated foreign children, including by providing adequate interpretation services. 	<p>In order to ensure proper translation services during work with foreigners and stateless persons in accordance with the order of the Ministry of Internal Affairs of Ukraine dated March 11, 2013, No. 228 "On approval of the Procedure for conducting by the State Migration Service of Ukraine of the Reference and Information Register of Translators", registered in the Ministry of Justice of Ukraine on May 22, 2013 No. 801/23333, the Reference and Information Register of Translators was created by the State Migration Service.</p> <p>It is placed on the official website of the State Migration Service and contains information on translators that may be involved by government agencies to provide translation services when considering applications and interviewing refugees and other categories of migrants during their detention, providing legal aid to them, considering administrative cases of refugees and forced return of foreigners and stateless persons from Ukraine, conducting of pre-trial investigation and consideration by the courts of criminal proceedings and cases of administrative offenses committed by refugees and other categories of migrants on the territory of Ukraine.</p> <p>According to the Procedure, the State Migration Service carries out the information content and technical support of the Translators' Register, takes measures for the protection and processing of information about translators, and also protects such information from illegal processing, including illegal access to them.</p> <p>Annually, the territorial bodies of the State Migration Service foresee funds for the purchase of translation services and interpretation for the purpose of proper organization of their work with refugees and other categories of migrants.</p>
<p>159. To illustrate the non-application of the recovery and reflection period, NGOs brought to GRETA's attention the case of a workshop for sewing counterfeit clothing where 24 foreign workers were found by the police. Criminal proceedings were initiated under Article 149 of the CC (trafficking in human beings). However, the State</p>	<p>Within the framework of targeted prevention measures to oversee and control the implementation of legislation in the field of migration, with the involvement of law enforcement agencies, employees of the Main Department of the State Migration Service of Ukraine in Odesa region stopped the activities of the manufactory on sewing of clothing with the logos of world-famous brands, which was located in the rented private house near Odessa. Foreigners have been found there who provided handmade production and lived on the so-called "factory".</p> <p>Since the time of their detention those foreigners did not recognize themselves as victims of trafficking in human beings and did not</p>

<p>Migration Service filed an administrative appeal for expulsion of these foreign workers from Ukraine. The district court upheld this appeal and the persons concerned were detained in a migration detention centre. The expulsion decision was challenged by representatives of the local NGO and was overruled.</p> <p>194. GRETA notes with concern reports according to which foreign nationals presumed to be victims of THB were detained for the violation of immigration laws (see paragraph 159). Article 14(5) of the Anti-Trafficking Law prohibits the holding in temporary detention facilities run by the State Migration Service of persons who request to be identified as victims of THB, except for cases envisaged by law (which include detention during criminal proceedings as a preventive measure, pursuant to the CPC) or expelling them from Ukraine prior to the final decision concerning their application. GRETA is concerned that this might result in the detention of possible victims of trafficking for migration-related offences which were the consequence of them being trafficked.</p>	<p>apply to law enforcement agencies.</p> <p>In accordance with Article 13 of the Council of Europe Convention on Actions Against Trafficking in Human Beings, each Party foresees in its national legislation period of at least 30 days for rehabilitation consideration, if there are reasonable grounds to believe that the person concerned is a victim. The parties are not obliged to adhere to this period if this is contrary to the principles of public order or if it is established that the victim status is unreasonably required.</p> <p>Due to the fact that in this case there were not enough grounds to consider the detained foreigners as victims of trafficking in human beings and all of them were on the territory of Ukraine illegally without the grounds for further legalization in our state, according to the decision of the Main Department of the State Migration Service in the Odessa region, foreigners were placed in the Chernigiv Migrants Detention Center, basing on the court's decision which has satisfied the petition for their forced return.</p> <p>It should be noted that Article 14 of the Law of Ukraine "On counteraction to trafficking in human beings" prohibits the detention of a person who applied for the status of a person who has suffered from trafficking in human beings, in Detention Centres as well as their forced return from Ukraine until establishing status of a person who have suffered from trafficking.</p> <p>In this case, foreigners did not apply for the status of a person who suffered from trafficking in human beings and were placed in the Migrants Detention Center for violation of the migration law of Ukraine.</p> <p>In addition, the State Migration Service is not responsible for establishing the status of persons who have suffered from trafficking in human beings among foreigners. The Ministry of Social Policy of Ukraine decides to establish the status of a person who has suffered from trafficking in human beings at the request of the local state administration.</p>
<p>163. No amendments have been made to the legislation regarding residence permits for victims of THB in Ukraine. As noted in the first evaluation report, Article 16(2) of the Anti-Trafficking Law entitles a foreigner or a stateless person formally identified as a victim of THB to a temporary stay in Ukraine of up to three months, a period which can be extended</p>	<p>Ukraine drafted a law "On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Anti-Trafficking and Protection of Victims", which is now under consideration in the Verkhovna Rada of Ukraine. According to the Draft Law, amendments will be made to certain legislative acts, including the Law "On the Legal Status of Foreigners and Stateless Persons".</p>

for the purpose of his/her participation in criminal proceedings. The certificate of application for victim status issued by the Ministry of Social Policy allows the person to be registered at the place of his/her stay by the State Migration Service. Further, Article 16(4) of the Anti-Trafficking Law stipulates that if there are reasonable grounds to believe that the life, physical or mental health, freedom or integrity of a foreign national or a stateless person identified as a victim of THB will be threatened in case of return to his/her country of origin after the expiry of the residence permit, the status of victim of THB may be extended to allow that person to remain in Ukraine.

222. In addition to the bilateral agreements relevant to combating THB already mentioned in GRETA's first evaluation report,⁵² Ukraine has concluded treaties on mutual legal assistance co-operation in criminal matters with Brazil, the United Arab Emirates, Senegal, Malaysia, Sri Lanka and Thailand.

223. As already mentioned in the first report, Ukraine is Party to a number of Council of Europe conventions in the criminal field which are relevant to action against THB. ⁵³ Ukraine is also Party to international and regional agreements concluded within the Commonwealth of Independent States Interpol and Europol." GRETA was informed that an agreement on co-operation between Ukraine and Eurojust entered into force in September

It is proposed to add Argentina to the list of states with which bilateral treaties are concluded, since the relevant treaties between Argentina and Ukraine were concluded in August 2018.

In previous years (since 1991) the treaties on mutual legal assistance co-operation in criminal matters were also concluded with China, Poland, Lithuania, Moldova, Estonia, Georgia, Latvia, Mongolia, Canada, USA, Vietnam, India, Hong Kong Special Administrative Region of the People's Republic of China, Panama, Iran, Egypt, Libya, Syria.

It also should be noted that Ukraine is a Party to a number of UN Conventions, namely the UN Convention against Transnational

Organized Crime and the Protocols Thereto:

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the

Smuggling of Migrants by Land, Sea and Air.

The National school of judges	
44.	The training course for judges entitled "Practical aspects of court consideration of criminal proceedings in trafficking cases" has been already developed. There were conducted three meetings of the working group members. The piloting (approbation) of the training course will be held in November. The target audience for the approbation is judges of general local courts.
The State Employment Service of Ukraine	
66 clause	<p>The State Employment Service of Ukraine holds informational and consultative measures on combating human trafficking and legal employment. These include seminars "Preventing Illegal Labour Migration, Human Trafficking, Exploitation of Child Labour", "Legal Employment," etc. The seminars involved experts of the State Labour Service, social partners, representatives of public organisations.</p> <p>The workshops considered the following issues: the legislative framework for the employment of foreigners and stateless persons in Ukraine; the basis of the legislation on employment abroad; legal protection of Ukrainian nationals abroad (organizations and institutions that support Ukrainian citizens abroad), the advantages of legal employment; consequences of illegal labour migration (fraud in employment, economic exploitation, human trafficking); services of State Employment Service to promote the employment of foreigners; prevention of the exploitation of child labour, etc. Seminar participants are different categories of unemployed citizens, including young people.</p>
87 clause	<p>In order to promote employment of citizens for whom there are no vacancies in the labour market, the system of orientation of the unemployed for entrepreneurship and self-employment created by state employment service , which includes provision of information and consulting services in the field of entrepreneurship, with the participation of representatives of territorial bodies of state power. Over the first six months of 2018, more than 21.5 thousand individual and group free consultations were provided on the organization and conduct of entrepreneurial activities.</p> <p>In the employment centres systematically holds informational and consultative seminars on business orientation. Persons who have expressed a desire to organize their own business have the opportunity to take part in thematic seminars "How to start your business?". The purpose of these activities is to create a positive motivation to change their own professional life, to create a general idea of business and its benefits, to receive assistance in developing a business plan, taking into account the specifics of the region's development.</p> <p>During 2017, the employment centres conducted about 7.9</p>

thousand activities on orientation at entrepreneurial "How to start your business?" Involving 88.6 thousand people. In January-August 2018 more than 5 thousand such seminars were held with the participation of 57.4 thousand people. Participants in these events involved people from the IDP.

To increase the effectiveness of the workshops, representatives of state and non-governmental organizations are invited to participate in the workshops. Also, specialists of the employment service provide individual vocational guidance to the population, including psychodiagnostic testing, to determine the capacity for entrepreneurial activity.

The State Employment Service organizes vocational training of the unemployed, including the IDP, of basis for entrepreneurial activity. During 2017, 1,441 registered unemployed received vocational training through advanced training "Organization of entrepreneurship", during the first half of 2018 - 1,043 registered unemployed.

In order to increase the competitiveness of people in the labour market, the State Employment Service issues vouchers to certain categories of citizens, including internally displaced persons of working age in the absence of suitable employment.

During the year 2017, vouchers were received by 767 people, including 11 IDP, with the following professions and specialties: "Cook", "Tractorist", "Computer Engineering", "Power engineering, electrical engineering and electromechanics", "Professional education (by specialization) ", " Construction and Civil Engineering ", " Agronomy", "Nursing ", " Social Work ".

During January-August 2018, vouchers were received by 682 people, including 10 IDP, with the following professions and specialties: "Cook", "Confectioner", "Electric and gas welder", "Management", "Professional education (by specialization)".

The State Employment Service, in accordance with the laws of Ukraine "On compulsory State social insurance in the event of unemployment" and "On the Employment of the Population", takes measures to involve unemployed persons registered in employment centres and, in the absence of suitable work for them, wish to establish entrepreneurial activity.

In 2016, thanks to the provision of such assistance to the unemployed, 3836 people have opened their own business, in 2017 - 1,862 people; during January-August 2018 - 1,276 people.

Further, the issue of supporting entrepreneurial initiatives among the unemployed and involvement of people to open their own businesses by employment centres is carried out thanks to the functioning of business development centres and consulting centres established in all basic employment centres.

Consulting centres operate in almost all regions of Ukraine (Transcarpathian, Ivano-Frankivsk, Kirovohrad, Lviv,

	<p>Kyiv, Kharkiv, Kherson, Cherkasy, etc.).</p> <p>The services provided by the consulting centres are for two categories of clients: the unemployed who plan to do business and start-up entrepreneurs, in particular the former unemployed, who received unemployment assistance once and organized entrepreneurial activities. The services of consulting business support centres are provided free of charge.</p>
89 clause	<p>The State Employment Service carries out systematic work to ensure the guarantees of social protection against unemployment of internally displaced persons.</p> <p>Internally Displaced Persons (IDP), who apply to employment centres, are provided with a full range of social services on social protection against unemployment, in particular by finding suitable employment and promotion in employment, providing information and consulting services related to employment, organization of vocational training or retraining, advanced training, career counselling, promotion of entrepreneurial initiative and self-employment of the population.</p> <p>During January-August 2018 12.2 thousand of such citizens used services of the State Employment Service. Selection of vacancies and job were offered for each IDP. So, with the assistance of the employment service, 3.5 thousand IDP have found work.</p> <p>The activity of the State Employment Service is aimed at the implementation of strategic tasks in the field of preservation and development of Ukraine's labour potential, in particular by promoting entrepreneurial initiative and self-employment of the population. For those who would like to be engaged in entrepreneurship professional information seminars are held on "How to start your own business" and professional consultation seminars - "From business idea to your own business", seminars on green tourism organization - "Effective agriculture management" and others.</p> <p>With the assistance of the State Employment Service from January to August 2018, 62 persons among IDP have organized their own business by receiving one-time unemployment benefits.</p> <p>In addition, current legislation provides mechanism to encourage employers to employ for newly created job places those who have additional guarantees for job placement. During the period January - August 2018, 50 IDP were employed for new jobs with compensation of expenses to the employer in the amount of a single contribution.</p> <p>In order to strengthen the social protection of IDP and increase the employer's interest in the employment of such persons, a new mechanism for the employment of IDP has been introduced in 2015, namely: compensation of labour costs to employers for employment of unemployed persons among IDP, and, if necessary, compensation of expenses for their retraining or certification training. In addition, registered unemployed</p>

	<p>persons among IDP receive transport compensation of costs for moving to another administrative-territorial unit of the place of employment and expenses for passing medical examination, if it is necessary for employment.</p> <p>During the period January - August 2018, 660 IDPs were employed with compensation of labour costs to employers.</p> <p>The State Employment Service provides the opportunity for temporary employment, both for the unemployed and for those who engaged in employment. Thus, one of the effective forms of material support of the unemployed and the preservation of working skills is the organization of public and other type of temporary work. Such socially useful works promote temporary employment of the population, motivate person to work and become means of transition to permanent employment.</p> <p>During the period January-August 2018, 378 unemployed among the IDP were involved to participate in public works.</p>
90 clause	<p>The State Employment Service in accordance with the Law provides social services on the principles of ensuring equal opportunities for all citizens regardless of their origin, social and property status, race or other nationality who are dwelling on the territory of Ukraine, in the realization of their constitutional right to work.</p> <p>For the purpose of social protection and integration of the Roma national minority into the Ukrainian society, the State Employment Service constantly takes measures to inform the public about the situation on the labour market, to organize employment of the population, the possibility to meet the demand for labour and to select suitable work.</p> <p>Information events by the State Employment Service are held in the form of press conferences, round tables, a fair of vacancies in which persons belonging to the Roma national minority have the opportunity to participate. In the case of the application of their representatives to the State Employment Service, targeted outreach consultations are conducted with the use of mobile means of information in places of compact residence of the Roma.</p> <p>The selection of suitable work for citizens who apply to the employment centres is carried out in accordance with their education, profession, qualification, work experience, duration of unemployment, as well as the needs of the labour market.</p> <p>In case of impossibility to find suitable work because of absence of a profession, loss of ability to perform work on a previous occupation or absence of work corresponding to his professional skills, the state employment office offers professional training or retraining.</p> <p>The active programs implemented by the State Employment Service provide creation of conditions for self-employment of the unemployed and support of entrepreneurial initiative. To</p>

	<p>organize their own business financial support is provided in the amount of one-time unemployment benefit.</p> <p>In order to provide additional social support and provide temporary employment, job seekers are involved in paid social or other temporary type of work.</p> <p>In case persons belonging to the Roma national minority address to any employment centre on the territory of Ukraine, they will be assisted in solving problems of social protection, employment promotion taking into account the abilities, professional experience and labour market needs.</p> <p>In addition, the information on provided services to the population and employers is systematically updated on the official Internet sites of the State Employment Service (Central Office) and regional employment centres.</p> <p>Due to the fact that submission of data on national or ethnic affiliation to the employment centre is not required by legislation, thus information on the number of unemployed people, the involvement in active employment programs and employment in terms of their nationality or ethnic belonging is not formed by the State Employment Service.</p>
<p>State Migration Service</p>	
<p>123. The State Migration Service, responsible for implementing the state policy on migration, citizenship, registration of refugees and asylum seekers and combating irregular migration, has the responsibility for detection and identification of victims of trafficking amongst aliens. State Migration Service representatives referred to difficulties to identify victims of THB among irregular migrants as there are no criteria or clear indicators that they could apply. NGO representatives consider that limited access to interpretation may be another reason for ineffective identification of victims of THB among irregular migrants in Ukraine. This situation is aggravated by the absence in law of the recovery and reflection period (see paragraph 157) which would provide a safeguard against their removal from Ukraine.</p>	<p>The State Migration Service is a central executive body which activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs and which implements state policy in the spheres of migration (immigration and emigration), including counteraction to illegal (illegal) migration, citizenship, registration of individuals, refugees and other categories of migrants defined by the law.</p> <p>In accordance with the Law of Ukraine "On counteraction to trafficking in human beings", the State Migration Service of Ukraine is one of the actors involved in counteracting trafficking in human beings. In its turn, the Ministry of Social Policy of Ukraine defines the status of persons, who have suffered from trafficking in persons. If a foreigner or a stateless person, who has suffered from trafficking in a particular country and who has applied for the status of a person, who has suffered from trafficking in persons in the territory of Ukraine, the local state administration within two working days from the date of filing the application for the status issued a certificate of appeal a foreigner or stateless person to establish the status of a person who has suffered from trafficking in human beings in the form approved by the decision of the Cabinet of Ministers of Ukraine dated May 23, 2012 No. 417 "On Approval of the Procedure for Establishing the Status of a Person Affected by Trafficking in Human Beings". An official of a local state administration sends a foreigner or stateless person, if necessary, to a territorial body or department of the</p>

	<p>State migration service to conduct a registration procedure on the basis of a certificate of application for establishing the status of a person who has suffered from trafficking in persons. In case of necessity, the support of the specified person is provided.</p> <p>Therefore, the State Migration Service is not responsible for recognizing the status of persons who have suffered from human trafficking among foreigners.</p>
<p>152. GRETA urges the Ukrainian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to:</p> <ul style="list-style-type: none"> - strengthen the capacity of the State Migration Service to detect victims of trafficking among unaccompanied and separated foreign children, including by providing adequate interpretation services; <p>240 However, despite the efforts made, several issues continue to give rise to concern. In this report, GRETA requests the Ukrainian authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in brackets.</p> <p>Issues for immediate action:</p> <ul style="list-style-type: none"> • GRETA urges the Ukrainian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to strengthen the capacity of the State Migration Service to detect victims of trafficking among unaccompanied and separated foreign children, including by providing adequate interpretation services. 	<p>In order to ensure proper translation services during work with foreigners and stateless persons in accordance with the order of the Ministry of Internal Affairs of Ukraine dated March 11, 2013, No. 228 "On approval of the Procedure for conducting by the State Migration Service of Ukraine of the Reference and Information Register of Translators", registered in the Ministry of Justice of Ukraine on May 22, 2013 No. 801/23333, the Reference and Information Register of Translators was created by the State Migration Service.</p> <p>It is placed on the official website of the State Migration Service and contains information on translators that may be involved by government agencies to provide translation services when considering applications and interviewing refugees and other categories of migrants during their detention, providing legal aid to them, considering administrative cases of refugees and forced return of foreigners and stateless persons from Ukraine, conducting of pre-trial investigation and consideration by the courts of criminal proceedings and cases of administrative offenses committed by refugees and other categories of migrants on the territory of Ukraine.</p> <p>According to the Procedure, the State Migration Service carries out the information content and technical support of the Translators' Register, takes measures for the protection and processing of information about translators, and also protects such information from illegal processing, including illegal access to them.</p> <p>Annually, the territorial bodies of the State Migration Service foresee funds for the purchase of translation services and interpretation for the purpose of proper organization of their work with refugees and other categories of migrants.</p>
<p>159 To illustrate the non-application of the recovery and reflection period, NGOs brought to GRETA's attention the case of a workshop for sewing counterfeit clothing where 24 foreign workers were found by the police. Criminal proceedings were initiated</p>	<p>Within the framework of targeted prevention measures to oversee and control the implementation of legislation in the field of migration, with the involvement of law enforcement agencies, employees of the Main Department of the State Migration Service of Ukraine in Odesa region stopped the activities of the manufactory on sewing of clothing with the logos of world-famous brands, which was located in the rented</p>

<p>under Article 149 of the CC (trafficking in human beings). However, the State Migration Service filed an administrative appeal for expulsion of these foreign workers from Ukraine. The district court upheld this appeal and the persons concerned were detained in a migration detention centre. The expulsion decision was challenged by representatives of the local NGO and was overruled.</p> <p>194. GRETA notes with concern reports according to which foreign nationals presumed to be victims of THB were detained for the violation of immigration laws (see paragraph 159). Article 14(5) of the Anti-Trafficking Law prohibits the holding in temporary detention facilities run by the State Migration Service of persons who request to be identified as victims of THB, except for cases envisaged by law (which include detention during criminal proceedings as a preventive measure, pursuant to the CPC) or expelling them from Ukraine prior to the final decision concerning their application. GRETA is concerned that this might result in the detention of possible victims of trafficking for migration-related offences which were the consequence of them being trafficked.</p>	<p>private house near Odessa. Foreigners have been found there who provided handmade production and lived on the so-called "factory".</p> <p>Since the time of their detention those foreigners did not recognize themselves as victims of trafficking in human beings and did not apply to law enforcement agencies.</p> <p>In accordance with Article 13 of the Council of Europe Convention on Actions Against Trafficking in Human Beings, each Party foresees in its national legislation period of at least 30 days for rehabilitation consideration, if there are reasonable grounds to believe that the person concerned is a victim. The parties are not obliged to adhere to this period if this is contrary to the principles of public order or if it is established that the victim status is unreasonably required.</p> <p>Due to the fact that in this case there were not enough grounds to consider the detained foreigners as victims of trafficking in human beings and all of them were on the territory of Ukraine illegally without the grounds for further legalization in our state, according to the decision of the Main Department of the State Migration Service in the Odessa region, foreigners were placed in the Chernigiv Migrants Detention Center, basing on the court's decision which has satisfied the petition for their forced return.</p> <p>It should be noted that Article 14 of the Law of Ukraine "On counteraction to trafficking in human beings" prohibits the detention of a person who applied for the status of a person who has suffered from trafficking in human beings, in Detention Centres as well as their forced return from Ukraine until establishing status of a person who have suffered from trafficking.</p> <p>In this case, foreigners did not apply for the status of a person who suffered from trafficking in human beings and were placed in the Migrants Detention Center for violation of the migration law of Ukraine.</p> <p>In addition, the State Migration Service is not responsible for establishing the status of persons who have suffered from trafficking in human beings among foreigners. The Ministry of Social Policy of Ukraine decides to establish the status of a person who has suffered from trafficking in human beings at the request of the local state administration.</p>
<p>163. No amendments have been made to the legislation regarding residence permits for victims of THB in Ukraine. As noted in the first evaluation report, Article 16(2) of the Anti-Trafficking Law entitles a foreigner or a stateless person formally identified as a victim of THB</p>	<p>Ukraine drafted a law "On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Anti-Trafficking and Protection of Victims", which is now under consideration in the Verkhovna Rada of Ukraine. According to the Draft Law, amendments will be made to certain legislative acts, including the Law "On the Legal Status of Foreigners and Stateless Persons".</p>

to a temporary stay in Ukraine of up to three months, a period which can be extended for the purpose of his/her participation in criminal proceedings. The certificate of application for victim status issued by the Ministry of Social Policy allows the person to be registered at the place of his/her stay by the State Migration Service. Further, Article 16(4) of the Anti-Trafficking Law stipulates that if there are reasonable grounds to believe that the life, physical or mental health, freedom or integrity of a foreign national or a stateless person identified as a victim of THB will be threatened in case of return to his/her country of origin after the expiry of the residence permit, the status of victim of THB may be extended to allow that person to remain in Ukraine.

Comments on the GRETA Report

Text of the Report	Comments
<p>180-185 Since the first evaluation of GRETA, no amendments have been made to article 149 of the Criminal Code of Ukraine</p>	<p>On September 6, 2018, the Verkhovna Rada adopted the Law on Amendments to article 149 of the Criminal Code of Ukraine about in compliance with international standards ".</p> <p>1. Article 149 of the Criminal Code of Ukraine (Bulletin of the Verkhovna Rada of Ukraine, 2001, No. 25-26, article 131) should be worded as follows:</p> <p>«Article 149. Trafficking in human beings</p> <p>1. Trafficking in human beings, as well as recruitment, transfer, harboring, transfer or receipt of a person committed for the purpose of exploitation, using coercion, theft, deception, blackmail, material or other dependence of the victim, his vulnerable state or the bribery of a third person who controls the victim, in order to receive consent on exploitation , -</p> <p style="padding-left: 40px;">shall be punishable by imprisonment for a term of three to eight years.</p> <p>2. Actions, stipulated by part one of this article committed against a minor or several persons or repeatedly or by a previous conspiracy by a group of persons or by official using the official position, or combined with violence dangerous to the victim's or his family's life or health, or with the threat of such violence, -</p> <p style="padding-left: 40px;">shall be punishable by imprisonment for a term of five to twelve years, with or without the confiscation of property.</p> <p>3. The actions stipulated by part one or two of this article which committed with regard the child , by his father, mother, adopter, guardian or trustee, or committed by an organized group, or combined with violence that is dangerous to the life or health of the victim or his relatives, or with the threat of the use of such violence, or if they caused grave consequences, -</p> <p style="padding-left: 40px;">shall be punishable by imprisonment for a term of eight to fifteen years, with or without the confiscation of property.</p> <p>Note.</p> <p>1. Under human exploitation in this article should be understood all forms of sexual exploitation,</p>

	<p>use in porno business, forced labor , slavery or similar to slavery, forced engagement in debt, organ removal , conducting experiments on a person without her consent , adoption for the purpose of profit, forced pregnancy or forced abortion, forced marriage, involuntary involvement in begging, involvement in criminal activity, use in armed conflicts, etc</p> <p>2. Articles 149 and 303 of this Code under the vulnerable state of the person should be understood conditioned by physical or mental properties or external circumstances of a person, which deprives or limits its ability to realize their actions (inaction) or to manage them, to make independent decisions on their own, resist violent or other illegal actions coincidence of serious personal, family or other circumstances.</p> <p>3. Responsibility for recruiting, hiding, the transfer or receipt of a juvenile or minor under this article occurs regardless of whether committed such coercion, theft, deception, blackmail or vulnerability of these individuals, or the use or threat of violence, the use of official status, or a person from whom the victim was materially or otherwise dependent, or a bribe of a third person, which controls the victim to obtain her consent to the exploitation of a person. "</p> <p>2. This Law shall come into force on the day after its publication.</p>
<p>197 In its evaluation report, GRETA urged the Ukrainian authorities to develop the training and specialisation of investigators, with a view to ensuring that human trafficking offences are effectively investigated</p>	<p>In the head offices of the National Police in Kyiv, the regions, the Autonomous Republic of Crimea and Sevastopol for investigating crimes,related to trafficking in human beings, were assigned 135 practical investigators.</p> <p>During April-June 2018 with the support of the IOM Mission in Ukraine was held the distance learning course "Countering Human Trafficking: An Interactive Training Course for law enforcement officers of Ukraine ", including for investigators of the National Police of Ukraine, assigned for the investigation of crimes specified category.</p>
<p>214 The measures envisaged by the CPC to ensure the safety of persons participating in criminal proceedings</p>	<p>During 2017 investigators in criminal proceedings on trafficking in human beings were used safety measures with regard to 6 victims (2 in 2016) in the form of change of personal data (4), personal protection (1), change of place of residence (1) (Investigation office of Main Police Departmentin</p>

city Vinnitsa, Donetsk, Kherson and Khmelnytsky regions).

In addition, during the specified period the investigators applied the security measures in relation to 4 witnesses in criminal proceedings (except 2016) in the form of a change in questionnaires (Investigation office of Main Police Department in city Kyiv, Sumy and Khmelnytsky regions).

However, in accordance with clause 5 of part 1 of article 56 of the CPC Ukraine, the victim, if there are appropriate grounds, has the right to ensure the safety of himself, close relatives or members of his family, property and housing.

In addition, during the pre-trial investigation investigative and procedural actions are carried out in the video conferencing mode (article 232 of the CPC of Ukraine).