

EVALUATION REPORT

UKRAINE

Third evaluation round

Access to justice and effective remedies for victims of trafficking in human beings

GRETA
Group of Experts
on Action against
Trafficking
in Human Beings

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Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established 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.

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 of the Convention on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' access to justice and effective remedies, which is essential for victims' rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim's stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA's findings and analysis of these topics are presented in a separate chapter.

Executive summary

The report covers the period 2018-2024, marked by the full-scale invasion of Ukraine by the Russian Federation which provoked a massive displacement of people, the relocation or closure of enterprises, social and medical institutions, resulting in a heavy burden on social services and the loss of established family connections, all of which increased the vulnerabilities and risks of trafficking in human beings (THB). New fraudulent schemes and exploitative practices have been used by traffickers for whom the difficult situation is a breeding ground. Another risk factor is the evacuation of children in institutional facilities and the deportation of children from temporary occupied territories to the Russian Federation.

Ukraine remains primarily a country of origin of victims of trafficking in human beings (THB) who are exploited both abroad and within the country. The number of persons who were given the status of victims of THB in 2018-2024 was 925. The majority of the formally identified victims were men (57%). The main form of exploitation of the identified victims was labour exploitation, followed by sexual exploitation, involvement in criminal activities and exploitation in armed conflict. All but three of the identified victims were Ukrainian nationals. The majority of the victims were trafficked within Ukraine. The main foreign country of exploitation of those trafficked abroad was the Russian Federation.

During the period under evaluation, Ukraine has continued to develop the legislative framework relevant to action against trafficking in human beings (THB). Amendments were made to the offence of trafficking in human beings in the Criminal Code and the Law on Free Legal Assistance. Further, a new State Targeted Social Programme for Combating Trafficking in Human Beings for the period 2023-2025 was adopted in June 2023, supported by increased funding.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

GRETA welcomes the issuing of a specific leaflet which information on the rights of victims of THB and considers that the Ukrainian authorities should make it available in a range of foreign languages, as well as taking further steps to ensure that presumed victims of human trafficking are given information in a proactive manner.

Despite the existing provisions for victims' access to legal assistance and free legal, in practice, many victims of THB are not assisted by lawyers during legal proceedings or depend on lawyers provided by NGOs. GRETA considers that the authorities should take steps to guarantee effective access to legal assistance and free legal aid for victims of trafficking, by ensuring that trafficking victims are systematically appointed a lawyer who has training/specialisation on THB cases to represent them in legal proceedings.

Noting that a very limited number of victims of trafficking are awarded compensation from the perpetrators, GRETA once again urges the Ukrainian authorities to set up a state compensation scheme accessible to victims of THB, regardless of their citizenship and residence status. GRETA also ask the authorities to build the capacity of legal practitioners to support victims to claim compensation and to include compensation into existing training programmes for law enforcement officials, prosecutors, the judiciary and staff of victim support services.

A specialised department to deal with THB was created at the Prosecutor General's Office in June 2023, comprising five prosecutors. Further, regional prosecutor's offices have assigned specific prosecutors to specialise in this area. In order to improve the detection and investigation of crimes related to THB, as well as co-operation between different agencies, the Prosecutor General's Office has established an Interdepartmental Working Group. However, the available data indicates a decrease in the detection of THB offences, the number of investigations, indictments and convictions. Further, a significant number of the penalties upon conviction for THB were suspended. GRETA considers that the Ukrainian authorities should ensure that human trafficking offences for different forms of exploitation are proactively and

promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not by a victim, and lead to effective, proportionate and dissuasive sanctions for those convicted.

Further, in order to ensure effective implementation of the non-punishment principle to offences that THB victims were compelled to commit, GRETA calls on the authorities to adopt a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities and to provide guidance to relevant professionals on its application.

GRETA is concerned that, in practice, victims of trafficking are rarely being granted protection measures in the framework of criminal proceedings, and considers that the authorities should take additional measures to protect them from intimidation and retaliation during the investigation and during and after the court proceedings. Moreover, GRETA expresses concern about the procedures for interviewing child victims and urges the authorities to adopt legislation on child-friendly justice, ensure that interviews with child victims and witnesses are recorded and used in court, and avoid the cross-examination (direct confrontation) with the accused.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. The first one concerns the prevention of THB for the purpose of labour exploitation, which is the predominant form of exploitation in Ukraine and of Ukrainian citizens abroad. While acknowledging the enormous challenges posed by the war, GRETA is concerned that the current limitations on the mandate of labour inspectors does not enable them to effectively participate in the fight against human trafficking. Further, the lack of licencing and supervision of recruitment agencies for employment abroad raises concerns about the risks of abuse. GRETA urges the Ukrainian authorities to take additional measures to effectively prevent, detect and combat trafficking for the purpose of labour exploitation, in particular by reviewing the mandate of labour inspectors and reinforcing their human resources, including labour inspectors among the actors responsible for the implementation of the National Mechanism for Interaction of Agents for Combating Trafficking in Human Beings (NMI), and reintroducing licensing of recruitment agencies for employment abroad and monitoring of their work.

In the period 2018-2024, the number of children who were granted the status of victims of THB was low (a total of 72, i.e. 8% of all victims). GRETA urges the Ukrainian authorities to improve the identification of, and assistance to, child victims of trafficking, by training a larger range of professionals who may come into contact with children in the use of trafficking indicators, and further developing the training and resources of law enforcement officers and public prosecutors on the identification of child victims of trafficking, including child victims of trafficking recruited and/or exploited online.

The report notes that the identification of victims has become particularly challenging in the context of the war. The procedure for granting victim status remains administratively complex, victims are unaware of where to apply, and the information is hard to find. GRETA considers that the authorities should 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. Further, the procedures for granting the status of victim of THB should be revised in order to make it possible for the local authorities to take decisions of victim status and ensure that the procedures are less bureaucratic. GRETA also asked the authorities to adopt, without 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.

Victims of THB can be accommodated in 18 centres of social-psychological assistance. Providing appropriate accommodation has become challenging after the full-scale invasion of Ukraine as these centres have become overcrowded and staff have left. In April 2024, the Minister of Health issued methodological recommendations for the provision of medical services and assistance to victims of THB. While welcoming the issuing of these recommendations, GRETA calls on the authorities to ensure that all presumed and identified victims of trafficking receive adequate assistance and support, and to take further steps to facilitate the reintegration of victims into society and guarantee their access to healthcare.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") entered into force for Ukraine on 1 March 2011. GRETA's first evaluation report on Ukraine was published on 19 September 2014,[1] and the second evaluation report was adopted on 13 July 2018 and published on 22 November 2018.[2]

2. On the basis of GRETA's second report, on 9 November 2018 the Committee of the Parties to the Convention adopted a recommendation to the Ukrainian authorities,[3] requesting them to inform the Committee of measures taken to comply with the recommendation within a one-year period. The report of the Ukrainian authorities was submitted on 20 May 2020 and was considered at the 26th meeting of the Committee of the Parties (12 June 2020).[4]

3. On 29 September 2021, GRETA launched the third 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 28 January 2022. The Ukrainian authorities did not provide a reply by the requested deadline. The full-scale invasion of Ukraine by the Russian Federation on 24 February 2022 created enormous challenges for the Ukrainian authorities and important staff turnover in the Ministry of Social Policy, which was responsible for preparing the reply to GRETA's questionnaire, delaying its submission until 28 April 2023.

4. The organisation of GRETA's third evaluation visit to Ukraine, originally scheduled for the autumn of 2022, was also postponed due to the ongoing war in Ukraine and the related security risks and logistical difficulties. The visit finally took place from 21 to 23 May 2024 and enabled GRETA 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 Sergey Ghazinyan, Second Vice-President of GRETA;
- Ms Tatiana Catana, member of GRETA;
- Ms Petya Nestorova, Executive Secretary of the Convention.

5. During the visit, the GRETA delegation held consultations with Ms Uliana Tokarieva, Deputy Minister of Social Policy, responsible for the co-ordination of national anti-trafficking action, as well as representatives of the Ministry of Social Policy, the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Education and Science, the Ministry of Health, the Ministry of Economy, the Prosecutor General's Office, the National Police (Migration Police Department, Cyber Police Department and Main Investigative Department), the National Social Service, the State Service on Labour Issues, the State Employment Service, the State Border Service, the State Migration Service, the State Bureau of Investigation, and the Security Service of Ukraine. The GRETA delegation also met representatives of the National School of Judges, the National Agency on Civil Service, and the Training Centre for Prosecutors. A meeting was also held with Ms Kateryna Levchenko, Government Commissioner for Gender Policy. Further, the GRETA delegation met representatives of the Office of the Commissioner for Human Rights of the Verkhovna Rada (Parliament) of Ukraine.

6. In addition to holding meetings in Kyiv, the GRETA delegation travelled to 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 the Co-ordinating Council on Family Policy at the Lviv Regional Military Administration which involved representatives of agencies dealing with combating human trafficking and identifying and assisting victims of trafficking.

[1] http://rm.coe.int/168063caba
[2] https://rm.coe.int/greta-2018-20-fgr-ukr-en/16808f0b82
[3] https://rm.coe.int/cp-2018-28-ukr-en/16808edcec
[4] https://rm.coe.int/cp-2020-07-ukraine/16809eb4f6

7. Separate meetings were held with representatives of non-governmental organisations (NGOs) and lawyers representing victims of trafficking. The GRETA delegation also met officials of the International Organization for Migration (IOM), the Organization for Security and Co-operation in Europe (OSCE), the United Nations High Commissioner for Refugees (UNHCR), and United Nations Office on Drugs and Crime (UNODC), the United National Development Programme (UNDP) and UN Women.

8. In the course of the visit, the GRETA delegation visited the Medical Rehabilitation Centre for Victims of Trafficking in Human Beings run by the IOM in Kyiv and the Department of Social and Psychological Assistance of the Lviv Regional Centre of Social Services. The GRETA delegation also observed the conduct of a simulation-based training on human trafficking for professionals from Kharkiv, Luhansk and Poltava regions.

9. GRETA is grateful to the Ukrainian authorities for enabling the organisation of the visit in the context of an ongoing war. The visit was of a shorter duration than usual, due to the complicated travel arrangements and security concerns, and was limited to Kyiv and Lviv. Nevertheless, it was important for GRETA to collect information on the ground and document the efforts that Ukraine is making to continue combating human trafficking despite the immense challenges created by the war.

10. While the report follows the same methodology as reports on other State Parties drawn up under the third evaluation round of the Convention, GRETA is well aware of the difficulties and limitations imposed by the ongoing war and has taken them into account in its assessment. GRETA trusts that its report will provide impetus for the Council of Europe to further support Ukraine in increasing its capacity to prevent and combat human trafficking and related violations of human rights.

11. GRETA wishes to put on record the very good co-operation provided before and during the evaluation visit, in particular by Ms Uliana Tokarieva, Deputy Minister of Social Policy, and Ms Nataliia Bohdanova, State Expert at the Ministry of Social Policy. GRETA is also grateful to all the officials at national and local level and representatives of civil society organisations and international organisations who attended the meetings and provided valuable information. The list of national authorities, international organisations, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report.

12. The draft version of the present report was approved by GRETA at its 52nd meeting (14-18 November 2024) and was submitted to the Ukrainian authorities for comments. The authorities' comments were received on 5 March 2025 and were taken into account by GRETA when adopting the final report at its 53rd meeting (24-28 March 2025). The report covers the situation up to 28 March 2025; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 2.

II. Overview of the current situation and trends in the area of trafficking in human beings in Ukraine

13. Ukraine remains primarily a country of origin of victims of trafficking in human beings (THB) who are exploited both abroad and within the country. The armed aggression of the Russian Federation against Ukraine, which began in 2014, and the full-scale invasion on 24 February 2022, have considerably increased the risks of THB and led to an increase in the number of THB-related crimes. More than 6 million people have gone abroad since the beginning of the full-scale invasion and there are also over 6 million internally displaced persons (IDPs). Over 3 million Ukrainians lost their jobs and the level of unemployment was 19% in 2023 (25% in 2022). The massive displacement of people from the temporarily occupied territories and territories where hostilities are ongoing, the difficult economic and humanitarian situation in the country, the relocation or closure of enterprises, social and medical institutions, the heavy burden on social services and the loss of established family connections have increased the vulnerabilities and risks of THB and exploitation. The difficult financial situation of IDPs, the lack of work and housing, and the constant increase in rental prices force them to resort to risky strategies for finding sources of income. More than three years after the start of the war, some displaced persons are either returning to Ukraine or continue to move between Ukraine and other countries. Even as time passes and circumstances change, the vulnerabilities that make them targets for human traffickers remain. New fraudulent schemes and exploitative practices have been used by traffickers for whom the difficult situation is a breeding ground.[5] Another risk factor is the evacuation of children in institutional facilities and the deportation of children from temporary occupied territories to the Russian Federation. Children of Ukraine, many of whom are separated from their family and social environment, are particularly vulnerable to human trafficking for different exploitative purposes, including forced criminality and illegal adoption.[6]

14. In the period 2018-2024, the number of persons who were given the status of victims of THB by the Ministry of Social Policy (until 2020) and the National Social Service (since 2021) was: 221 in 2018 (99 women, 98 men, 11 girls and 12 boys), 185 in 2019 (53 women, 119 men, 10 girls and 3 boys), 136 in 2020 (34 women, 100 men, 2 children), 36 in 2021 (9 women, 24 men, 2 girls and 1 boy), 47 in 2022 (19 women, 25 men, 2 girls and 1 boy), 118 in 2023 (47 women, 53 men, 9 girls and 9 boys), and 182 in 2024 (67 women, 105 men, 5 girls and 5 boys).[7] The majority of the victims were subjected to labour exploitation, followed by sexual exploitation, involvement in criminal activities and exploitation in armed conflict. Cases of forced involvement of civilians in the construction of fortifications and other forced labour in the occupied territories have been documented. The proportion of victims of internal and transnational THB has varied over the years (e.g. in 2020, there were 117 victims of internal and 19 of transnational THB; in 2023, 57 of internal and 39 of transnational THB). As regards the origin of the identified victims, all but three were Ukrainian nationals (there was one foreign national in 2019 and two citizens of Belarus in 2020). The main foreign country of exploitation was the Russian Federation (37 victims in 2023, 12 victims in 2024). In 2023, there were also one victim exploited in Poland and one in Italy, and in 2024, there were 5 victims exploited in France, 4 in Germany, 3 in Poland, 2 in Turkey and 2 in Romania.

15. A separate set of statistics is collected by the Prosecutor General's Office (in the Unified Register of Pre-trial Investigations), according to which the number of persons who were granted the status of victims in criminal proceedings for THB was: 254 in 2018, 272 in 2019, 152 in 2020, 163 in 2021, 66 in 2022, 91 in 2023, and 55 in 2024 (9 men, 30 women, 16 children). In 2021, there were 6 victims of THB for the purpose of exploitative surrogacy.

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5 All-Ukrainian Counter-trafficking NGO Coalition, *Monitoring bulletin on THB in Ukraine in the context of the full-scale invasion by the Russian Federation*, 2023.

6 Council of Europe, *Special Hearing Report on Understanding the Risks of Trafficking of Children of Ukraine, Including for the Purposes of Sexual and Labour Exploitation*, October 2024.

7 Detailed statistics on the number of persons granted the status of victims of human trafficking by the National Social Service of Ukraine are available at: Кількість осіб, яким Нацсоцслужбою встановлено статус особи, яка постраждала від торгівлі людьми | Національна соціальна сервісна служба України

16. The IOM Office in Kyiv continues to operate the reintegration and assistance programme for victims of THB, initiated in 2000. According to IOM statistics, which are collected through partner NGOs, the number of presumed victims of THB identified and assisted through this programme was much higher than the above-mentioned official numbers: 1,192 in 2018, 1,345 in 2019, 1,680 in 2020 and 1,010 in 2021, 361 in 2022, 374 in 2023, and 117 in January-March 2024. Over 90% of the victims were subjected to labour exploitation, and the majority of the victims were men (approximately two-thirds). The main countries where the exploitation took place were the Russian Federation, Poland, Ukraine and Türkiye. Only 5 foreign victims have been assisted since 2020.

17. The All-Ukrainian Counter-trafficking NGO Coalition, which was founded in 2011 and has 22 member organisations, has published a monitoring bulletin on THB in Ukraine in the context of the full-scale invasion by the Russian Federation, according to which 485 presumed victims of THB applied for assistance to members of the NGO Coalition in 2022-2023.[8] Of them, 187 got into a situation of THB since the full-scale invasion by Russia. 87% of the presumed victims were women. The ban on men aged 18 to 60 years to travel abroad probably accounts for their lower number, compared to previous years, among victims of exploitation as a result of labour migration; at the same time, within Ukraine, due to the extension of the terms of general mobilisation, some men tend to consider only the possibilities of non-official employment, which does not require a certificate of military registration, and results in labour exploitation. The NGO Coalition noted a large number of situations that created high risks of THB among children, however, only 6 presumed child victims were identified, and only 3 cases were directly related to the full-scale invasion (one of them was a boarding school pupil evacuated to Austria who was allegedly subjected to labour exploitation). 63% of the presumed victims (85) were exploited in Ukraine, of whom 32 in the temporary occupied territories. Labour exploitation accounted to 81% of the number of victims exploited in Ukraine (98), followed by involvement in armed conflict (23), sexual exploitation (8), involvement in pornography (7), forced begging (2) and forced criminal activities (1). The presumed victims from the temporary occupied territories were exploited for the purpose of construction of fortifications, disposal of corpses, transport maintenance, provision of medical services or domestic work for personnel of the occupation army. From the 70 victims who were exploited abroad, 44 (63%) were exploited in Poland. The decrease in the number of reported cases of THB abroad may be linked to the assistance provided to Ukrainian refugees in host countries.

18. GRETA notes that the official data on persons granted the status of victims of THB does not reflect the full picture, which is also demonstrated by the higher number of presumed victims assisted by NGOs and IOM. This is partially due to the fact that the procedure for granting victim status remains administratively complex (see paragraph 199). In some regions, no victims of THB have been granted official status. Further, some victims are not ready to share their cases with the authorities since they can also be prosecuted, for example if their alleged exploitation took place in the temporarily occupied territories and territories where hostilities are ongoing. While the absence of identified foreign victims of THB since the full-scale invasion by Russia could be explained by the closure of the borders, the very low number of foreign nationals amongst persons granted the status of victims of THB prior to the war raises concerns about gaps in the identification of foreign victims.

[8] All-Ukrainian Counter-trafficking NGO Coalition, *Monitoring bulletin on THB in Ukraine in the context of the full-scale invasion by the Russian Federation*, 2023.

III. Developments in the legal, institutional and strategic framework for action against trafficking in human beings

19. The legislative framework relevant to combating THB in Ukraine has undergone a number of changes since the second evaluation by GRETA. In October 2018, the Law “On Amending Article 149 of the Criminal Code of Ukraine as Regards Aligning it with International Standards” introduced changes to the list of forms of exploitation related to THB by adding forced termination of pregnancy, forced marriage and forced begging, as well as to the means for committing THB and the aggravating circumstances (see also paragraph 91).

20. On 30 August 2022, the Verkhovna Rada (Parliament) of Ukraine adopted in the first reading the Draft Law (Reg. No. 7473-d of 09.08.2022) "On Amendments to Certain Legislative Acts on Simplifying Access to Free Legal Assistance", which provides for the right of victims of human trafficking to free secondary legal assistance on issues related to the protection of their rights under the Law on Combating Trafficking in Human Beings. In August 2023, amendments to the Law on Free Legal Assistance entered into force, pursuant to which victims of THB have been included in the list of subjects entitled to free secondary legal assistance.

21. The Ministry of Social Policy has prepared draft amendments to the 2011 Law on Combating Trafficking in Human Beings which would enable local self-government bodies to grant the status of victim of THB, as well as give the right to Ukrainian citizens who became victims of THB abroad to apply for the status of victims to the National Social Service, Ukrainian diplomatic missions abroad or police forces in the foreign country where they reside. The draft amendments also aim to bring the Law on Combating THB in compliance with other legislation related to social services, free legal assistance, etc., as well as clarify the division of powers of the Ministry of Social Policy, the National Social Service and the local authorities in the field of combating THB. At the time of the adoption of this report, the draft law was being processed by the relevant central executive authorities.

22. The Ukrainian authorities also indicated that the Verkhovna Rada was considering a draft law intended to amend Article 149 of the CC by including as a form of exploitation “the commission of another illegal transaction the object of which is a person”, as well as strengthening the criminal liability for THB (by increasing the minimum term of imprisonment from five to six years, and adding THB to the list of offences for which the court cannot impose a lesser sentence than what is provided for in Article 149), and establishing criminal liability of legal persons. On 3 September 2024, by resolution of the Verkhovna Rada of Ukraine No. 3939-IX, the draft Law “On Amendments to the Criminal Code of Ukraine regarding the strengthening of criminal liability for human trafficking” was included in the agenda of the 12th session of the Verkhovna Rada of the ninth convocation, which ended on 4 February 2025. The draft law is currently on the agenda of the 13th session of the Verkhovna Rada. GRETA would like to be kept informed of the adoption of the draft law.

23. Further, Cabinet of Ministers Resolution No. 121 of 16 February 2022 defined the features of working with victims of THB in social and psychological assistance centres, including providing them with shelter and medical care. Moreover, in April 2024, the Minister of Health issued methodological recommendations for the provision of medical services and assistance to victims of THB (see paragraph 209).

24. As regards the institutional framework for action against THB, the Ministry of Social Policy continues to act as the national co-ordinator in the field of combating THB, in accordance with Resolution of the Cabinet of Ministers No. 29 of 18 January 2012 and the Decree of the President of Ukraine No. 306/2020 of 5 August 2020. The Ministry of Social Policy co-ordinates the work of the central and local authorities in combating THB, develops draft regulations in this area, prepares a draft State Programme for Combating Trafficking in Human Beings, draws up annual reports, conducts information campaigns, participates in the training of specialists, provides one-time financial assistance to victims, and is responsible for co-operation with international organisations in this area. GRETA was informed that there was a shortage of

staff in the Ministry of Social Policy, in particular since the full-scale invasion by Russia. GRETA considers that the Ukrainian authorities should, to the extent possible, reinforce the national co-ordination of anti-trafficking action and ensure that the human resources of the Ministry of Social Policy for this purpose are sufficient and stable.

25. The National Social Service, which started functioning in December 2020, is a central executive body co-ordinated by the Minister of Social Policy and responsible for implementing the state policy in the field of social protection and protection of children's rights, including combating THB, establishing the status of a victim of trafficking in human beings, training specialists and conducting information campaigns. The Ministry of Education and Science, the Ministry of Health, the State Border Guard Service, the State Migration Service, the State Labour Service, and the State Employment Centre are also involved in the implementation of the National Mechanism for Interaction of Agents for Combating Human Trafficking (NMI) for the identification and assistance of victims of THB (see paragraph 196).

26. The National Police and other law enforcement agencies are responsible for combating THB and trafficking-related crimes and bringing offenders to justice, while the Prosecutor General's Office is the holder of the Unified Register of Pre-trial Investigations. In December 2021 the Prosecutor General's Office set up an Interdepartmental Working Group on detection, termination and investigation of crimes related to THB (see paragraph 98). Further, in 2023 a specialised department was created at the Prosecutor General's Office to deal with the investigation and prosecution of THB and related offences (see paragraph 131).

27. GRETA was informed that the Interdepartmental Council for Family, Gender Equality, Demographic Growth, Prevention of Family Violence and Combating Trafficking in Human Beings, which was set up in 2007 as a consultative body of the Cabinet of Ministers to supervise the implementation of national action plans and strategies in the areas under its competence, including THB, had not held any meetings during the reporting period. At the end of 2023, work started on reactivating the Interdepartmental Council, but in view of the changes in the legislation and the structure of ministries and agencies after the full-scale invasion by Russia, it would be necessary to make a number of changes to its composition and functioning.

28. Issues related to combating THB are considered during meetings of the Commission on Co-ordination of State Organs Working on Ensuring Equality between Women and Men, which is chaired by the Vice-Prime Minister of Ukraine responsible for European and North Atlantic Integration. Further, there is a subgroup on combating THB for the purpose of sexual exploitation within the Interagency working group on combating sexual violence in the context of the full-scale aggression against Ukraine and providing assistance to victims.

29. Ministries and agencies co-operate with NGOs and international organisations in the area of combating THB, in particular the All-Ukrainian Counter-trafficking NGO Coalition, La Strada-Ukraine, the IOM Mission in Ukraine and OSCE. There are also NGOs that are not members of the NGO Coalition, but with which the Government and local authorities actively co-operate, such as Caritas, Save Ukraine, Child Rescue and A21 (which was active in Ukraine until 2023). The Anti-trafficking task force, which is composed of NGOs and international organisations, is co-chaired by La Strada-Ukraine and IOM. There is a practice of inviting the state authorities to its meetings in order to share developments, data and concerns.

30. A new State Targeted Social Programme for Combating Trafficking in Human Beings for 2023-2025 was approved by Cabinet of Ministers Order No. 498-r of 2 June 2023. The expected outcomes of the Programme are improving the legal framework for combating THB; strengthening interaction and co-operation between different actors involved in anti-trafficking activities; increasing the level of professional competence of more than 13,000 civil servants of local state administrations and local government officials in the field of combating THB; reducing the vulnerability of Ukrainian citizens to THB and increasing the number of self-identified victims by reaching out to more than 2 million people through information campaigns; increasing the number of people who have used all types of free assistance and specialised

services; introducing a system for data collection on victims of THB; strengthening border controls to prevent THB; increasing the level of detection and solving crimes related to THB. The estimated amount of funding for the three-year period of the Programme is UAH 10,124,100 (approximately 225,000 euros), including UAH 2,953,100 (approximately 65,618 euros) from the state budget,[9] UAH 5,843,000 (approximately 130,000 euros) from local budgets, and UAH 1,328,000 (approximately 29,500 euros) from other sources (international organisations and NGOs). This funding covers the one-off financial assistance to victims of THB, the organisation of information campaigns, the operation of relevant hotlines and other activities under the Programme.

31. GRETA welcomes the adoption of State Targeted Social Programme for Combating Trafficking in Human Beings for 2023-2025 and the increase in the state funding allocated for its implementation compared to that available for the previous Programme (i.e. around 15,350 euros per year in 2018-2020). At the same time, GRETA was informed by NGOs that there was no Government funding for their activities to enable the detection of victims, assistance and protection. Before the full-scale invasion by Russia, NGOs received funding from local authorities for awareness-raising activities. Presently, NGOs receive funding mainly from international organisations.

32. The implementation of the Programme for Combating THB is assessed by the Ministry of Social Policy, in co-ordination with other state authorities, local governments, academic institutions, civil society organisations and international organisations. In their comments on the draft GRETA report, the Ukrainian authorities indicated that at the end of 2024, the Ministry of Social Policy approached the All-Ukrainian Counter-trafficking NGO Coalition with a request to provide expert support in monitoring the implementation of the State Programme for the period until 2025, developing a draft Programme for the period until 2030, and developing a methodology for evaluating the effectiveness of the Programme. GRETA welcomes this initiative and considers that the Ukrainian authorities should introduce a periodic independent evaluation of the implementation of the Programme.

33. In its second report, GRETA considered 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. In their comments on the draft GRETA report, the Ukrainian authorities stated in the context of the EU accession negotiations, the Rule of Law roadmap for legislative changes envisages the development and adoption in the second quarter of 2026 of a law to amend the Law of Ukraine "On Combating Human Trafficking" to define the position of an independent National Rapporteur on human trafficking in accordance with Directive 2011/36/EU and Directive 2024/1712. Noting that the current State Programme for Combating Trafficking in Human Beings for 2023-2025 envisages studying the issue of introducing the position of an independent National Rapporteur, GRETA considers that the Ukrainian authorities should take steps to appoint a National Rapporteur or another independent mechanism for monitoring the anti-trafficking activities of State institutions.

34. There are regional councils for family, gender equality, demographic growth, prevention of domestic violence and combating trafficking in human beings at the regional (*oblast*) and city level. Seven regions (Dnipropetrovsk, Zaporizhzhia, Kirovhrad, Mykolaiv, Rivne, Kharkiv and Cherkasy) have adopted targeted social programmes to combat THB up to 2025, and the regional military administrations of Lviv, Zakarpatiia and Poltava regions have approved action plans for the State Programme's implementation.[10] However, the envisaged funding is not commensurate with the real needs. Further, according to NGOs, there is a lack of effective co-operation at the regional level, and only a third of the 20 regions covered by a recent report by the Counter-trafficking NGO Coalition met on a quarterly basis in 2023.[11] In the course of the evaluation visit, the GRETA delegation met with the Co-ordinating Council on Family Policy at the

[9] The envisaged state funding per year is UAH 970,100 in 2023, UAH 1,018,000 in 2024, and UAH 965,000 (approximately 21,442 euros) in 2025.
[10] All-Ukrainian Counter-trafficking NGO Coalition, *Report on the results of public monitoring on implementation of the policy on countering human trafficking in the regions of Ukraine in 2023*, p.64.
[11] Ibid.

Lviv Regional Military Administration, which involved representatives of agencies dealing with combating human trafficking and identifying and assisting victims of trafficking. According to the NGO Coalition report, there was only one co-ordination meeting on THB in Lviv in 2023 (on 15 July) and this was the first meeting since December 2021. In their comments on the draft report, the Ukrainian authorities provided information on the number of interagency meetings held by local co-ordination councils on combating human trafficking concerning the prevention of THB and the organisation of assistance to victims in 2024.[12] GRETA considers that the Ukrainian authorities should foster the co-ordination and prioritisation of anti-trafficking action at the regional level and strengthen co-operation between national and regional institutions.

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

35. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right of access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

36. The right to effective remedies is a reflection of the human-rights based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of trafficking, and effectively investigate trafficking offences.[13]

37. According to the "Basic principles on the right to an effective remedy for victims of trafficking in persons",[14] the right to an effective remedy is considered to include restitution,[15] compensation,[16]

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12 Volyn region - 47 meetings; Donetsk region - 142 meetings; Dnipropetrovsk region - 220 meetings; Zakarpattia region - 6 meetings; Zaporizhzhia region - 5 meetings; Ivano-Frankivsk region - 6 meetings; Kyiv region - 92 meetings; Lviv region - 19 meetings; Luhansk region - 25 meetings; Mykolaiv region - 7 meetings; Odesa region - 14 meetings; Poltava region - 60 meetings; Sumy region - 35 meetings; Ternopil region - 60 meetings; Kharkiv region - 51 meetings; Kherson region - 2 meetings; Khmelnytskyi region - 63 meetings; Cherkasy region - 134 meetings; Chernihiv region - 20 meetings.

13 *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgement of 30 March 2017; *S.M. v. Croatia*, application No. 60561/14, Grand Chamber judgment 25 June 2020.

14 UN General Assembly, *Basic principles on the right to an effective remedy for victims of trafficking in persons*, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, 6 August 2014, A/69/269, available at: https://undocs.org/A/69/269

15 Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

16 Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, childcare or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

rehabilitation,[17] satisfaction[18] and guarantees of non-repetition.[19] All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery and social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[20] and the Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime,[21] which outline the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.

38. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to them. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

39. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.[22]

40. Civil society, such as NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.[23] In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons[24] and Justice at Last - European Action for Compensation of Victims of Crime,[25] which aim to enhance access to compensation for trafficked persons.

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17 Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

18 Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims of their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

19 Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

20 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

21 Recommendation CM/Rec(2023)2 of the Committee of Ministers to member States on rights, services and support for victims of crime adopted on 15 March 2023 and its Explanatory Memorandum, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aa8263

22 UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8.

23 OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

24 http://www.compactproject.org/

25 http://lastradainternational.org/about-lsi/projects/justice-at-last

41. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.[26] The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate access to remedies for victims for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.[27] States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

42. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

2. Right to information (Articles 12 and 15)

43. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to escape their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

44. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.[28]

45. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.[29]

46. According to the Ukrainian Law on Combating Trafficking in Human Beings, one of the principles of combating THB is to guarantee to victims the right to receive information about their rights in a language they can understand. Article 16 of the Law sets out the following rights of persons who have been granted the status of victims of THB: the right to personal security; the right to receive information on rights in a language the person can understand; medical, psychological, social, legal and other necessary assistance; temporary accommodation, if the victim so wishes, 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; one-time financial grant, calculated on the basis of the minimum living standard; assistance

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26 United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

27 UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

28 See Explanatory Report on the Convention, paragraphs 160-162.

29 See 8th General report on GRETA's activities, paragraphs 168-169.

to find a job; and access to education and professional training. Foreign nationals and stateless persons identified as victims of THB have the right to interpreter's services free-of-charge.

47. Pursuant to the joint Order No. 4/5 of 11 January 2016 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", the responsible unit of the local state administration, social services centre, children's service and police unit shall inform victims of THB upon their identification of the possibility to receive assistance, the types of assistance, and the conditions and procedure for its provision. Victims are handed over the "Memo for a Victim of Trafficking in Human Beings" and are asked to acknowledge having received it through their signature. The memo specifies that the State guarantees the following types of assistance: medical assistance, assistance in granting asylum, psychological assistance (counselling, emotional support), social and pedagogical assistance, legal assistance, one-time financial assistance, assistance in vocational training, finding a job or starting a business, assistance in obtaining education and resuming studies, assistance in returning to the country of origin, assistance in obtaining compensation for non-pecuniary and pecuniary damages (in a civil action in court). The memo is not available in foreign languages.

48. The authorities, with the involvement of international and non-governmental organisations, regularly conduct public awareness campaigns and awareness-raising events aimed at explaining to presumed victims their rights and possibilities for obtaining assistance. Since the beginning of the full-scale invasion of Ukraine by the Russian Federation, the Ministry of Social Policy has further strengthened the information component to ensure that the widest possible range of citizens leaving Ukraine, as well as those who stay in the country, are informed about the risks of falling into a situation of human trafficking.[30]

49. The rights and obligations of a victim in the context of criminal proceedings arise from the moment he/she files a complaint about a criminal offence committed against him or her or a complaint about involving him or her in the proceedings as a victim (Article 55(1) and (2) of the CPC). If a person has not filed a complaint about a criminal offence, the investigator, prosecutor or court has the right to recognise the person as a victim only with his/her written consent. In the absence of such consent, a person may, if necessary, be involved in criminal proceedings as a witness (Article 55(7) of the CPC). The rights of persons granted the status of victims in criminal proceedings are set out in Article 56 of the CPC, including providing explanations, testimony in his/her native language or another language he/she is fluent in, using the services of an interpreter at the expense of the state, and compensation for damage caused by a criminal offence in the manner prescribed by law. The victim is handed a memo on procedural rights and obligations under Articles 56 and 57 of the CPC. In their comments on the draft report, the Ukrainian authorities stated that the victim would be provided with an interpreter at the expense of the State to translate the memo if the victim does not understand Ukrainian.

50. According to Article 29 of the CPC, criminal proceedings are conducted in the state language. The investigating judge, court, prosecutor and investigator shall ensure that participants in criminal proceedings who do not speak the state language or have insufficient command of the state language have the right to testify, file motions and complaints, and speak in court in their native or other language they understand, using the services of an interpreter if necessary. Court decisions by which the court concludes the trial on the merits are provided to the parties to the criminal proceedings in translation into their native or other language. The Reference and Information Register of Interpreters was created by the State Migration Service to record information on interpreters who may be engaged by state authorities to provide interpretation services, in particular when administrative courts consider cases concerning refugees and expulsion of foreigners and stateless persons from Ukraine, conduct pre-trial investigations and consider criminal proceedings and cases of administrative offences committed by refugees and other categories of migrants in Ukraine. GRETA was not provided with information suggesting that interpreters working with victims of THB are sensitised to THB.

30 For more details, see the Ukrainian authorities' reply to GRETA's third-round questionnaire.

51. GRETA welcomes the issuing of a specific leaflet with information on the rights of victims of THB and considers that the Ukrainian authorities should make it available in a range of foreign languages, and take further steps to ensure that presumed victims of human trafficking are given information in a proactive manner, as soon as they come into contact with a competent authority, prior to being granted the status of victims of THB. The information should take into account the victim's age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disability which may affect the ability to understand. The information should be provided irrespective of the victim's capacity or willingness to co-operate in criminal proceedings and cover the services and assistance measures available, compensation procedures and other relevant civil and administrative remedies and procedures.

52. Further, GRETA considers that the Ukrainian authorities should sensitise interpreters who may come into contact with victims of human trafficking to the issue of human trafficking and the vulnerabilities of victims.

3. Legal assistance and free legal aid (Article 15)

53. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedures are often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law[31] also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in civil matters, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

54. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.[32]

55. In Ukraine, access to legal assistance and free legal aid is regulated by the Law on Free Legal Assistance of 2 June 2011, which was amended in August 2023 in order to include persons who have been granted the status of victims of THB by the National Social Service amongst the beneficiaries of free secondary legal assistance. Pursuant to Article 13.2 of the Law, free secondary legal assistance includes the following types of legal services: 1) defence from prosecution; 2) representation in courts, other state agencies, self-governing authorities, and against other persons; 3) drafting procedural documents. Any citizen has the right to primary legal assistance, which 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 assistance and mediation.

56. The procedure for submitting applications for free secondary legal assistance is set out in Article 18 of the Law of Free Legal Assistance. Adult persons have to submit applications to the Centres for Free Secondary Legal Assistance or the territorial justice authority at the place of their actual residence. Applications for the provision of legal assistance relating to children are submitted by their legal representatives, foster caregivers, and regarding issues for which court appeals are permitted from the age of 14, personally by children who have reached this age. The Centre for Free Secondary Legal Assistance is obliged to make a decision on the provision of free secondary legal assistance within 10 days from the date of receipt of the application. The application for free secondary legal assistance should be

31 *Airey v. Ireland* judgment, 9 October 1979.
32 8th General report on GRETA's activities.

accompanied by documents confirming that the recipient belongs to one of the vulnerable categories of persons provided for in Article 14.1 of the Law.

57. Primary and secondary legal assistance are provided by Centres for Free Secondary Legal Assistance and lawyers included in the Register of Lawyers Providing Free Secondary Legal Assistance. Legal information, advice and clarification on legal issues can be obtained in person, by sending an e-mail, calling the unified telephone number of the free legal assistance system 0 800-213-103, in the private chat of the free legal assistance system in Telegram/Viber, through the mobile applications "Free Legal Assistance" and "Your Right", as well as through the "Client Cabinet" service posted on the system's website.

58. According to the Law on Free Legal Assistance, lawyers co-operate with the Centres for Free Secondary Legal Assistance on the basis of contracts (on a permanent basis) or agreements (on a temporary basis). There are more than 1,000 lawyers and 8,644 advocates in the register.[33] Each year, around 3,500 contracts are signed. After making a decision to provide secondary legal assistance, the Centre appoints a lawyer by issuing a power of attorney. The law stipulates that when appointing a lawyer, the specialisation, work experience, workload and complexity of the cases in which the lawyer participates shall be taken into account. At the same time, it should be noted that the current Ukrainian legislation, in particular the Law on the Bar and Practice of Law, does not provide for the specialisation of lawyers.

59. According to statistics provided by the Ministry of Justice, the number of victims of THB who received free legal assistance was 17 in 2019, 45 in 2020, 34 in 2021 and 19 in 2022. After the amendments to the Law on Free Legal Assistance, in 2023, 8 victims of THB received free secondary legal assistance and 30 primary legal assistance. In their comments on the draft GRETA report, the Ukrainian authorities indicated that in 2024, interregional centres for providing free legal assistance registered 10 applications from victims of human trafficking, of which 8 were applications for primary and 2 for secondary legal assistance. According to the Counter-trafficking NGO Coalition monitoring report on THB in Ukraine in the context of the full-scale invasion by the Russian Federation, in 2022-2023, 75% of the victims with whom the Coalition worked needed legal assistance. However, less than half of them received it from state institutions.[34] In practice, free legal assistance continues to be provided to victims of trafficking primarily 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.

60. The free legal assistance system carries out systematic work to improve the qualifications of professionals of the Centres for Free Secondary Legal Assistance and lawyers involved in the provision of free secondary legal assistance, including in the field of effective protection of the rights of victims of trafficking in human beings. By way of example, in April 2019, 25 lawyers, including those involved in the provision of free secondary legal assistance, attended training organised by IOM on “Protection of Victims in Criminal Proceedings on Human Trafficking during the Pre-trial Investigation and Trial”. Remote training on providing legal assistance to victims of THB was provided to 100 lawyers in September-November 2020. Further, in November 2020, the PRAVOKATOR.Lviv Legal Club, together with IOM, conducted a webinar on "Psychological and Ethical Aspects of Lawyers' Work with Victims of THB", which was attended by 26 lawyers.

33 Primary legal assistance is provided by lawyers and secondary legal assistance by advocates in criminal proceedings; in the case of civil and administrative law, it is 50/50 between advocates and lawyers.

34 All-Ukrainian Counter-trafficking NGO Coalition, *Monitoring bulletin on THB in Ukraine in the context of the full-scale invasion by the Russian Federation*, 2023.

61. GRETA welcomes the recent inclusion of victims of THB amongst the beneficiaries of free legal assistance. Despite the existing provisions for victims' access to legal assistance and free legal aid in Ukraine, GRETA is concerned that, in practice, many victims of THB are not assisted by lawyers during legal proceedings or depend on lawyers working for NGOs. Given the complexity of proceedings in THB cases, effective legal assistance and free legal aid are fundamental to enabling victims of trafficking to obtain justice and assert their rights.

62. GRETA considers that the Ukrainian authorities should take additional steps to guarantee effective access to legal assistance and free legal aid for victims of trafficking, including by:

- facilitating the provision of primary legal assistance as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, prior to the granting of victim status by the National Social Service;

- ensuring that trafficking victims are systematically appointed a lawyer who has training/specialisation on THB cases to represent them in legal proceedings;

- ensuring adequate funding for the provision of legal assistance and free legal aid to victims of trafficking, including when they are provided by NGO lawyers.

4. Psychological assistance (Article 12)

63. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking overcome the trauma they have been through and achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic attention due to the violence that they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy conducted by an experienced clinician.[35]

64. Psychological rehabilitation is extremely important, especially in times of war. However, according to the All-Ukrainian Counter-trafficking NGO Coalition, it is becoming increasingly difficult to receive psychological assistance in state structures due to the lack of specialists who moved to a safer place or left the country, the unsatisfactory level of remuneration, and the relocation of social care facilities. By way of example, at the Department of Social and Psychological Assistance of the Lviv Regional Centre of Social Services which was visited by GRETA, the post of the psychologist was vacant. There is a lack of specialised psychologists and psychotherapists, as well as assistance in overcoming addictions. Only 20% of the victims who needed psychological assistance received it from state structures, and more than a third of them did not receive it in full.[36] In their comments on the draft GRETA report, the Ukrainian authorities stated that since October 2023, pilot projects have been implemented in seven regions and the city of Kyiv ensuring the participation of psychologists in criminal proceedings involving children through regional/interregional centres for providing free legal assistance. Since September 2024, the pilot projects have been extended to the entire territory of Ukraine. In order to implement this, the Co-ordination Centre for Legal Assistance maintains a register of psychologists participating in criminal proceedings involving children through regional/interregional centres for providing free legal assistance.

35 OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

36 All-Ukrainian Counter-trafficking NGO Coalition, *Monitoring bulletin on THB in Ukraine in the context of the full-scale invasion by the Russian Federation*, 2023.

65. The Medical Rehabilitation Centre in Kyiv, operated by IOM, in co-operation with the Ministry of Health (which was visited by GRETA's delegation, see paragraph 207), provides free psychological assistance to victims of THB. Further, specialised NGOs providing assistance to victims of trafficking, such as Caritas, employ psychologists who are paid higher salaries than those working in state institutions because of the project-based nature of the NGO work, which is funded by donors.

66. As noted previously, in April 2024, the Minister of Health issued methodological recommendations for the provision of medical services and assistance to victims of THB, which contain, *inter alia*, instructions on the organisation of psycho-social assistance to victims. The Ministry of Health Order on the provision of psycho-social assistance issued in December 2023 is also applicable in this respect. Further, GRETA was informed that Cabinet of Ministers Resolution No. 121 of February 2022 "On Amendments to Certain Resolutions of the Cabinet of Ministers of Ukraine on Providing Services to Victims of Trafficking in Human Beings" contains new provisions on social and psychological assistance. The main changes include the expansion of the categories of recipients of assistance to include not only persons granted the status of victims of human trafficking, but also those who consider themselves as victims but do not wish to apply for victim status, those who have applied for status, those who have been trafficked abroad and are returning to Ukraine, and those who have been identified by the National Police as victims as part of criminal proceedings related to human trafficking. In 2024, psychological assistance was provided to 77 victims of THB.

67. GRETA welcomes the legislative changes adopted with a view to improving victims' access to psychological assistance and considers that the Ukrainian authorities should make further efforts to ensure that psychological assistance can be effectively provided to all victims of THB, according to their needs.

5. Access to work, vocational training and education (Article 12)

68. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, microbusinesses and social enterprises.[37] GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.[38]

69. Pursuant to Article 16 of the Law on Combating THB, victims are entitled, *inter alia*, to assistance to find a job, access to education and professional training. The State Employment Service is responsible for supporting victims in finding a job and following vocational training. It provides professional orientation and counselling regarding career choices, referral to professional training or retraining, job search and assistance with official employment. In order to avoid risks during employment abroad, the State Employment Service launched in 2024 the seminar "Risks of Illegal Labour Migration", aimed at discussing the consequences of external labour migration, labour exploitation and human trafficking. In 2024, 2,500 seminars were held with the participation of 20,000 persons.

70. According to the All-Ukrainian Counter-trafficking NGO Coalition monitoring report on THB in Ukraine in the context of the full-scale invasion by the Russian Federation, in 2022-2023, 83% of the victims with whom the Coalition worked needed assistance to find employment and/or improve their economic capacity. However, meeting these needs through the State Employment Service was difficult, in the conditions of war, when the labour market is gradually shrinking, enterprises stop working and the number of vacancies is decreasing.[39] A solution is provided by including victims in the IOM programme for

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37 Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

38 8th General report on GRETA's activities.

39 All-Ukrainian Counter-trafficking NGO Coalition, *Monitoring bulletin on THB in Ukraine in the context of the full-scale invasion by the Russian Federation*, 2023.

increasing economic capacity, in the framework of which they receive training on self-employment. In their comments on the draft report, the Ukrainian authorities indicated that obtaining services from the State Employment Service for all categories of the population, including victims of human trafficking, has been simplified, making it possible to submit applications and documents online, through the Unified State Web Portal of Electronic Services, the Diia Portal mobile application, via the State Employment Service email, or Google forms. As of 1 January 2025, the vacancy database of the Unified Information and Analytical System of the State Employment Service included 46,700 vacancies and job offers. The main programme for stimulating business development under wartime conditions is the Government's "eRobota" project, which provides Ukrainian citizens with grants for creating their own business and obtaining training.

71. GRETA welcomes the steps taken to enable victims of THB to find employment and considers that the Ukrainian authorities should, to the extent possible, ensure effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.

6. Compensation (Article 15)

72. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which when compensation is not fully available from other sources the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

73. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of human rights violations.

74. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. Therefore, state parties should consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

75. The legal framework regarding access to compensation for victims of THB in Ukraine remains largely as described in GRETA's second evaluation report.[40] Victims are entitled to claim compensation for pecuniary and non-pecuniary damages by filing a civil claim in criminal proceedings before the trial has started and thus acquiring the procedural status of a civil plaintiff (Articles 127 and 128 of the CPC). A civil claim may be filed by the prosecutor on behalf of victims in cases established by law and when the victims cannot independently protect their rights due to their minor age, incapacity of limited legal capacity (Article 128(3) of the CPC). 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. A civil claim in criminal proceedings shall be considered by the court in accordance with the rules established by the CPC. If the procedural relations arising in connection with a civil claim are not regulated by the CPC, then the rules of the Code of Civil Procedure apply, provided that they do not contradict the principles of criminal proceedings. The dismissal of a claim in civil, commercial or administrative proceedings deprives a civil plaintiff of the right to bring the same claim in criminal proceedings. When delivering a guilty verdict, the court satisfies the civil claim in full or in part or dismisses it (Article 129 of the CPC). In case of appeal, the execution of the decision is postponed until the appeal court has passed a final judgment. A person who has not filed a civil claim in criminal proceedings, as well as a person whose civil claim has been left without consideration, has the right to file it in civil proceedings. Article 66, paragraph 1, sub-paragraph 2, of the CC provides that voluntary compensation for the damage caused is one of the circumstances mitigating the punishment.

76. Pursuant to the Civil Code, a person who has suffered damages as a result of a violation of his/her civil rights shall be entitled to compensation for losses incurred in connection with the destruction or damage of a thing, expenses incurred to restore his/her violated rights (actual damages), income that a person could actually receive under normal circumstances if his/her rights had not been violated (lost profits), as well as compensation for non-pecuniary damage, which covers physical pain and suffering, mental anguish, affront to the dignity or honour of an individual, or the business reputation of an individual or legal entity. In determining the amount of compensation, the requirements of reasonableness and fairness shall be taken into account. The Resolution of the Plenum of the Supreme Court of Ukraine No. 4 of 31 March 1995 "On Court Practice in Cases of Compensation for Moral (Non-Pecuniary) Damage" sets out the guidelines for assessing such damage. In addition, the grounds, tasks, conditions and procedure for conducting psychological assessment in cases of causing moral suffering to a person and approaches to calculating the estimated amount of non-pecuniary damage are carried out in accordance with the Methodology for Psychological Assessment in Cases of Causing Moral Suffering to a Person and Compensation for Moral Damages, developed by the Kharkiv Scientific Research Institute of Forensic Expertise of the Ministry of Justice of Ukraine in 2017.

77. The enforcement of court decisions on the recovery of compensation is carried out in accordance with the Law on Enforcement Proceedings and the Instruction on the Organisation of Enforcement of Decisions, approved by Ministry of Justice Order No. 512/5 of 2012 of 2 April 2012.

78. The Labour Code establishes the procedure for resolving individual labour disputes. The procedure for resolving labour disputes applies regardless of the form of the employment contract. Persons who performed work without entering into an employment contract or without proper registration may apply to the court to establish the fact of employment relations and be paid the appropriate wages for the entire period of work. The body that considers the labour dispute decides on the accrual and payment of wages to the employee in the amount not lower than the average wage for the relevant type of economic activity in the region in the relevant period. Pursuant to Article 430(1)(2) of the Civil Procedure Code, the court may immediately enforce judgments in cases of awarding wages to an employee, but not more than for one month.

[40] See paragraphs 168-171 of GRETA's second report.

79. From the information provided by the Ukrainian authorities on training to relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, it transpires that while there were numerous training sessions, the issue of enabling victims of THB to obtain compensation and other remedies was not specifically addressed through training. The issue of victim compensation is reportedly covered by training provided in co-operation with the OSCE. In their comments on the draft GRETA report, the authorities stated that in 2024, as part of the professional development for 48 assistants to judges of local general and appellate courts, a lecture was delivered on "Consideration of Human Trafficking Cases in Wartime: Issues of Interrogation." In addition, the National School of Judges has planned a joint training for judges and prosecutors in 2025 on the topic "Combating Human Trafficking for Sexual Exploitation in Armed Conflict Conditions."

80. The Ukrainian authorities do not collect data on compensation claimed by, and awarded to, victims of THB from the perpetrators. Lawyers and representatives of NGOs met by GRETA noted that compensation awards are very rare in criminal proceedings and the amount awarded by courts are usually small. GRETA was informed by NGOs of two cases of child sexual exploitation in which criminal courts ordered the perpetrators to pay the victims UAH 550,000 (approximately 12,220 euros) in 2023; however, the compensation had not yet been paid. Another case brought to GRETA's attention by the General Prosecutor's Office concerned trafficking for the purpose of sexual exploitation of a girl and a boy by a 55-year old man. The children's lawyer made a civil compensation claim on their behalf, pursuant to Article 128 of the CPC (see paragraph 75), amounting to UAH 1,500,000 (approximately 33,330 euros) for moral damages; the case was pending in court at the time of the adoption of this report. In their comments on the draft report, the Ukrainian authorities noted that cases of filing civil claims for compensation in criminal proceedings are not isolated and provided the following additional example of compensation awarded to victims of THB. By verdict of the Voznesensk City District Court of Mykolaiv region dated 26 December 2024, a married couple was found guilty of committing several criminal offences, including THB, and each of the spouses was sentenced to 15 years' imprisonment. The woman had produced pornographic videos involving herself and her two daughters, born in 2011 and 2013. She had involved her husband in the filming of some videos and had transferred her older daughter to him three times for the purpose of sexual exploitation. He had raped his stepdaughter in the presence and with the active participation of his wife. Subsequently, the videos containing child sexual abuse material was distributed via the Internet. A civil claim for compensation in the amount of 750,000 UAH (approximately 16,650 euros) was granted to the two children.

81. In their comments on the draft report, the Ukrainian authorities also stated that the Prosecutor General's Office has set up a Co-ordination Centre, with 36 employees, which provides support to victims and witnesses, including through a hotline and a public reception office. The Centre informs victims of the available services and how to access psychological and legal assistance. As of 31 December 2024, the centre supported 1,198 victims (179 men, 146 women, 873 children), including 83 victims of sexual violence, 22 military personnel released from captivity, and 89 civilian prisoners.

82. However, GRETA is concerned that access to compensation for victims of THB remains difficult in practice. The criminal justice system focuses on punishing the perpetrators and victims of trafficking are generally treated as witnesses whose testimony is needed to prove the offence rather than as injured parties entitled to compensation. Prosecutors do not collect evidence to be used to claim compensation and it is up to the victims and their legal representatives to prove damages. The fact that victims are rarely represented by lawyers (see paragraph 59) also contributes to the absence of compensation. Further, it is very difficult to enforce compensation orders owing to the fact that the majority of court judgments under Article 149 of the CC are delivered without confiscation of the perpetrators' assets/property. Claiming compensation through civil proceedings is cumbersome and ineffective, and the long duration of such proceedings discourages victims from following this path.

83. As noted in the previous GRETA reports, pursuant to Article 16 of the Law for Combating THB, a person who has been granted the status of a victim of trafficking in human beings is entitled to receive one-off financial assistance equivalent to three minimum subsistence incomes.[41] The procedure for the payment of this financial assistance is set out in Cabinet of Ministers Resolution No. 660 of 25 July 2012 (as amended). The granting of financial assistance does not depend on the person's participation in criminal proceedings and is independent of the receipt of compensation from the perpetrators. As of 1 January 2024, the amount of the one-time financial assistance is as follows: for children under the age of six years – UAH 7,689 (approximately 175 euros); for children from six to 18 years of age – UAH 9,588 (approximately 213 euros); for working adults – UAH 9,084 (approximately 202 euros); for persons who have lost the ability to work – UAH 7,083 (approx. 157 euros). According to the authorities, the annual number of victims of THB who received one-time financial assistance from the Ministry of Social Policy was as follows: in 2018, 150 persons (including 13 children); in 2019, 177 persons (including 12 children); in 2020, 123 persons (including one child); in 2021, 60 persons (including one child); in 2022, 43 persons (including two children); in 2023, 106 persons (including 18 children); and in 2024, 164 victims (including 10 children).[42]

84. GRETA was informed that victims of war crimes are entitled to much higher financial assistance (some UAH 200,000), which is why persons returning from captivity who were subjected to THB/exploitation prefer to apply for the status of victim of war crime rather than victim of THB.

85. In its first report, GRETA noted that the one-time financial assistance cannot be considered as compensation. Even if its amount has been increased over the years, the one-off assistance is not sufficient to compensate victims for the damages suffered. Bearing in mind that a very limited number of victims of trafficking are awarded compensation from the perpetrators, GRETA once again urges the Ukrainian authorities to set up a state compensation scheme accessible to victims of THB, regardless of their citizenship and residence status.

86. Furthermore, GRETA urges the Ukrainian authorities to guarantee effective access to compensation for victims of trafficking, notably by:

- ensuring that victims are provided with legal assistance and free legal aid from the early stage of the criminal proceedings in order to exercise their right to compensation;

- ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigation, with a view to supporting compensation claims in court;
- 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;

- ensuring that victims of THB can effectively receive compensation for the full damage suffered as part of the criminal proceedings, within a reasonable time;
- building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials, prosecutors, the judiciary and staff of victim support services.

41 See paragraph 150 of GRETA's first report and paragraph 171 of GRETA's second report.

42 The total amount of financial assistance paid from the State budget was UAH 781,800 (approximately 17,763 euros) in 2018, UAH 1,002,300 (approximately 22,772 euros) in 2019, UAH 772,000 (approximately 17,540 euros) in 2020, UAH 412,600 (approximately 9,374 euros) in 2021, UAH 319,400 (approximately 7,256 euros) in 2022, UAH 841,100 (approximately 19,108 euros) in 2023, and UAH 1,431,000 (approximately 31,800 euros) in 2024.

87. GRETA also considers that the Ukrainian authorities should:

- enable access to compensation for victims of trafficking by making compensation awarded in criminal proceedings payable by the State if the perpetrator has not paid the victim within a set period of time, and the State taking the responsibility to try to recover the amount from the perpetrator;

- monitor access to compensation for victims of trafficking by developing a system for recording claims for compensation and compensation awarded, and collecting data for the purpose of analysis.

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

88. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to intimidation so as to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations, which aim at fighting trafficking in human beings or the protection of human rights, the possibility to assist and/or support the victim (subject to his or her consent) during criminal proceedings concerning the offence of trafficking in human beings.

89. Article 23 requires Parties to match their actions to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so called "civil" confiscation) of the instrumentalities and proceeds of human trafficking offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

90. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

91. As noted in paragraph 19, following 2018 amendments to the CC, the definition of human trafficking in Article 149 of the CC was modified by adding several forms of exploitation (forced termination of pregnancy, forced marriage and forced begging). The list of forms of exploitation, which appears in the notes to Article 149 of the CC, reads 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, removal of organs, experimentation over a person without his/her consent, adoption for commercial purposes, forced pregnancy or forced termination of pregnancy, forced marriage, forced begging, involvement into criminal activity, use in armed conflicts, etc." Further, the means of "fraud", "coercion", "paying a third person to obtain consent to exploit a person" and "kidnapping" were added to the list of means for committing human trafficking in paragraph 1 of Article 149. Moreover, paragraph 3 on the aggravating circumstance related to trafficking in children was amended by adding the commission of the offence by parents, adoptive parents, guardians or trustees.

92. The penalties for committing THB set out in Article 149 of the CC are deprivation of liberty for a minimum term of three years and a maximum term of eight years for the basis offence, which are increased in the case of aggravating circumstances (trafficking in children, trafficking committed by two or more persons or by a group of persons with prior conspiracy, and trafficking committed by an official through abuse of authority are punishable by imprisonment from five to 12 years, while trafficking committed by parents, adoptive parents, guardians or trustees, or 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, or committed by an organised group, or causing grave consequences, are punishable by imprisonment of eight to 15 years).

93. At the same time, the sanctions in paragraphs 2 and 3 of Article 149 of the CC provide for an additional punishment in the form of confiscation of property. According to Article 59(1) of the CC, confiscation of property consists in the compulsory seizure of all or part of the property owned by the convicted person into the ownership of the state. In addition, pursuant to Article 961, paragraph 1, of the CC, the commission of the offences under Article 149, paragraphs 1, 2 and 3, of the CC gives rise to the application of special confiscation as another measure of criminal law, which consists in the seizure of money, valuables and other property into the ownership of the state by a court decision. Pursuant to Article 962 of the CC, special confiscation is applied if the money, valuables and other property were obtained as a result of a criminal offence and/or are the proceeds of such property; were intended (used) to induce a person to commit a criminal offence, finance and/or materially support a criminal offence or reward for committing it; were the subject of a criminal offence, except for those returned to the owner (legal possessor), and in case the owner is not identified, become the property of the state; were sought out, manufactured, adapted or used as means or instruments of a criminal offence, except for those returned to the owner who did not and could not know about their illegal use.

94. Pursuant to Articles 131-132 of the CPC, one of the measures to secure criminal proceedings is the temporary seizure of property and the arrest of property, which are applied on the basis of a decision of the investigating judge or court, except in cases provided for by the CPC. The procedure for temporary seizure of property is set out in Article 168 of CPC. In accordance with Article 170 of the CPC, the seizure of property is used to ensure the confiscation of property as a form of punishment/compensation for damage caused as a result of a criminal offence (civil claim) or to recover from a legal entity the unlawful benefit received. The value of the property to be seized must be proportionate to the amount of damage caused by the criminal offence or specified in the civil claim, and the amount of unlawful benefit received by the legal entity (Article 170(6) and (8) of the CPC). Pursuant to Article 171, paragraph 1, of the CPC, a prosecutor, an investigator with the consent of the prosecutor, and, in order to secure a civil claim, a civil plaintiff may file a motion to seize property with an investigating judge or court. In order to identify and trace property that may be seized in criminal proceedings, measures are taken, including by requesting information from the National Agency for Finding, Tracing and Management of Assets Derived from Corruption and Other Crimes, other state and local authorities, individuals and legal entities. In case of satisfaction of a civil claim or recovery from a legal entity of the amount of the unlawful benefit received, the court, at the request of the prosecutor or civil plaintiff, may decide to seize property to secure a civil claim or recovery before the court decision enters into force, if such measures have not been taken earlier.

95. According to information provided by the National Police, in order to secure the enforcement of civil claims, property of persons suspected of committing crimes related to THB was seized in two criminal proceedings in 2022. According to information provided by the Prosecutor General's Office, in 2018-2023, confiscation of property was ordered in respect of nine persons sentenced for THB. Further, according to information from regional prosecutor's offices, in 2024, confiscation was applied to three convicted persons.

96. In accordance with Article 469 of the CPC, a-plea bargaining agreement may be concluded at the initiative of the prosecutor, suspect or accused. According to Part 4 of Article 469 of the CPC, a plea-bargaining agreement may be concluded in proceedings concerning serious crimes (except for corruption-related ones) and especially serious crimes committed by an organised group, provided that the suspect exposes other members of the group. In criminal proceedings where there are victims, an agreement is permitted only with their written consent. Therefore, the prosecutor has the right to conclude a plea-bargaining agreement with the accused under Article 149 of the CC if there are grounds provided by law.

97. As mentioned in the previous GRETA reports, the investigative authorities can have recourse to special investigation techniques in THB cases, such as interception of communication, secret surveillance and use of confidential co-operation (informants).[43] The authorities have confirmed that a range of special investigation techniques are being used in THB cases.

98. Pursuant to Article 216(2) of the CPC, pre-trial investigation of criminal offences under Article 149 of the CC is carried out by investigators of the National Police or, when state officials are involved, the State Investigative Bureau. War crimes, which may include the exploitation of prisoners of war and captive civilians, are investigated by the National Security Service. Given the primary role of prosecutors in criminal proceedings and the complexity of the process of proving this crime, a specialised department to deal with THB and related crimes was set up at the Prosecutor General's Office and regional prosecutor's offices have assigned specific prosecutors to specialise in this area (see paragraph 131). In order to improve the detection and investigation of crimes related to THB, as well as co-operation between different agencies, in December 2021 the Prosecutor General's Office established an Interdepartmental Working Group comprising representatives of the Ministry of Internal Affairs, the National Security Service, the State Investigative Bureau, the Ministry of Social Policy and the National Social Service. The working group met in February and July 2023 and twice in 2024. In their comments on the draft report, the Ukrainian authorities indicated that by orders of the Prosecutor General No. 199 dated 24 July 2023 and No. 117 dated 21 May 2024, the composition of the Interagency Working Group was enlarged to include representatives of the State Border Guard Service, the Ministry of Social Policy, the National Social Service and the Ukrainian Parliament Commissioner for Human Rights. Further, the Cyber Police Department of the National Police was also included in the Interdepartmental Working Group. In 2023-2024, the Prosecutor General's Office organised four working meetings with representatives of state bodies, NGOs and international organisations on issue of preventing, detecting and investigating THB. Further, the issue of combating THB is a regular topic of discussion at co-ordination meetings of heads of law enforcement agencies, in particular, on 26 October 2021 and 9 February 2023, which resulted in the agreement of appropriate organisational and practical measures to combat THB. Further, in order to facilitate interaction between law enforcement and other state bodies regarding combating THB, 18 interagency working groups were established at regional prosecutor's offices. In 2024, 13 meetings of these interagency working groups were held (17 in 2023), based on the results of which additional measures to combat THB were developed, including through monitoring open information sources, citizens' statements and reports, taking measures to prevent THB, especially regarding children, and strengthening co-operation between law enforcement agencies and specialised NGOs.

99. According to data provided by the Ukrainian authorities, the number of THB offences registered by the National Police was 206 in 2020, 232 in 2021, 145 in 2022, 147 in 2023, and 116 in 2024. The highest number of THB offences were detected in Dnipro, Kharkiv and Odessa regions. The majority of the cases (70%) are related to labour exploitation. In 2021, law enforcement agencies uncovered four organised groups in the field of THB consisting of 31 people (in Kyiv, Dnipro and Donetsk regions and the Autonomous Republic of Crimea), two of which were involved in exploiting people in criminal activities and two in labour exploitation. During the first nine months of 2022, law enforcement agencies uncovered five organised groups in the field of THB (in Dnipro, Poltava and Kharkiv regions and Kyiv city), four of which were for labour exploitation and one for exploitative surrogacy. The number of indictments was 74 in

43 See paragraph 199 of GRETA's second report on Ukraine.

2020, 104 in 2021, 63 in 2022, 42 in 2023, and 37 (against 60 persons) in 2024.[44] As of 3 December 2024, 231 criminal proceedings were under investigation (227 by the National Police, 3 by the Security Service, 1 by the State Bureau of Investigation), and 79 proceedings were suspended, of which 75 due to the search for the suspects (see paragraph 105).

100. According to the Prosecutor General's Office, there were 15 convictions in THB cases in 2018, 8 in 2019, 5 in 2020, 11 in 2021, and 5 in 2022. According to data from the State Judicial Administration, in 2018, 15 persons were convicted (9 women and 6 men), in 2019, 35 (16 women and 19 men), in 2020, 29 (10 women and 19 men), in 2021, 24 (3 women and 21 men), and in 2022, 18 (4 women and 14 men). In their comments on the draft report, the Ukrainian authorities indicated that in 2023, 16 criminal proceedings concerning 34 persons were completed; 7 persons were sentenced to actual imprisonment, 20 persons received probation, and 4 persons received mitigated punishment. In 2024, 17 proceedings were completed, 19 persons were convicted, of whom 4 received actual imprisonment, including sentences of up to 8 years of imprisonment with confiscation of property for organised human trafficking. The majority of the convicted perpetrators were Ukrainian. The available data is not broken down according to the form of exploitation of the victims. The Ministry of Justice has provided data on persons serving prison sentences for THB (26 in 2018, 27 in 2019, 20 in 2020, 23 in 2021, and 21 in 2022; the majority of them being women). In their comments on the draft report, the Ukrainian authorities stated that in the period 2022-2024, 142 persons convicted under Article 149 of the CC were registered with the probation authorities.

101. GRETA was informed that during the reporting period, regional prosecutor's offices provided procedural guidance in 10 criminal proceedings concerning human trafficking committed by officials. A business owner and the director of a neuropsychiatric residential institution were convicted for the labour exploitation of 5 persons with mental illnesses and were sentenced to 5 years' imprisonment with a suspension for 2 years. Indictments have also been sent to court regarding 2 former police officers, 2 military servicemen and 12 employees of medical clinics who, under the guise of a surrogate motherhood programme, sold newborn children to foreigners.

102. No data was provided by the authorities on the average length of criminal proceedings in THB cases, but GRETA understands that, in general terms, the length of judicial proceedings is very problematic. According to an analysis of rulings in THB cases carried out by the All-Ukrainian Counter-trafficking NGO Coalition in 2023, in some cases the proceedings lasted nine and a half years. The Ukrainian authorities have noted that the length of proceedings is connected with the large number of participants, delays caused by the COVID-19 pandemic, high turnover in the judiciary, court workload, and shortage of judges, especially in some regions; the situation has worsened after the full-scale invasion by Russia due to air alarms and lack of electricity supply. The problem is compounded by the requirement to have all participants present during the preparatory court proceedings, the number sometimes exceeding 100 persons. A possible solution would be to allow the court to consider written statements by participants without their mandatory appearance before court.

103. According to the previously mentioned monitoring bulletin of the NGO Coalition which analysed THB in Ukraine in the context of the full-scale invasion by Russia, the crime detection rates fell sharply in 2022-2023. Pre-trial investigations can take years. Only 21 of the 92 criminal proceedings opened on the basis of victims' statements which the NGO Coalition followed in 2022-2023 were sent to court. On the positive side, the share of proceedings opened on the basis of exploitation abroad has increased, which is indicative of strengthened international co-operation. It is also reported that the number of victims who agree to co-operate with the investigation has increased (19% of all victims with which the NGO Coalition worked). Further, there has been a significant increase in the number of criminal proceedings for THB for the purpose of labour exploitation. The NGO Coalition analysed 46 sentences issued by courts in 2022-

[44] It is noteworthy that the statistics provided in the Ukrainian authorities' reply to GRETA's questionnaire (from the Prosecutor General's Office) differ from those provided during the visit. According to the former, there were 299 cases of THB investigated in 2018, 335 in 2019, 217 in 2020, 250 in 2021, and 145 in 2022; there were 150 prosecutions for THB in 2018, 191 in 2019, 110 in 2020, 163 in 2021, and 93 in 2022.

2023 (which were not prohibited for publication in the Unified State Register of Court Decisions) and found that 85% of those convicted had committed THB with aggravating circumstances, but the sentences were lenient, usually within the lower limit (e.g. 5 years' imprisonment). Only three persons were sentenced to terms over 5 years (in one of the cases, 10 years). The share of effective imprisonment was only 13% (7 out of 53 persons). The imposition of punishment in the form of fines, which is not provided for by Article 149 of the CC, was chosen in respect of four persons. The courts applied confiscation of property only to five persons.[45]

104. Lawyers and representatives of NGOs met by GRETA referred to cases of THB which were requalified as other offences, thereby depriving victims of the assistance and protection envisaged for the victims of THB. In their comments on the draft report, the authorities stated that the Prosecutor General's Office had conducted two studies of criminal proceedings under Article 149 of the CC, evaluating facts of requalification. In 2024, six decisions were made to change the legal qualification, and in 2023, nine decisions. Based on the results of the studies, the Prosecutor General's Office concluded that there had been no unjustified decisions to change the qualification of offences.

105. Moreover, GRETA notes that victim protection is not properly carried out and perpetrators may hinder the investigation by reaching the victims (see also paragraph 127). Perpetrators are fined or are given conditional sentences, which creates mistrust among victims towards the law enforcement authorities. According to NGOs, around 70 cases have been suspended since the perpetrators are wanted and cannot be found. According to lawyers and NGOs met by GRETA, despite the training provided, the police, investigators, prosecutors and judges lack capacity and are not sensitised to the rights of victims of THB.

106. Despite the fact that surrogacy, including commercial maternity, is legalised by the Family Code of Ukraine, the Ukrainian legislator has not yet adopted a law or by-law ensuring proper state regulation of surrogacy. As a result, Ukrainian legislation currently does not define surrogacy, nor does it establish a list of rights and obligations of the surrogacy programme participants or provide liability for violations. An estimated 3,000 babies are born via surrogacy in Ukraine every year. There is a lack of data surrounding surrogacy, as companies are not required to register surrogacy births. Similarly, data on exploitation and criminal activity is inadequate. Surrogates have also claimed that companies paid them as little as USD 350, though the cost to clients is between USD 45,000 and 55,000.[46] There are concerns that vulnerable women, including IDPs, are manipulated into becoming surrogate mothers. GRETA understands that legislative proposals concerning the adoption of a comprehensive law have been introduced in the Verkhovna Rada.

107. In their comments on the draft report, the authorities stated that in September 2024, an indictment was sent to court in criminal proceedings dated 27 August 2021 on the grounds of criminal offences under Article 28(4), Article 149(3) and Article 255(1) and (2) of the CC. From April 2019 to August 2023, a criminal organisation operated in Kyiv, Kharkiv and other cities, comprising 12 persons: 2 co-organisers (heads of medical clinics) and 10 participants (clinic employees, managers, administrators, a lawyer). They sold children to foreigners from countries where surrogate motherhood is prohibited. The organisers used deception and the vulnerable state of women who became surrogate mothers. The cost of services was 50,000 to 70,000 euros per child, of which the surrogate mothers received about 12,000. The investigation established facts of illegal removal of 8 infants abroad and prevented the removal of another child during martial law.

[45] All-Ukrainian Counter-trafficking NGO Coalition, *THB in Ukraine in the context of the full-scale invasion by Russia*, 2023.
[46] Lessons from Ukraine: Shifting International Surrogacy Policy to Protect Women and Children | Journal of Public and International Affairs

108. The current State Programme for Combating THB envisages developing standard operating procedures for investigating cases of THB. Further, one of the objectives of the State Programme is to increase the share of criminal proceedings in which persons are notified of a suspicion to 90%. In their comments on the draft report, the authorities stated that as of 31 December 2024, the proportion of criminal proceedings in which persons were notified of a suspicion in 2024 from the number of criminal proceedings opened in 2024 was 67%.

109. The State Programme for Combating THB (2023-2025) refers to plans to establish criminal liability for legal entities and there is draft legislation to this effect (see paragraph 22).

110. GRETA notes positively the amendments to Article 149 of the CC, the setting up of the Interdepartmental Working Group and development of specialisation of police officers and prosecutors on human trafficking cases. However, the available data indicates a decrease in the detection of THB offences, the number of investigations, indictments and convictions. GRETA is concerned that a significant number of the penalties upon conviction for THB were suspended as well as by the excessive length of judicial proceedings in THB cases. GRETA stresses that failure to convict traffickers and the absence of effective, proportionate and dissuasive sanctions engenders a culture of impunity and undermines efforts to combat THB.

111. GRETA considers that the Ukrainian authorities should take further measures to strengthen the criminal justice response to THB, including by:

- ensuring that human trafficking offences for different forms of exploitation are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not by a victim;

- intensifying their efforts to systematically carry out financial investigations in THB cases in order to identify, seize and confiscate criminal assets, including through the use of special investigation techniques;

- ensuring that human trafficking offences are prosecuted as such, rather than as offences carrying lower penalties, every time the circumstances of the case allow this, and lead to effective, proportionate and dissuasive sanctions for those convicted;

- ensuring that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ);[47]

- 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;

- adopt such legislative and other measures as may be necessary to prevent the risks of trafficking in human beings in the context of exploitation of surrogacy.

47 https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b

8. Non-punishment provision (Article 26)

112. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.[48] Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

113. Ukrainian law still does not contain a specific provision on the non-punishment of victims of THB compelled to commit unlawful acts, despite previous GRETA recommendations to this effect.[49] 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.[50] The authorities have reiterated their position that the existing legal provisions exempting persons from criminal liability are sufficient to comply with the non-punishment principle.

114. No guidance has been issued to police officers, prosecutors and judges on the non-punishment principle. GRETA was informed that the State Programme on Combating THB (2023-2025) envisages an analysis on the non-punishment of victims. In their comments on the draft report, the Ukrainian authorities indicated that this measure is planned to be transferred to the next State Programme on Combating Human Trafficking (2026-2030).

115. GRETA was not provided with examples of cases in which the non-punishment provision of the Convention was applied to victims of THB. Neither did GRETA receive information from NGOs indicating that victims of THB have been punished in Ukraine for their involvement in unlawful activities during the reporting period.

116. GRETA notes that the above-mentioned general criminal law provisions on extreme necessity and on physical or mental coercion do not expressly relate to the situation where individuals are compelled to commit offences. As the conditions set forth in Articles 39 and 40 of the CC are broad, this might generate legal uncertainty and non-uniform application across the territory. GRETA recalls that the fear of reprisals for activities carried out under compulsion can be a persisting factor which deters victims of THB from contacting the authorities and/or support organisations. The non-punishment principle is an essential cornerstone in the fight against human trafficking, preventing re-victimisation and ensuring that victims can access services.[51]

117. As noted in GRETA's second report, 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.

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48 See GRETA's 2nd General Report, paragraph 58.

49 See paragraph 196 of GRETA's second report on Ukraine.

50 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.

51 With regard to the non-punishment provision, see V.C.L. and A.N. v. the United Kingdom European Court of Human Rights final judgment of 5 July 2021.

118. GRETA once again urges the Ukrainian authorities to take 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.

119. GRETA also invites the Ukrainian authorities to collect data and monitor the application of non-punishment principle, with a view to identifying shortcomings in the application of this principle and taking appropriate measures.

9. Protection of victims and witnesses (Articles 28 and 30)

120. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

121. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 are concerned with extra-judicial protection, Article 30 addresses the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Right and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

122. As explained in GRETA's second report Ukraine, measures for the protection of victims and witnesses of THB are provided for in the CPC and the Law "On Securing the Safety of Persons Participating in Criminal Proceedings".

123. Pursuant to Article 27, paragraph 2, of the CPC, the investigating judge or the court may decide to conduct criminal proceedings in a closed court session during the entire trial or a separate part thereof, in particular if the accused is a child, in the consideration of criminal offences against sexual freedom and sexual inviolability of a person, in order to prevent the disclosure of information about personal and family life or circumstances that degrade the dignity of a person, or in order to ensure the safety of persons involved in criminal proceedings. GRETA was informed that victims and witnesses of THB may be interrogated via a videoconference only if they are physically present on the premises of the court, which is needed for their identity to be verified and for them to sign an oath. Article 225 of the CPC authorises witnesses and victims to ask the investigating judge to submit their testimony during the pre-trial investigation in exceptional circumstances when there is a danger to their life and health, due to serious illness, or in the presence of other relevant circumstances that may make it impossible to interrogate him/her in court or affect the completeness or reliability of the testimony. In this case, the interrogation is carried out at a court hearing at the location of the court or at the location of the sick person in the presence of the parties to the criminal proceedings.

124. The Law "On Securing the Safety of Persons Participating in Criminal Proceedings" provides for the following measures to ensure the safety of persons participating in criminal proceedings: 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. The grounds for taking measures to ensure the safety of participants in criminal proceedings, their family members and close relatives may be an application of the person concerned, a request from the head of the relevant state body or obtaining operational and other information on the existence of a threat to the life, health, housing and property of the person concerned. Pursuant to Article 3 of the Law, the decision to apply protection measures is taken by the responsible investigator, prosecutor, court or body conducting operational and investigative activities. The responsible bodies are obliged to verify the application/request and, within a period of no more than three days, and in urgent cases, immediately, decide on the application or refusal to apply protection measures. Protection measures are the responsibility of the National Security Service, the State Bureau of Investigation, the Internal Affairs agencies, the National Police or the National Anti-Corruption Bureau of Ukraine, which shall establish special units within their structures for this purpose.

125. For details concerning the protection of children in court proceedings, see the separate section below (paragraphs 152-157).

126. The Ukrainian authorities indicated that information on the application of victim protection measures is not collected systemically, but in 2018-2024, the investigative units of the National Police applied more than 10 protection measures to victims and witnesses in criminal proceeding initiated under Article 149 of the CC. Based on the study of 314 materials of criminal proceedings in 2024, no cases were found of non-application of protection measures when there were grounds for their implementation. During working meetings with NGOs in 2023-2024, the Prosecutor General's Office did not receive information about violations of victims' rights regarding the implementation of security measures. The training provided to investigators and prosecutors by the Prosecutor General's Office, together with the Prosecutors' Training Centre, UNODC, OSCE and the EUAM reportedly covered the prevention of re-traumatisation of victims.

127. However, according to NGOs, victim protection is not properly carried out and perpetrators may hinder the investigation by reaching the victims. This is due, in particular, to the failure of law enforcement bodies to request the application of protection measures, inadequate assessment of risks for the participants in criminal proceedings, and lack of funding to apply certain measures. Further, lawyers and NGO representatives met by GRETA expressed concern that, in practice, the principle of avoiding secondary victimisation is not respected, and victims can be asked to testify on multiple occasions.

128. GRETA is concerned that, in practice, victims of trafficking are rarely being granted protection measures in the framework of criminal proceedings.

129. GRETA considers that the Ukrainian authorities should take additional measures to protect victims and witnesses of trafficking in human beings from intimidation and retaliation during the investigation, as well as during and after the court proceedings, and prevent secondary victimisation, including by:

- preventing contact between victims and perpetrators and avoiding face-to-face cross-examination ("direct confrontation") of victims and defendants, for instance by using video conferences and other suitable means;

- continuing to build the awareness of all actors in the criminal justice system on how to avoid re-victimisation of victims of THB, as well as how to prioritise the rights, needs and interests of victims;

- avoiding repeated and lengthy questioning of victims of THB by setting up adequate procedures and internal regulations;

- ensuring that victims are systematically informed of their right to protection measures.

10. Specialised authorities and co-ordinating bodies (Article 29)

130. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and co-ordinating bodies should, as far as possible, include both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

131. As noted in paragraph 26, with a view to ensuring effective procedural guidance for pre-trial investigation in criminal proceedings related to THB, a specialised department to deal with THB was created at the Prosecutor General's Office in June 2023, comprising five prosecutors. GRETA was informed that a total of 217 investigators and 208 prosecutors (61 in regional prosecutor's offices and 147 in district prosecutors' offices) are specialised in proceedings related to THB.

132. Relevant training programmes for prosecutors have been developed by the Training Centre for Prosecutors. In particular, the training course "Combating Trafficking in Human Beings" includes the topics "Peculiarities of Dealing with Victims of Trafficking in Human Beings", "Procedural Guidance and Support of Public Prosecution in Criminal Proceedings on Trafficking in Human Beings", and "Peculiarities of Applying Security Measures to Victims in Criminal Proceedings on Trafficking in Human Beings". The Training Centre for Prosecutors introduced a separate training course on procedural guidance in crimes related to trafficking in human beings, which took place in February 2021. Further, the Prosecutor General's Office jointly with the United States Embassy organised a training for prosecutors who provide procedural guidance in pre-trial investigations in criminal proceedings on trafficking in human beings. In their comments on the draft GRETA report, the Ukrainian authorities provided details on training on THB provided to prosecutors in 2024, including simulation-based training in April and May which involved 12 prosecutors from regional Prosecutor's Offices (see paragraph 135), training for 30 prosecutors on "Procedural Guidance for Pre-trial Investigation of Criminal Offences Related to Human Trafficking" provided on 26-27 June and 16-17 July with support of the UNODC, and the participation of two Ukrainian prosecutors in a week-long advanced training course on "Combating Human Trafficking," at the

International Law Enforcement Academy in Budapest. In total, in 2024, the Prosecutor General's Office involved 45 prosecutors offline and 96 prosecutors online in training related to THB.

133. Combating trafficking in human beings is an integral part of the activities of the National Police, which takes measures to detect THB offences, identify victims and traffickers, and bring perpetrators to justice. In December 2020, the Migration Police was established within the structure of the National Police. Its tasks include the detection of crimes such as illegal migration and trafficking in human beings, as well as online child sexual exploitation and the production and distribution of child pornography. The Migration Police Department also supports foreign countries in the investigation of cases of Ukrainian victims exploited abroad. Currently, the Migration Police employed 415 officers (50 in the headquarters and 356 across the regions).

134. Police officers receive training in the National Academy of the Ministry of the Interior. Since 2017, the curricula for the initial professional training of all categories of newly recruited police officers have included the subjects "Combating Trafficking in Human Beings" and "Ensuring Human Rights and Freedoms". In 2018, an online educational portal was introduced into the police training system. Employees of the operational and investigative units of the National Police used the e-course "Fundamentals of Combating Trafficking in Human Beings" developed by the Ministry of Social Policy in co-operation with IOM, which is available on the Internet on a regular basis at www.ctcourse.org.ua. In their reply to GRETA's questionnaire, the authorities have provided a detailed list of training activities organised by it, with the support of international organisations and other countries.[52] By way of example, the training has included the use of open-source intelligence (OSINT) in the investigation of human trafficking crimes, and the investigation of crimes committee on the Dark Web and related to cryptocurrency. In order to improve their professional skills, staff regularly participate in training, workshops, round tables and interactive forms of education within the framework of joint projects with the support of NGOs and international partners. In their comments on the draft report, the authorities indicated that in 2024, 20,898 police officers received training related on THB covering a range of topics, including working with victims, the NRM, use of digital technology and international co-operation, including 70 police officers from migration police units, 921 from criminal investigation, 105 from juvenile prevention, 451 district police officers, 370 inquiry officers, and 1,112 investigators. In total, 56 training events were conducted in 2024, of which 21 were organised by international partners.

135. Since 2021, several simulation-based training sessions have been organised for police officers, prosecutors, social workers, labour inspectors and other relevant professionals in different regions of Ukraine, with the support of OSCE, IOM and UN agencies. During the visit in May 2024, the GRETA delegation observed in Lviv the conduct of a simulation-based training on human trafficking for professionals from Kharkiv, Luhansk and Poltava regions. In April-May 2024, around 120 participants, including prosecutors, police officers, labour inspectors and social service centre employees participated in four simulation exercises.

136. The National School of Judges provides training of candidates for the position of judge, training of judges, including those elected to administrative positions in courts, and periodic training of judges to improve their qualifications. Article 89 of the Law "On the Judicial System and Status of Judges" stipulates that judges are obliged to undergo training to maintain their qualification at least once every three years. In their comments on the draft report, the authorities stated that in 2024, 48 assistants to judges of local general and appellate courts followed a lecture on the topic "Consideration of Human Trafficking Cases in Wartime: Issues of Interrogation." In addition, the National School of Judges has planned a joint training for judges and prosecutors in 2025 on the topic "Combating Human Trafficking for Sexual Exploitation in Armed Conflict Conditions."

52 https://rm.coe.int/reply-from-ukraine-to-the-questionnaire-for-the-evaluation-of-the-impl/1680ae2cdf

137. GRETA welcomes the efforts made to develop the training and specialisation of professionals to deal with THB and invites the Ukrainian authorities to continue their efforts by ensuring that training on THB is systematic and is periodically updated, and that law enforcement agencies, the prosecution and the judiciary are provided with adequate resources, with a view to enabling successful investigation, prosecution and adjudication of human trafficking cases.

138. GRETA also invites the Ukrainian authorities to encourage judges to develop their knowledge and specialisation to deal with THB cases.

11. International co-operation (Article 32)

139. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to engage in extensive co-operation with one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the Convention neither cancels nor replaces relevant international or regional instruments[53] on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

140. In 2022-2024, co-operation between Ukrainian law enforcement agencies and law enforcement agencies of other countries, Eurojust, Europol, Frontex and other organisations in the area of combating THB was intensified. The primary framework for this co-operation is the European Multidisciplinary Platform Against Criminal Threats (EMPACT). For the first time, a representative of the National Police participated in the European operation to combat child trafficking (Operational Plan EMPACT 3.2) from 6 to 13 June 2022. On 24-25 May 2022, bilateral meetings were held with representatives of law enforcement agencies from Portugal, the United Kingdom, Ireland, Moldova, Interpol and Europol on combating trafficking in human beings and areas for further co-operation. At the invitation of the UK's National Crime Agency, from 12 to 24 June 2023, representatives of the National Police took part in joint events in the Kingdom of Spain to protect Ukrainian refugees from organised crime. On 13-14 July 2022, Ukrainian law enforcement officers attended a preparatory meeting in Paris on the conduct of a pan-European operation to combat trafficking in human beings for the purpose of labour exploitation. On September 2022, with the support of FRONTEX, representatives of the Migration Police Department took part in a hackathon on combating human trafficking in the form of sexual exploitation in Apeldoorn, the Netherlands. In 2023, the first visit of high-level Ukrainian police officials to the headquarters of FRONTEX took place. In 2024, there are 24 operational actions under EMPACT targeting human trafficking, with Ukraine participating in 19 of them. In April 2024, Ukraine participated in a joint operation against labour exploitation as well as the "Global Chain" operation against sexual exploitation (3-9 June), the Joint Action Days Workers operation (7-13 October), and the Interpol international operation LIBERTERRA II. Moreover, in March 2024, Europol, together with 11 member states, established a special operational task force dedicated to investigating the sexual exploitation of Ukrainians within the EU. Ukraine signed a Cooperation Agreement with Eurojust in June 2016 and has appointed a liaison prosecutor. In their comments on the draft report, the Ukrainian authorities provided information on the participation of representatives of the Prosecutor General's Office in some 30 meetings, seminars, webinars and training sessions related to THB organised by EMPACT, INTERPOL, SELEC, etc. in 2024.

53 For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, etc.

141. The possibility of establishing joint investigation teams (JITs) was introduced into Ukrainian legislation by the Law "On Ratification of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters" of 1 June 2011. In 2020-2023, a JIT was set up with the Czechia, Sweden and Norway to investigate the recruitment of vulnerable women for the purpose of exploitation in surrogacy. This case is pending in court. In 2021-2022, two more JITs were set up between Ukraine, Italy, Greece and Georgia for co-ordinated investigations of illegal migration along the Eastern Mediterranean route (which ended in April 2024), and between Ukraine and France to investigate the facts of trafficking in women from Eastern Europe to France for the purpose of prostitution.

142. In 2022, investigators of the National Police of Ukraine sent two requests for international assistance in pre-trial investigations for THB, to Poland and Lithuania. Further, in 2024, the Prosecutor General's Office sent 12 requests for legal assistance in criminal proceedings related to human trafficking to Germany, Korea, Romania, USA, Republic of Moldova, Azerbaijan, United Arab Emirates, Italy, Israel and Czechia. The Prosecutor General's Office received 7 requests for legal assistance from Belgium, Denmark, Lithuania, Norway, Poland and Montenegro. In addition, in June 2024, a request for the transfer of criminal prosecution regarding human trafficking was received from Romania. The case concerned the recruitment of women for labour exploitation on the territory of Romania.

143. With regard to mutual legal assistance, pursuant to Article 545 of the CPC, unless otherwise provided by an international treaty, the Ministry of Justice is the central authority for requests for international legal assistance in criminal proceedings during court proceedings. The Prosecutor General's Office of Ukraine is the central authority for requests for international legal assistance in criminal proceedings during pre-trial investigation, with the exception of pre-trial investigation of criminal offenses under the jurisdiction of the Anti-Corruption Bureau of Ukraine, which in such cases performs the functions of the central authority of Ukraine. In 2021, the Ministry of Justice received four judicial requests from foreign countries for mutual legal assistance in connection with THB: two from Turkey and two from Slovenia. In 2022, the Ministry of Justice received two requests for mutual legal assistance from Turkey. In 2021-2022, no requests for legal assistance in criminal cases related to trafficking in human beings were sent by Ukrainian courts to foreign countries.

144. GRETA welcomes the efforts made by the Ukrainian authorities to strengthen international co-operation with a view to preventing and combating human trafficking, in particular through their law enforcement authorities. Similar co-operation should be developed with labour inspectorates abroad.

145. GRETA invites the Ukrainian authorities to further develop international co-operation with labour inspectorates abroad, and to increase judicial co-operation with other countries.

146. Referring to its report published in April 2022 on Online and technology-facilitated trafficking in human beings,[54] GRETA also invites the Ukrainian authorities to enhance international co-operation on human trafficking cases facilitated by ICTs and encourages them to ratify the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence.

54 https://rm.coe.int/online-and-technology-facilitated-trafficking-in-human-beings-full-rep/1680a73e49

12. Cross-cutting issues

a. gender-sensitive criminal, civil, administrative and employment proceedings

147. As noted in the Committee on the Elimination of Discrimination against Women (CEDAW) General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.[55] The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.[56] GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level, the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or childcare.[57] Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".[58]

148. Ensuring gender equality remains a priority for the Ukrainian Government in the context of the ongoing war and post-war recovery. GRETA's delegation met with the Government Commissioner for Gender Equality Policy who indicated that combating THB was seen through the prism of gender equality, which is why amendments were made to the Law on Ensuring Equal Rights for Men and Women in 2024. Further, Ukrainian legislation is being brought into line with the Council of Europe Convention on preventing and combating violence against women and domestic violence ("Istanbul Convention"). On 18 March 2024, the Cabinet of Ministers approved the Plan for the Ukraine Facility, which will form the basis of the implementation of the EU's financial support programme for Ukraine in 2024-2027. Gender mainstreaming is included in the Chapter "Human Capital".[59] In April 2024, the European Commission agreed on a reform plan for Ukraine under the Ukraine Facility, which sets out the conditions for receiving 50 billion euros to finance the state budget, stimulate investment and provide technical support. The mechanism for ensuring gender equality includes the platform for Gender Mainstreaming and Inclusion in Recovery. Of relevance is also the Framework of Co-operation on the Prevention and Response to Conflict-Related Sexual Violence signed between the Government of Ukraine and the UN in May 2022. An Inter-Agency Working Group of combating conflict-related sexual violence and assistance to survivors was set up in May 2022, with five sub-groups, one of which is of trafficking for the purpose of sexual exploitation.

149. GRETA was informed that on 23 February 2022, the National School of Judges conducted training on "Gender Competence of a Judge" for judges of the High Anti-Corruption Court, in co-operation with the EU Anti-Corruption Initiative in Ukraine. Further, the distance learning course "Ensuring Gender Equality" has been followed by judges, judicial assistants and court staff. Further, the Prosecutor's General's Office has developed a strategy for ensuring a gender-sensitive approach and a brochure was also developed. Training is provided in co-operation with La Strada - Ukraine. In their comments on the draft report, the authorities stated that in 2024, the methodological recommendations on integrating

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55 CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015

56 Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1

57 Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5

58 Available at: https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e

59 http://www.ukrainefacility.me.gov.ua

gender approaches into the training system for specialists in the security and defence sector of Ukraine, developed in 2021, were updated.

150. However, according to specialised NGO met by GRETA, the investigation is not gender-sensitive and women who were victims of sexual exploitation or violence are sometimes interrogated by male investigators or prosecutors.

151. While welcoming the legislative changes and policies aimed at promoting gender equality, GRETA considers that the Ukrainian authorities should expand the provision of specific training to law enforcement officers, prosecutors, the judiciary and lawyers on how to conduct gender-sensitive interviews.

b. child-sensitive procedures for obtaining access to justice and remedies

152. Article 126 of the CPC of Ukraine defines the specifics of interviewing children. Such interviews must be carried out in the presence of the child's legal representative, a teacher or a psychologist, and, if necessary, a doctor. The parents (adoptive parents), the child's guardians or custodians, other adult close relatives or family members, as well as representatives of the guardianship and custody bodies, may be involved in the interview as legal representatives. The interview cannot last more than one hour without a break, and its overall duration should not exceed two hours per day. In any case, the child's age, procedural status, mental health and psychological characteristics should be taken into account. The CPC provides for the possibility of conducting interview not only at the place of pre-trial investigation, but also in another place upon agreement with the person to be interviewed. Thus, the place for interview is chosen in such a way as to ensure that possible psychological trauma to the child is minimised. Further, in accordance with Article 484 of the CPC, criminal proceedings against children are carried out by specialised investigators. When conducting pre-trial investigation with children, the procedure envisaged by Article 225 of the CPC is followed in order to avoid further summons for an interview in court and repeated victimisation. During court proceedings, usually neither the prosecutor nor the victim's counsel insists on interviewing children in court. Therefore, the court examines a video recording of the interview with a child witness according to the rules of the "green room" (a method of interviewing a child who has suffered or witnessed a crime in conditions that minimise and prevent repeated trauma).

153. There are a total of 125 "green rooms" for child-friendly interviewing in territorial units of the National Police across Ukraine, created and operated in co-operation with local communities and international organisations, but not all of them are operational due to the ongoing war. In their comments on the draft GRETA report, the Ukrainian authorities stated that 13 child protection centres (based on the Barnahus model) have been opened in Vinnytsia, Kirovohrad, Poltava, Ternopil, Chernivtsi, Zhytomyr and Volyn and Dnipropetrovsk regions and in the cities of Kyiv, Odesa, Mykolaiv, Sumy and Cherkasy.

154. However, GRETA was informed by lawyers and NGOs that, in practice, there is a lack of child-friendly and child-specific procedures. Children are questioned on several occasions and at all stages of the criminal proceedings. There is no recording of the interviews that could be used in court. Further, the number of "green rooms" is reportedly insufficient. When the victim is a child, a lawyer should be appointed *ex officio*, however, in practice, this reportedly does not happen systematically. Moreover, the "green rooms" are not always child-friendly. Conditions are reportedly better in the existing Barnahus centres, but they are still not effective in practice and their number is not sufficient. In one case, a child was brought to a Barnahus for the online questioning during a court hearing. Unfortunately, technical issues appeared, the session lasted two and a half hours, and in the end, the judge scheduled a face-to-face session in court.

155. During the visit, GRETA was informed of the draft Law "On Child-Friendly Justice" (Reg. No. 5617 of 4 June 2021) which aims to create conditions for the organisation and effective functioning of child-friendly justice that meets the requirements of the Convention on the Rights of the Child and other international standards on the rights of the child, and provides the legislative basis for ensuring the prevention of child abuse, proper treatment of children in contact with the law and their social rehabilitation, and prevention of secondary victimisation of children who are victims or witnesses. Another draft Law containing amendments to the CC, the CPC and the Code of Administrative Offences in relation to child-friendly justice is also pending before the Verkhovna Rada. In their comments on the draft report, the Ukrainian authorities indicated that the draft Law "On Child-Friendly Justice" was returned for revision upon recommendation of the Committee on Legal Policy of the Verkhovna Rada and was removed from consideration by the Verkhovna Rada on 5 September 2023. The other draft law containing related amendments to the CC, the CPC and the Code of Administrative Offences was also removed from consideration. The authorities indicated that the Ministry of Justice would develop and submit to the Verkhovna Rada another draft law on child-friendly justice.

156. GRETA urges the Ukrainian authorities to make further efforts to ensure child-friendly proceedings in human trafficking cases, in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.[60] This should include measures to:

- systematically prevent contacts between child victims and defendants, avoid repeated interviews of children to prevent traumatisation and revictimisation, ensure that interviews with child victims and witnesses are recorded and used in court, and avoid the cross-examination (direct confrontation) with the accused;
- adopt legislation on child-friendly justice;
- provide practical guidelines and training to investigators, prosecutors, judges and lawyers on how to conduct child-friendly interviews.

157. Further, GRETA considers that the Ukrainian authorities should ensure that there is a sufficient number of “green rooms” and/or Barnahus centres across the country, which are used consistently, and that children are interviewed by adequately trained investigators, prosecutors and judges, in the presence of trained child psychologists.

c. role of businesses

158. Ukraine does not have a National Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights, and there are currently no plans to develop such a plan.

159. The State Targeted Social Programme for Combating Trafficking in Human Beings (2023-2025) contains, *inter alia*, measures to develop guidelines for businesses on a code of ethical conduct and the prevention of exploitation, including risk assessment of the supply chain of goods/services. After the approval of such guidelines, the Ministry of Social Policy intends to engage with private entities, in particular through business associations, to implement them. In their comments on the draft report, the authorities indicated that the development of methodological recommendations for businesses is planned to be included in the State Programme on Combating Human Trafficking for the period 2026-2030.

[60] Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

160. GRETA considers that the Ukrainian authorities should engage with the private sector, in line with the UN Guiding Principles on Business and Human Rights[61] as well as Council of Europe Committee of Ministers Recommendations CM/Rec(2016)3 on human rights and business and CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation,[62] with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims of trafficking, and providing access to effective remedies.

161. Further, GRETA considers that the Ukrainian authorities should adopt legislation integrating the prevention of THB and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation.

d. measures to prevent and detect corruption

162. Trafficking in human beings can occur in various contexts. Human traffickers may form part of organised criminal groups, which frequently use corruption to circumvent the law, and money laundering to conceal their profits. Other Council of Europe legal instruments, in particular those designed to combat corruption, money laundering and cybercrime, are also relevant to combating human trafficking. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.

163. GRETA refers to GRECO's fourth report on Ukraine (adopted in June 2017), which focused on corruption prevention in respect of members of parliament, judges and prosecutors.[63] According to that report, a number of key reforms were launched through the so-called Anti-corruption Package, including the adoption of an Anti-Corruption Strategy and the establishment of the National Agency on Corruption Prevention, the National Anti-Corruption Bureau, the Special Anti-Corruption Prosecutor's Office and the Asset Recovery Management Agency. In addition to the Law on Prevention of Corruption, a new Law on the Prosecutor's Office was adopted in 2014, a new version of the Law on the Judicial System and Status of Judges entered into force in September 2016, and the Law on the High Council of Justice was enacted in January 2017. However, GRECO's report noted that there remained a popular sense that corruption was pervasive and, in particular, there continued to be public mistrust with respect to the judiciary and politicians. Consequently, GRECO urged the authorities to continue the reform process directed at strengthening the independence of the judiciary and the prosecution service. In the second compliance report, adopted in December 2021, GRECO assesses the measures taken by the authorities and concluded that Ukraine had implemented satisfactorily nine out of the 31 recommendations contained in the fourth evaluation report. Of the remaining recommendations, 14 were partly implemented and eight were not implemented.[64] According to GRECO, strengthening the independence of the justice system remained an outstanding issue. GRECO was concerned that not all judicial self-governing bodies had resumed functioning after being suspended for a considerable period of time, leaving the judiciary without adequate mechanisms for recruitment, internal supervision and protection from undue influences. As regards prosecutors, the long-lasting suspension of the operation of self-governing prosecutorial bodies responsible for recruitment, dismissal and disciplinary oversight was gradually being remedied. However, GRECO stressed that a system of random allocation of cases should be put in place as a safeguard against manipulation and undue influence.

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

62 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.
Recommendation CM/Rec(2022)3 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation and Explanatory Memorandum, adopted on 27 September 2022.

63 https://rm.coe.int/grecoeval4rep-2016-9-fourth-evaluation-round-corruption-prevention-in-/1680737207

64 https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a64e60

164. According to Article 216 of the Ukrainian CPC, pre-trial investigation of criminal offences committed by public officials is carried out by investigators of the State Bureau of Investigation. GRETA was informed that during the reporting period, there were three proceedings against public officials suspected of being involved in THB. In 2022, one of the deputy heads of a military unit was indicted for labour exploitation of his subordinates. In their comments on the draft report, the authorities indicated that in 2024, the State Bureau of Investigation completed the pre-trial investigation and sent an indictment to court related to human trafficking. In the second case, in 2021, the Migration Police Department detected a group of people engaged in trafficking in human beings for the purpose of labour exploitation in the territory of Petrykivka district of Dnipropetrovsk region. The pre-trial investigation established that a group of five people searched for, recruited, transported and transferred socially vulnerable persons and exploited them in two agricultural firms. Two members of the group were members of the village council. In the third case, in September 2021, members of the investigation team conducted 26 searches during which material evidence was collected and the proceeds of crime were seized. All members of the criminal group were indicted under Article 149, paragraphs 2 and 3, of the CC (trafficking in human beings).

165. GRETA considers that the Ukrainian authorities should include measures against corruption in a THB context in the next national anti-corruption strategy/action plan.

V. Follow-up topics specific to Ukraine

1. Data collection

166. In its second report, GRETA urged the Ukrainian authorities to develop and maintain a comprehensive and coherent statistical system on THB by compiling reliable and disaggregated data from all main actors, ensuring compliance with rules on the protection of personal data.[65]

167. Data on THB continues to be collected separately by different bodies following different criteria. The National Social Service keeps records of persons who applied for and were granted the status of victim of THB. The IOM and NGOs keep their own statistics on victims of THB assisted by them which, as noted in paragraph 16, are higher because many victims do not apply to the official status of victim of THB. The Prosecutor General's Office maintains the Unified Register of Pre-trial Investigations, which contains information on the number of registered criminal offences, the results of the pre-trial investigation by CC articles and by investigation body, the indictments, the cases which were suspended, terminated or sent to court, and the number of victims involved in criminal proceedings. The State Judicial Administration keeps judicial statistics with information on the progress of criminal proceedings in court, the number of victims, convicted persons and types of punishment. In the event of multiple crimes, the record is kept under the article of the CC which provides for the most severe punishment.

168. GRETA notes that there are discrepancies in the data related to investigations, indictments and convictions provided at different stages of the evaluation process (i.e. in the authorities' reply to the questionnaire, during the country visit and in the subsequent submissions in reply to additional questions). Furter, no data is collected on some aspects of the fight against THB, such as requests for compensation and judicial decisions to grant compensation, recovery and reflection period, and residence permits.

65 See paragraph 50 of GRETA's second report on Ukraine.

169. The Ukrainian authorities indicated that the National Social Service would introduce a register of persons who have been granted the status in which the data will be disaggregated by gender, type of exploitation, country of destination, type of trafficking in human beings, and the victim's nationality. In their comments on the draft report, the authorities indicated that the National Social Service has developed a concept for digitizing the process of establishing the status of a victim of THB, which will provide the possibility of online applications, taking into account the confidentiality rules and ensuring the possibility of different levels of access to data and verification. Due to the limitations of the state budget, the National Social Service is seeking partner support for software development, protection of victims' data, training of specialists and subsequent technical support.

170. GRETA notes that collecting data on various aspects of human trafficking is important because it represents a tool to inform, adjust and assess anti-trafficking policies, as well as to carry out risk assessment. It is crucial that States Parties ensure inter-institutional co-operation in order to collect data, in line with the rules on the protection of personal data. GRETA therefore considers that the Ukrainian authorities should develop a centralised, comprehensive system for the collection and analysis of data on measures to protect and promote the rights of trafficking victims (including protection measures taken during criminal proceedings and compensation granted to victims), as well as data on investigations, prosecutions and adjudications of THB cases. Statistics regarding victims should be collected from all main actors (including NGOs) and should allow disaggregation by sex, age, type of exploitation, country of origin and country of 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.

2. Measures to prevent and combat trafficking for the purpose of labour exploitation

171. In its second report, GRETA urged 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 training on THB and 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. Further, GRETA urged the authorities to strengthen the supervision of recruitment agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures.

172. During the visit, GRETA was informed that the number of labour inspectors had increased to 860. However, the resources are still not sufficient. The mandate of labour inspectors is limited as they cannot make inspections on their own initiative without a prior complaint (application). Consequently, ILO Conventions Nos. 29 (on forced labour) and 81 (on labour inspections) are not properly implemented.

173. Following the Russian Federation's full-scale invasion of Ukraine, the Government of Ukraine decided to suspend scheduled and unscheduled state supervision and state market supervision for the period of martial law imposed by Decree of the President of Ukraine No. 64 "On the Introduction of Martial Law in Ukraine," dated 24 February 2022. Under these circumstances, the State Labour Service and its territorial bodies changed their approaches to organising their work and focused on raising awareness of safe employment and informing people about simple rules that will help protect them from possible negative consequences. In June 2023, the possibility of conducting unscheduled inspections was partially reintroduced, and in 2023, the State Labour Service approved a plan of control measures which provides for inspections of 19,359 subjects. In their comments on the draft report, the Ukrainian authorities stated that during the period of martial law, unannounced inspections based on applications from employees or trade unions are allowed. In 2022-2024, the State Labor Service, together with the National Police, conducted 1,349 measures to combat human trafficking, identifying 1,617 unregistered workers, including 5 cases of human trafficking, 30 cases of labour exploitation and 15 cases of forced labour.

174. In July 2022, a new Law "*On Organisation of Labour Relations under the Martial Law"* No. 2136-IX was adopted. It regulates the conditions for suspension of labour agreements and introduces new grounds for dismissal related to the war situation.

175. GRETA was informed that the highest risk of THB is in the informal economy. According to the State Statistical Centre, in 2021, the biggest number of workers in the informal economy were in the sector of agriculture. Joint actions with the National Police revealed 940 non-registered employees. The State Labour Service and the National Police have intensified their co-operation based on operation plans implemented at the local level and information exchange. An alleged case of labour exploitation by the administration was detected in a shelter for IDPs and in rehabilitation centres for IDPs (in Lviv). In their comments on the draft report, the Ukrainian authorities stated that the investigative unit of the Main Directorate of the National Police in Lviv region conducted a pre-trial investigation in a separate criminal proceeding regarding the recruitment of two internally displaced persons for the purpose of their labour exploitation on the territory of a farm in Lviv. As a result of the pre-trial investigation, a man was indicted under Article 149, paragraph 2, of the CC and was sentenced to 5 years' imprisonment with a suspension for 2 years by the Stryi City District Court on 31 October 2024.

176. In 2018, a distance learning course for labour inspectors was launched which they are obliged to follow prior to doing inspections. In 2020, the course was supplemented with a module on THB, created with the assistance of the OSCE. At the beginning of the war, the distance learning course for labour inspectors was updated. To prepare labour inspectors to work with internally displaced persons, the ILO-EU project "Towards Safe, Healthy and Declared Work" supported 10 online trainings for 200 labour inspectors and 5 offline trainings for 100 labour inspectors. The Ministry of Social Policy, in co-operation with IOM, conducted training for labour inspectors on combating THB for the purpose of labour exploitation in 2019. A total of 151 labour inspectors of the State Labour Service and its territorial units took part in these trainings. Another training for trainers was held in 2019 for 25 labour inspectors representing all regions of the country. A total of 28 labour inspectors participated in the simulation-based training organised by OSCE and IOM in 2023-2024. In their comments on the draft report, the Ukrainian authorities indicated that within the framework of an ILO project funded by Belgium, a seminar was held on the role of the State Labour Service in combating THB for the purpose of labour exploitation in September 2024. The State Labour Service has also implemented a distance learning course for labour inspectors covering human trafficking.

177. To raise awareness of THB, 114 billboards on combating trafficking in human beings were placed and 3,680 posters were displayed in bus and railway stations and at border checkpoints. 470,000 booklets were distributed, and 7,150 information messages were placed in the media. With the support of the ILO project "Towards Safe, Healthy and Declared Work", two videos and one audio clip were produced to highlight the problem of forced labour among IDPs, which have the status of social advertising and are being placed in the media and on relevant platforms. The State Labour Service has organised the "Interactive Inspector service", which allows people to receive up-to-date information on the application of legislation in a particular situation via electronic communication or by phone. An information portal pratsia.in.ua and a section on the State Labour Service website were created for citizens working abroad, with advice on how to avoid the risks of forced labour.

178. Further, the Government adopted Cabinet of Ministers Resolution "On Amendments to the Licensing Conditions of Economic Activity of Facilitators of Employment Abroad" No. 140 of 28 February 2018. It specifies the working conditions that facilitators (mediators) of employment abroad are obliged to include in a labour contract, in particular information on wages, payroll deduction, duration of working hours and breaks. A new element is the inclusion in the working conditions of a provision of medical care and social insurance, compensation for damage caused to health due to an accident at work or temporary disability and the repatriation of a migrant worker. Prior to concluding the agreement on the provision of foreign employment mediation services, the mediator must provide reliable information on the working and living conditions in the country of employment.

179. There used to be a licensing procedure for recruitment agencies for employment abroad until 2023, under the Ministry of Social Policy, but following legislative amendments, it was removed, and a simple declaration by the agency is sufficient. In their comments on the draft report, the Ukrainian authorities indicated that according to Article 38 of the Law of Ukraine "On Employment of the Population," a business entity has the right to provide employment mediation services abroad after being included in the relevant list of the Ministry of Economy. The law establishes obligations for mediators to provide citizens with information about working conditions, free consultations, to keep records of employed persons, and to report to the Ministry of Economy. Control over the activities of such entities is exercised by the State Labour Service, which can impose financial sanctions for violations. However, during the period of martial law, this is not in the list of issues allowed for control by the State Labour Service.

180. GRETA was informed that the State Labour Service had concluded an agreement of co-operation with the Lithuanian counterparts to check the recruitment and work of Ukrainians who moved to Lithuania. Further, in 2019, a memorandum of co-operation was signed between the State Labor Service of Ukraine and Portugal's Labour Authority.

181. On 14 May 2019, the Government concluded a nationwide collective agreement with representatives of trade unions and employers.[66] The Parties to the Agreement, *inter alia*, agreed to create conditions for preventing mass labour migration of Ukrainian workers abroad, including through facilitating the creation of competitive jobs in Ukraine; exchange of information on identified violations of ILO conventions, other international treaties to which Ukraine is a party, and the Ukrainian legal framework on labour and socio-economic rights of workers and action to eliminate these violations; and reduction of informal employment in Ukraine. Moreover, the Trade Union Party undertook to exercise public control of compliance with the labour legislation in enterprises, institutions and organisations. The Ordinance of the Cabinet of Ministers No. 691 of 21 August 2019 approved an action plan to implement the Agreement's provisions.

182. On 10 December 2019, the first National Forum on Migration and Prevention of Human Trafficking took place upon the initiative of the Ministry of Social Policy. The event, aimed at setting a platform to analyse the national legislative framework on the rights protection of internally displaced persons who suffered from trafficking in persons, was attended by representatives of legislative, executive and judicial authorities, civil society, and international organisations.

183. As mentioned in paragraph 14, trafficking for the purpose of labour exploitation is the predominant form of exploitation in Ukraine and of Ukrainian citizens abroad. Monitoring compliance with labour legislation with a view to preventing THB for the purpose of labour exploitation is envisaged in the State Programme for Combating THB. While acknowledging the enormous challenges posed by the war, GRETA is concerned that the current limitations on the mandate of labour inspectors does not enable them to effectively participate in the fight against human trafficking. Further, the lack of licencing and supervision of recruitment agencies for employment abroad raises concerns about the risks of abuse.

[66] General Agreement on the Regulation of the Basic Principles and Norms for the Implementation of Socio-economic Policy and Labour Relations in Ukraine for 2019-2021.

184. GRETA urges the Ukrainian authorities to take additional measures to effectively prevent, detect and combat trafficking for the purpose of labour exploitation, taking into account Recommendation CM/Rec(2022)21 of the Committee of Ministers[67] and GRETA's Guidance Note on combating trafficking for labour exploitation.[68] This should include:

- reviewing the mandate of labour inspectors and reinforcing their human resources so that they can conduct operational activities and unannounced inspections in all economic sectors without prior complaints from workers or other evidence of suspected offences;
- including labour inspectors among the actors responsible for the implementation of the National Mechanism for Interaction of Agents for Combating Trafficking in Human Beings (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;
- establishing safe reporting and effective complaint mechanisms for workers, to ensure that victims of abuses or exploitative situations can refer their case without fear of repercussions;
- reintroducing licensing of recruitment agencies for employment abroad and carrying out monitoring of their work, including their respect of the national legislation and international standards (such as ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees).[69]

3. Measures to prevent trafficking of children, identify children who are victims of trafficking and assist these children

185. In its second report on Ukraine, GRETA urged the Ukrainian authorities to strengthen the efforts aimed at preventing trafficking in children, in particular by developing programmes to reduce the vulnerability to THB of children in institutional care, children in street situations, IDP children, "social orphans" and children in Roma communities.

186. The Ministry of Education and Science has continued raising awareness of THB amongst school children[70] and providing training on THB to teachers who also have access to an e-learning course on THB for civil servants developed with support from IOM.[71] A programme of education on the prevention of THB entitled "Personal Dignity. Safety of Life. Civil Society" was introduced in schools. Further, an on-line learning course on THB for pedagogical staff of general secondary education establishments was developed in 2018 with OSCE support. In October 2019, the Ministry of Education and Science, in co-operation with IOM, launched the project "Preventing Trafficking in Human Beings by Means of Developing Life Competences of Children."

187. During the period of martial law, in order to protect the rights of evacuated children, both within the country and abroad, and to prevent violations of rights and administrative and criminal offences against children who lived in boarding schools, educational and rehabilitation centres, orphanages and other institutions until 24 February 2022 and were then returned to their parents (guardians), their places of residence were inspected. Inspections were also carried out of the actual locations of institutions evacuated from other regions of the country or abroad. In co-operation with the Ministry of Foreign Affairs and the National Social Service, the Ministry of Social Policy monitors the temporary consular registration of children from institutional institutions evacuated abroad. Two boarding schools evacuated from Ukraine to Spain (in the cities of Oviedo and Gijón) were visited by the Ministry of Social Policy.

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[67] https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a83df4
[68] https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c
[69] https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf
[70] See Ukrainian Government reply to the Committee of the Parties' recommendation.
[71] www.ctcourse.org.ua

188. According to the All-Ukrainian Counter-trafficking NGO Coalition monitoring bulletin on THB in Ukraine in the context of the full-scale invasion by the Russian Federation, the evacuation of children from institutional facilities located in the war zone was carried out quickly, but was not always properly organised, and the Coalition members are aware of cases of missing documents of children and transfers from one family to another.

189. A special thematic hearing on child trafficking was held in July 2024 by the Council of Europe's Consultation Group of Children of Ukraine.[72] According to the report on the hearing, the ongoing armed conflict in Ukraine presents significant risks for the effective protection of children from human trafficking, particularly in the temporarily occupied territories by the Russian Federation. In these regions, the Ukrainian authorities' ability to protect children and address human trafficking cases is severely limited. Moreover, the restricted access for international organisations and NGOs aggravates the situation, leaving vulnerable populations, especially children, exposed to organised crime groups, including human traffickers. Children of Ukraine migrating abroad, especially those without parents or families, face heightened risks as they move between countries. Additionally, reports of mothers migrating with their children and returning to Ukraine without them raise significant concerns about the safety and whereabouts of these children. The Ukrainian authorities often lack information about these children, increasing the risk of harm to these children, including of human trafficking. Host countries report difficulties in monitoring children of Ukraine, especially when they move within the Schengen area. The only available mechanism for EU member States, the Schengen Information System, is only activated once a child has been reported missing to national law enforcement authorities, which usually takes weeks. Recently, there has been a significant increase in the number of 16–18 year-old boys from Ukraine migrating for fear of military recruitment. Their increased vulnerabilities (they are afraid to report or seek help when faced with risks due to their desire to evade State authorities), leads to them becoming targets of human traffickers. There has also been an increase in the number of children in this group dropping out of school and vocational training, leaving them vulnerable to longer-term vulnerabilities relevant to human trafficking, such as social isolation, lack of access to psychosocial services, lack of access to higher education and future employment opportunities. Ukrainian children and their caregivers are increasingly struggling to meet their basic needs as humanitarian aid and their savings diminish. There has reportedly been a rise in unaccompanied adolescent children of Ukraine, some as young as 14-15 years old, migrating between Ukraine and other Council of Europe member States to find work to support themselves and their families. Many live with their employers and work without valid work contracts, raising concerns about their safety and well-being. The lack of job security and poor living conditions make them vulnerable to exploitation and human trafficking.[73]

190. Since the second evaluation by GRETA, in the period 2018-2024, the number of children who were granted the status of victims of THB in Ukraine has been low: a total of 72 (39 girls, 31 boys, and 2 children for whom the sex was not specified). Self-identification is especially challenging for child victims who often do not recognise their situation as abnormal or that they are being exploited. Children who spend a significant amount of time online while pursuing online education or socialising exclusively through the internet due to isolation are more vulnerable to human traffickers. Traffickers have rapidly adapted to using online tools to find, control and exploit their victims. Policy action and State interventions, however, remain slow and have not kept pace with technological advancement. The lack of human and material resources of law enforcement agencies makes proactive investigations and the identification of victims difficult. The understaffing and limited budget of other State agencies responsible for the co-ordination of the fight against human trafficking and the protection of victims also limit the support which can be provided to victims.

[72] Council of Europe's Consultation Group on Children of Ukraine (CGU).
[73] https://rm.coe.int/thematic-hearing-report-on-understanding-the-risks-of-trafficking-of-c/1680b2023c

191. Child victims of THB are accommodated in child social protection establishments. Prior to the war, there were 74 centres for social and psychological rehabilitation of children and 5 children's shelters.

192. During the visit, GRETA met two NGOs focusing on Ukrainian children, Save Ukraine[74] and Child Rescue. Save Ukraine, in collaboration with law enforcement and the Prosecutor General's Office, works on the identification of victims of human trafficking and rescuing Ukrainian children who have been taken into Russia and Russian-occupied territory. Since the war began, they have provided comprehensive support through a team of psychologists and lawyers to 71 child survivors of sexual abuse and human trafficking. They offer safe shelter and rehabilitation for three to six months at no cost to the children and if they are accompanied by their parents, the family stays together. Child Rescue is also returning children from Russia and runs a shelter for children. There are reportedly problems with the recovery of children's documentation which affects their access to assistance.

193. The current State Programme for Combating THB envisages analysing and drafting, if necessary, regulatory acts taking into account the conditions of martial law to provide children evacuated abroad with appropriate travel documents. It is also planned to introduce the topic of THB in the series “Online safety for children” as part of the national online digital literacy platform. Another planned activity is the development of guidelines for local governments, parents, education professionals and social service providers to prevent the exploitation of adults and children via the Internet.

194. GRETA urges the Ukrainian authorities to improve the identification of, and assistance to, child victims of trafficking, in particular by:

- increasing the capacity to detect child victims of trafficking by training a larger range of professionals who may come into contact with children in the use of trafficking indicators and involving child specialists in the identification of child victims of trafficking to ensure that the best interests of the child is the primary consideration;
- further developing the training and resources of law enforcement officers and public prosecutors on the identification of child victims of trafficking, including child victims of trafficking recruited and/or exploited online;
- providing safe and specialised accommodations for child victims of trafficking, with professionals adequately trained in supporting child victims of trafficking.

4. Identification of victims of trafficking

195. In accordance with the Procedure for Establishing the Status of a Victim of Trafficking in Human Beings approved by the Cabinet of Ministers Decree No. 417 of 23 May 2012, any person, including an illegal migrant who considers himself or herself a victim of trafficking in human beings, has the right to apply for recognition of the status of victim of THB. Such status is established by the National Social Service based on the results of an inspection and after reviewing documents collected by local state administrations. The certificate of status determination is a confirmation of unlawful actions against a person, provides the victim with the opportunity to receive assistance from the state and claim exemption from criminal liability for crimes committed under duress. GRETA was informed that the identification procedure lasts one month. In case of refusal to be granted victim status, a person can appeal to the Administrative Court.

[74] Home page - SaveUkraine

196. As already described in GRETA's first evaluation report,[75] 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 Service, the State Migration Service, the State 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. A range of training activities have been provided to staff of the bodies involved in the NMI.[76]

197. The Ministry of Social Policy, together with the National Social Service, has developed "Methodological recommendations for the application of criteria/indicators for the identification of victims of THB", in co-operation with the NGO Coalition, but they are pending adoption. As part of the project SURGe, information on how to recognise signs of THB and victims of THB was placed on the website of the Ministry, as well as infographics on the main signs of THB. Since the full-scale invasion by Russia, there has been a surge in awareness-raising activities aimed at preventing THB and alerting people to signs of THB and where they can seek assistance.[77]

198. There are several hotlines where reports on THB can be submitted and/or assistance sought: 1547 (national hotline for reporting THB and violence), 527 (national hotline for migrants), 116 123 (run by La Strada - Ukraine) and 116 111 (hotline for children and youth run by La Strada - Ukraine). By way of example, the national hotline for migrants provided 228,786 consultations in response to 53,093 calls in 2023. 77 callers were preliminarily identified as victims of THB/exploitation/violence and referred for further assistance.

199. According to the All-Ukrainian Counter-trafficking NGO Coalition monitoring bulletin on THB in Ukraine in the context of the full-scale invasion by the Russian Federation, identification of victims of THB remains a major problem. In the majority of cases, detection became possible due to the self-identification of the victims or the response of NGOs to their requests for assistance. In 2023, the share of victims identified through proactive methods was only 15%. In some regions (e.g. Chernivtsi), no victims of THB were identified by state agencies. The identification of victims has become particularly challenging in the context of the war, especially in the most affected regions. Victims, in particular those who return to Ukraine after being exploited abroad, are reportedly reluctant to apply for formal identification because of the low trust that they have in state authorities. The procedure for granting victim status remains administratively complex, victims are unaware of where to apply, and the information is hard to find. The official information on the official web pages is not up to date. Some victims are wary of the possible disclosure of confidential information or do not see any significant benefits in being granted victim status. There are also reportedly some gaps in data collection: for instance, in one of the cases in Lviv, the copies of documents showed that the person was formally identified, but this was not reflected in the statistics. At the same time, there has been an increase in the number of applications for victim status to local state administrations (2.5 times more than in 2022) and the share of refusal to grant victim status has been decreasing (10.6% of applications in 2023, compared to 11.3% in 2022).

200. As noted in paragraph 21, draft legislation has been prepared by the Ministry of Social Policy which would enable local self-government bodies to grant the status of victim of THB, as well as give the right to Ukrainian citizens who became victims of THB abroad to apply for the status of victims to the National Social Service, Ukrainian diplomatic missions abroad or police forces in the foreign country where they reside. The current State Programme for Combating THB also envisages improving the procedure for establishing the status of a victim of THB by enabling electronic submission of documents.

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75 See paragraphs 128-131 of GRETA's first report on Ukraine, available at: http://rm.coe.int/168063caba

76 For details, see the Ukrainian authorities' reply to GRETA's third round questionnaire and their report to the Committee of the Parties' recommendation.

77 For details, see the Ukrainian authorities' reply to GRETA's third round questionnaire.

201. While welcoming the Ukrainian authorities' efforts to improve the identification of victims, GRETA considers that they 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;
- revise the procedures for granting the status of victim of THB by making it possible for the local authorities to take decisions of victim status and ensuring that the procedures are trauma-informed, gender-sensitive and less bureaucratic;
- adopt, without 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.

5. Assistance to victims of trafficking

202. In its second report, GRETA urged the Ukrainian authorities to ensure that all presumed and identified victims of trafficking receive adequate assistance and support, including by providing a sufficient number of places around the country for all victims who need safe accommodation, which are adapted to the specific needs of victims of THB and provide specialised support and services; ensuring adequate funding and staff to work with victims of THB and facilitate their reintegration; setting up agreements/contracts with specialised NGOs providing assistance to victims of THB; and guaranteeing access to health care to all victims of THB, irrespective of their registered residence.

203. 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. 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". 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.

204. According to statistics provided by the Ukrainian authorities, the number of victims of THB who received assistance was 180 in 2018, 160 in 2019, 88 in 2020, 36 in 2021 and 47 in 2022.[78] In addition, a number of victims were assisted by IOM and NGOs (see paragraphs 16 and 17).

205. There is a shortage of funding for victim assistance. NGOs providing such assistance do not receive funds from the state or local authorities and rely on donors and international organisations. The state procurement system needs to be improved, and THB-related services should be incorporated into the procurement of social services. GRETA was informed that a register of providers of social services was in the process of being set up pursuant to the Law on Social Services.

78 These figures do not include data from Donetsk Oblast Military Administration.

206. Providing appropriate accommodation to victims of THB remains a challenge. Victims of trafficking can be accommodated in 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). The situation has been aggravated by the fact that after the full-scale invasion of Ukraine by Russia the centres for social-psychological assistance have become overcrowded and staff have left. According to the report of the Counter-trafficking NGO Coalition, state institutions did not provide temporary accommodation to 17 persons who were granted the status of victims of THB. At the same time, state institutions provided accommodation to 92 victims who did not have an established victim status. The National Social Service, which plays a critical role in providing shelter and support to internally displaced persons and victims of trafficking in human beings, lacks essential staff, such as psychologists, which significantly limits its capacity to provide the necessary care and protection to the victims.

207. 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. The average duration of stay is two weeks, but some victims have stayed longer due to issues with documentation or absence of accommodation. At the time of the visit, there were seven victims at the centre and two more were expected to come.

208. The GRETA delegation also visited for the second time the Department of Social and Psychological Assistance of the Lviv Regional Centre of Social Services.[79] It continued to be accommodated in a building which partially serves as a hotel and was undergoing refurbishment at the time of the visit. Due to the increase in the number of IDPs, since 2015, the centre had been accommodating primarily this category of beneficiaries. With a capacity of 15 beds, the facility is usually overcrowded, accommodating 20 persons or more. From February 2022 until May 2024, 107 people were accommodated. GRETA was informed that there were 2 victims of THB among the IDPs. The number of staff had decreased compared to the previous GRETA visit in October 2017 and the post of the psychologist/social worker was vacant. 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.

209. In April 2024, the Minister of Health issued methodological recommendations for the provision of medical services and assistance to victims of THB, which provide detailed guidance to medical professionals on how to examine victims of THB in a trauma-informed and confidential manner, paying attention to any accompanying persons who might be traffickers and informing the police if this is the case. Medical professionals are also instructed to provide victims with information on their rights to free legal aid and to apply for the official status of victims. They have to prepare a detailed report describing any injuries, paying attention to the psychological status and reactions of the victims. However, GRETA was informed that no training had been provided to medical professionals on the methodological recommendations nor on THB in general. A training course for the medical staff on working with the victims of violence is being developed, but it does not include a module on THB.

210. GRETA was informed that state medical assistance to victims of THB remained very limited. A lot of medical services were excluded from the list of free services. Another issue is the lack of family doctors. They are crucial since in order to get health care from specialised medical personnel, victims of THB should first go to the family doctor who refers them.

[79] See paragraph 136 of GRETA's second report on Ukraine. At the time of that visit, it was called Regional Centre for Social and Psychological Assistance.

211. While welcoming the adoption of the methodological recommendations for the provision of medical services and assistance to victims of THB, GRETA once again urges the Ukrainian authorities 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 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;
- ensure adequate funding of assistance to victims of THB when it its delegated to NGOs as service providers;
- guarantee access to health care to victims of THB.

6. Recovery and reflection period

212. No legislative developments have taken place since the previous GRETA evaluation and the Ukrainian authorities continue to interpret the period of up to one month to consider an application for victim status under Article 15(3) of the Law on Combating THB as equivalent to the recovery and reflection period.

213. As pointed out in GRETA's 2024 Guidance Note on the recovery and reflection period, having a clear legal basis for granting the recovery and reflection period creates legal certainty and consistency of application.[80] Therefore, 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. The authorities should take into account GRETA's Guidance Note on the recovery and reflection period when amending the legislation.

[80] https://rm.coe.int/guidance-note-on-recovery-and-reflection-period-group-of-experts-on-ac/1680b1a3ca

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA welcomes the issuing of a specific leaflet which information on the rights of victims of THB and considers that the Ukrainian authorities should make it available in a range of foreign languages, and take further steps to ensure that presumed victims of human trafficking are given information in a proactive manner, as soon as they come into contact with a competent authority, prior to being granted the status of victims of THB. The information should take into account the victim's age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disability which may affect the ability to understand. The information should be provided irrespective of the victim's capacity or willingness to co-operate in criminal proceedings and cover the services and assistance measures available, compensation procedures and other relevant civil and administrative remedies and procedures (paragraph 51);

- GRETA considers that the Ukrainian authorities should sensitise interpreters who may come into contact with victims of human trafficking to the issue of human trafficking and the vulnerabilities of victims (paragraph 52).

Legal assistance and free legal aid

- GRETA considers that the Ukrainian authorities should take additional steps to guarantee effective access to legal assistance and free legal aid for victims of trafficking, including by:
  - facilitating the provision of primary legal assistance as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, prior to the granting of victim status by the National Social Service;
  - ensuring that trafficking victims are systematically appointed a lawyer who has training/specialisation on THB cases to represent them in legal proceedings;
  - ensuring adequate funding for the provision of legal assistance and free legal aid to victims of trafficking, including when they are provided by NGO lawyers (paragraph 62).

Psychological assistance

- GRETA welcomes the legislative changes adopted with a view to improving victims' access to psychological assistance and considers that the Ukrainian authorities should make further efforts to ensure that psychological assistance can be effectively provided to all victims of THB, according to their needs (paragraph 67).

Access to work, vocational training and education

- GRETA welcomes the steps taken to enable victims of THB to find employment and considers that the Ukrainian authorities should, to the extent possible, ensure effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 71).

Compensation

- GRETA once again urges the Ukrainian authorities to set up a state compensation scheme accessible to victims of THB, regardless of their citizenship and residence status (paragraph 85);

- GRETA urges the Ukrainian authorities to guarantee effective access to compensation for victims of trafficking, notably by:
  - ensuring that victims are provided with legal assistance and free legal aid from the early stage of the criminal proceedings in order to exercise their right to compensation;
  - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigation, with a view to supporting compensation claims in court;
  - 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;
  - ensuring that victims of THB can effectively receive compensation for the full damage suffered as part of the criminal proceedings, within a reasonable time;
  - building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials, prosecutors, the judiciary and staff of victim support services (paragraph 86);

- GRETA considers that the Ukrainian authorities should:
  - enable access to compensation for victims of trafficking by making compensation awarded in criminal proceedings payable by the State if the perpetrator has not paid the victim within a set period of time, and the State taking the responsibility to try to recover the amount from the perpetrator;
  - monitor access to compensation for victims of trafficking by developing a system for recording claims for compensation and compensation awarded, and collecting data for the purpose of analysis (paragraph 87).

Investigations, prosecutions, sanctions and measures

- GRETA considers that the Ukrainian authorities should take further measures to strengthen the criminal justice response to THB, including by:
  - ensuring that human trafficking offences for different forms of exploitation are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not by a victim;
  - intensifying their efforts to systematically carry out financial investigations in THB cases in order to identify, seize and confiscate criminal assets, including through the use of special investigation techniques;
  - ensuring that human trafficking offences are prosecuted as such, rather than as offences carrying lower penalties, every time the circumstances of the case allow this, and lead to effective, proportionate and dissuasive sanctions for those convicted;
  - ensuring that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ);
  - 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;

- adopt such legislative and other measures as may be necessary to prevent the risks of trafficking in human beings in the context of exploitation of surrogacy (paragraph 111).

Non-punishment provision

- GRETA once again urges the Ukrainian authorities to take 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 118);

- GRETA invites the Ukrainian authorities to collect data and monitor the application of non-punishment principle, with a view to identifying shortcomings in the application of this principle and taking appropriate measures (paragraph 119).

Protection of victims and witnesses

- GRETA considers that the Ukrainian authorities should take additional measures to protect victims and witnesses of trafficking in human beings from intimidation and retaliation during the investigation, as well as during and after the court proceedings, and prevent secondary victimisation, including by:
  - preventing contact between victims and perpetrators and avoiding face-to-face cross-examination ("direct confrontation") of victims and defendants, for instance by using video conferences and other suitable means;
  - continuing to build the awareness of all actors in the criminal justice system on how to avoid re-victimisation of victims of THB, as well as how to prioritise the rights, needs and interests of victims;
  - avoiding repeated and lengthy questioning of victims of THB by setting up adequate procedures and internal regulations;
  - ensuring that victims are systematically informed of their right to protection measures (paragraph 129).

Specialised authorities and co-ordinating bodies

- GRETA welcomes the efforts made to develop the training and specialisation of professionals to deal with THB and invites the Ukrainian authorities to continue their efforts by ensuring that training on THB is systematic and is periodically updated, and that law enforcement agencies, the prosecution and the judiciary are provided with adequate resources, with a view to enabling successful investigation, prosecution and adjudication of human trafficking cases (paragraph 137);

- GRETA invites the Ukrainian authorities to encourage judges to develop their knowledge and specialisation to deal with THB cases (paragraph 138).

International co-operation

- GRETA invites the Ukrainian authorities to further develop international co-operation with labour inspectorates abroad, and to increase judicial co-operation with other countries (paragraph 145);

- GRETA invites the Ukrainian authorities to enhance international co-operation on human trafficking cases facilitated by ICTs and encourages them to ratify the Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (paragraph 146).

Gender-sensitive criminal, civil, administrative and employment proceedings

- GRETA considers that the Ukrainian authorities should expand the provision of specific training to law enforcement officers, prosecutors, the judiciary and lawyers on how to conduct gender-sensitive interviews (paragraph 151).

Child-sensitive procedures for obtaining access to justice and remedies

- GRETA urges the Ukrainian authorities to make further efforts to ensure child-friendly proceedings in human trafficking cases, in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice. This should include measures to:
  - systematically prevent contacts between child victims and defendants, avoid repeated interviews of children to prevent traumatisation and revictimisation, ensure that interviews with child victims and witnesses are recorded and used in court, and avoid the cross-examination (direct confrontation) with the accused;
  - adopt legislation on child-friendly justice;
  - provide practical guidelines and training to investigators, prosecutors, judges and lawyers on how to conduct child-friendly interviews (paragraph 156);

- GRETA considers that the Ukrainian authorities should ensure that there is a sufficient number of "green rooms" and/or Barnahus centres across the country, which are used consistently, and that children are interviewed by adequately trained investigators, prosecutors and judges, in the presence of trained child psychologists (paragraph 157).

Role of businesses

- GRETA considers that the Ukrainian authorities should engage with the private sector, in line with the UN Guiding Principles on Business and Human Rights as well as Council of Europe Committee of Ministers Recommendations CM/Rec(2016)3 on human rights and business and CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims of trafficking, and providing access to effective remedies (paragraph 160);

- GRETA considers that the Ukrainian authorities should adopt legislation integrating the prevention of THB and labour exploitation in public procurement policies and promoting transparency in supply chains to enable scrutiny of companies' performance to prevent THB and labour exploitation (paragraph 161).

Measures to prevent and detect corruption

- GRETA considers that the Ukrainian authorities should include measures against corruption in a THB context in the next national anti-corruption strategy/action plan (paragraph 165).

Follow-up topics specific to Ukraine

Developments in the legal, institutional and strategic framework for action against trafficking in human beings

- GRETA considers that the Ukrainian authorities should, to the extent possible, reinforce the national co-ordination of anti-trafficking action and ensure that the human resources of the Ministry of Social Policy for this purpose are sufficient and stable (paragraph 24);

- GRETA considers that the Ukrainian authorities should introduce a periodic independent evaluation of the implementation of the Programme for Combating THB (paragraph 32);

- GRETA considers that the Ukrainian authorities should take steps to appoint a National Rapporteur or another independent mechanism for monitoring the anti-trafficking activities of State institutions (paragraph 33);

- GRETA considers that the Ukrainian authorities should foster the co-ordination and prioritisation of anti-trafficking action at the regional level and strengthen co-operation between national and regional institutions (paragraph 34).

Data collection

- GRETA considers that the Ukrainian authorities should develop a centralised, comprehensive system for the collection and analysis of data on measures to protect and promote the rights of trafficking victims (including protection measures taken during criminal proceedings and compensation granted to victims), as well as data on investigations, prosecutions and adjudications of THB cases. Statistics regarding victims should be collected from all main actors (including NGOs) and should allow disaggregation by sex, age, type of exploitation, country of origin and county of 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 170).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- GRETA urges the Ukrainian authorities to take additional measures to effectively prevent, detect and combat trafficking for the purpose of labour exploitation, taking into account Recommendation CM/Rec(2022)21 of the Committee of Ministers and GRETA's Guidance Note on combating trafficking for labour exploitation. This should include:
  - reviewing the mandate of labour inspectors and reinforcing their human resources so that they can conduct operational activities and unannounced inspections in all economic sectors without prior complaints from workers or other evidence of suspected offences;
  - including labour inspectors among the actors responsible for the implementation of the National Mechanism for Interaction of Agents for Combating Trafficking in Human Beings (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;
  - establishing safe reporting and effective complaint mechanisms for workers, to ensure that victims of abuses or exploitative situations can refer their case without fear of repercussions;
  - reintroducing licensing of recruitment agencies for employment abroad and carrying out monitoring of their work, including their respect of the national legislation and international standards (such as ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees) (paragraph 184).

Measures to prevent trafficking of children, identify children who are victims of trafficking and assist these children

- GRETA urges the Ukrainian authorities to improve the identification of, and assistance to, child victims of trafficking, in particular by:
  - increasing the capacity to detect child victims of trafficking by training a larger range of professionals who may come into contact with children in the use of trafficking indicators and involving child specialists in the identification of child victims of trafficking to ensure that the best interests of the child is the primary consideration;
  - further developing the training and resources of law enforcement officers and public prosecutors on the identification of child victims of trafficking, including child victims of trafficking recruited and/or exploited online;
  - providing safe and specialised accommodations for child victims of trafficking, with professionals adequately trained in supporting child victims of trafficking (paragraph 194).

Identification of victims of trafficking

- GRETA considers that they 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;
  - revise the procedures for granting the status of victim of THB by making it possible for the local authorities to take decisions of victim status and ensuring that the procedures are trauma-informed, gender-sensitive and less bureaucratic;
  - adopt, without 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 (paragraph 201).

Assistance to victims of trafficking

- GRETA once again urges the Ukrainian authorities 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 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;
  - ensure adequate funding of assistance to victims of THB when it its delegated to NGOs as service providers;
  - guarantee access to health care to victims of THB (paragraph 211).

Recovery and reflection period

- 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. The authorities should take into account GRETA's Guidance Note on the recovery and reflection period when amending the legislation (paragraph 213).

Appendix 2 - List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations

Public bodies

- Ministry of Social Policy
- Ministry of Internal Affairs
- Ministry of Justice
- Ministry of Education and Science
- Ministry of Health
- Ministry of Economy
- Prosecutor General's Office
- National Police
    - Migration Police Department
    - Cyber Police Department
    - Main Investigative Department
- National Social Service
- State Service on Labour Issues
- State Employment Service
- State Border Service
- State Migration Service
- State Bureau of Investigation
- Security Service of Ukraine
- National School of Judges
- National Agency on Civil Service
- Training Centre for Prosecutors
- Government Commissioner for Gender Policy
- Office of the Commissioner for Human Rights of the Verkhovna Rada (Parliament) of Ukraine
- Co-ordinating Council on Family Policy at the Lviv Regional Military Administration
- Department of Social and Psychological Assistance of the Lviv Regional Centre of Social Services

Intergovernmental organisations

- International Organization for Migration (IOM)
- Organization for Security and Co-operation in Europe (OSCE)
- United Nations High Commissioner for Refugees (UNHCR)
- United Nations Office on Drugs and Crime (UNODC)
- United National Development Programme (UNDP)
- UN Women

NGOs and other civil society organisations

- Caritas Lviv
- Caritas Drohobych
- Caritas of Ukraine
- Counter-trafficking centre of Caritas Kyiv
- Child Rescue
- Save Ukraine
- La Strada Ukraine
- All-Ukrainian Coalition of Public Organisations against Human Trafficking

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 Ukrainian 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 Ukrainian authorities on 9 April 2025 and invited them to submit any final comments. The comments of the authorities, submitted on 7 May 2025, are reproduced hereafter.

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

#	Section and paragraph	Ukrainian comments
	II. Overview of the current situation and trends in the area of trafficking in human beings in Ukraine	
	15. A separate set of statistics is collected by the Prosecutor General's Office (in the Unified Register of Pre-trial Investigations), according to which the number of persons who were granted the status of victims in criminal proceedings for THB was: 254 in 2018, 272 in 2019, 152 in 2020, 163 in 2021, 66 in 2022, 91 in 2023, and 55 in 2024 (9 men, 30 women, 16 children). In 2021, there were 6 victims of THB for the purpose of exploitative surrogacy.	It is worth noting that this number of victims applies only to criminal proceedings initiated in the reporting year. That is, if a person received the status of a victim, for example, in 2023, but criminal proceedings were initiated in 2022, the said victim will not be included in the reporting under Form No. 1 "Unified Report on Criminal Offenses", section 7. Therefore, according to official statistics, the number of identified victims refers only to criminal proceedings registered in the reporting period and does not include victims identified during the same period in proceedings registered in previous periods. In February 2025, the Prosecutor General's Office, based on information from regional prosecutor's offices, summarized the status of pre-trial investigation in criminal proceedings under Article 149 of the Criminal Code of Ukraine, including the number of victims in criminal proceedings in which pre-trial investigation was ongoing as of 12/31/2024. In total, as of December 31, 2024, the number of victims in criminal proceedings under Article 149 of the Criminal Code of Ukraine (Human Trafficking) amounted to 411 people, including: men - 211; women - 185; boys under 18 - 2; girls under 18 - 5; minors - 3; persons with disabilities - 4; foreign citizens - 1. Form of exploitation: sexual - 107; labor - 247; involvement in criminal activity - 12; adoption for profit - 2; organ harvesting (forced donation) - 4; forced begging - 4; surrogacy - 21; forced marriage - 3; other - 11. These figures are not official statistics.
	16. The IOM Office in Kyiv continues to operate the reintegration and assistance programme for victims of THB, initiated in 2000. According to IOM statistics, which are collected through partner NGOs, the	The National Police of Ukraine constantly draws the attention of civil society organizations to the importance of providing information to NPU units about known cases of human exploitation. However, according to the information of the

	number of presumed victims of THB identified and assisted through this programme was much higher than the above-mentioned official numbers: 1,192 in 2018, 1,345 in 2019, 1,680 in 2020 and 1,010 in 2021, 361 in 2022, 374 in 2023, and 117 in January-March 2024. Over 90% of the victims were subjected to labour exploitation, and the majority of the victims were men (approximately two-thirds). The main countries where the exploitation took place were the Russian Federation, Poland, Ukraine and Türkiye. Only 5 foreign victims have been assisted since 2020.	investigative units of the Main Department of the National Police, in 2024, no such information was received from CSOs, and as a result, no criminal proceedings were initiated upon CSOs' requests. Also, the Office of the Prosecutor General did not receive any information from CSOs on the facts of human trafficking not registered in the URPTI. (free version)
	III. Developments in the legal, institutional and strategic framework for action against trafficking in human beings	
	22. The Ukrainian authorities also indicated that the Verkhovna Rada was considering a draft law intended to amend Article 149 of the CC by including as a form of exploitation "the commission of another illegal transaction the object of which is a person", as well as strengthening the criminal liability for THB (by increasing the minimum term of imprisonment from five to six years, and adding THB to the list of offences for which the court cannot impose a lesser sentence than what is provided for in Article 149), and establishing criminal liability of legal persons. On 3 September 2024, by resolution of the Verkhovna Rada of Ukraine No. 3939-IX, the draft Law "On Amendments to the Criminal Code of Ukraine regarding the strengthening of criminal liability for human trafficking" was included in the agenda of the 12th session of the Verkhovna Rada of the ninth convocation, which ended on 4 February 2025. The draft law is currently on the agenda of the 13th session of the Verkhovna Rada. GRETA would like to be kept informed of the adoption of the draft law	Draft or the Law No. 5134 is pending consideration (there is a conclusion of the relevant Committee on revision) http://w1.c1.rada.gov.ua/pls/zweb2/ webproc4_1?id=&pf3511=71204
	26. The National Police and other law enforcement agencies are responsible for combating THB and trafficking-related	In accordance with the Constitution of Ukraine, the Criminal Procedure Code of Ukraine, and the Law of Ukraine "On the Prosecutor's Office", the

	crimes and bringing offenders to justice, while the Prosecutor General's Office is the holder of the Unified Register of Pre-trial Investigations. In December 2021 the Prosecutor General's Office set up an Interdepartmental Working Group on detection, termination and investigation of crimes related to THB (see paragraph). Further, in 2023 a specialised department was created at the Prosecutor General's Office to deal with the investigation and prosecution of THB and related offences (see paragraph 131).	prosecutor's office supports public prosecution in court, organizes and supervises pre-trial investigations, resolves other issues in criminal proceedings in accordance with the law, and supervises covert and other investigative and detective activities of law enforcement agencies. Compiling statistics and using data from the Unified Register of Pre-trial Investigations is not a key responsibility of prosecutors. In addition, the Office of the Prosecutor General has established a Coordination Center for Victims and Witnesses. In order to increase the effectiveness of supervision over the observance of laws in criminal proceedings related to human trafficking investigated by territorial police units, 208 prosecutors (61 prosecutors of regional prosecutor's offices and 147 prosecutors of district prosecutor's offices) have been assigned to specialize in this area. Unlike the prosecutors of the specialized structural unit of the Prosecutor General's Office, the prosecutors designated by specialization provide procedural guidance in a number of other criminal proceedings not related to human trafficking. At the same time, the prosecutors designated by specialization have undergone relevant training at the Prosecutors' Training Center offline and online on the topic of combating human trafficking, and in case of registration of criminal proceedings in the respective region, such prosecutors provide procedural guidance in pre-trial investigations in such proceedings. The regional prosecutor's offices also have interagency working groups on detecting, suppressing and investigating crimes related to human trafficking, which include law enforcement agencies and representatives of state institutions.
	33. In its second report, GRETA considered 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. In their comments on the draft GRETA report, the Ukrainian authorities stated in the context of the EU accession	Questions Included in the Rule of Law Roadmap (Chapter 24)

	negotiations, the Rule of Law roadmap for legislative changes envisages the development and adoption in the second quarter of 2026 of a law to amend the Law of Ukraine "On Combating Human Trafficking" to define the position of an independent National Rapporteur on human trafficking in accordance with Directive 2011/36/EU and Directive 2024/1712. Noting that the current State Programme for Combating Trafficking in Human Beings for 2023-2025 envisages studying the issue of introducing the position of an independent National Rapporteur, GRETA considers that the Ukrainian authorities should take steps to appoint a National Rapporteur or another independent mechanism for monitoring the anti-trafficking activities of State institutions.	
	IY. Access to justice and effective remedies for victims of human trafficking	
	2.Right to information (Articles 12 and 15)	
	49. The rights and obligations of a victim in the context of criminal proceedings arise from the moment he/she files a complaint about a criminal offence committed against him or her or a complaint about involving him or her in the proceedings as a victim (Article 55(1) and (2) of the CPC). If a person has not filed a complaint about a criminal offence, the investigator, prosecutor or court has the right to recognise the person as a victim only with his/her written consent. In the absence of such consent, a person may, if necessary, be involved in criminal proceedings as a witness (Article 55(7) of the CPC). The rights of persons granted the status of victims in criminal proceedings are set out in Article 56 of the CPC, including providing explanations, testimony in his/her native language or another language he/she is fluent in, using the services of an interpreter at the expense of the state, and compensation for damage caused by a criminal offence in the manner prescribed by law. The victim is handed a memo on procedural rights and obligations under Articles 56 and 57 of the CPC. In their comments on the draft report, the Ukrainian authorities stated that the victim would be	A victim of human trafficking in criminal proceedings of this category has the procedural status of a victim. Thus, in accordance with Article 55 of the CPC of Ukraine, both citizens of Ukraine and foreigners and stateless persons may be victims in criminal proceedings. The rights and obligations of a victim arise from the moment a person files a complaint about a criminal offense committed against him or her or a request to be involved in the proceedings as a victim. Article 56 of the CPC of Ukraine guarantees the victim the right to give explanations and testimony in his/her native or other language, which he/she is fluent in, and to use the services of an interpreter free of charge at the expense of the state if he/she does not speak the state language or the language in which the criminal proceedings are conducted. The victim is handed a memo on the procedural rights and obligations provided for in Articles 56 and 57 of the CPC of Ukraine. Pursuant to Article 29 of the CPC of Ukraine, the investigating judge, court, prosecutor, and investigator shall ensure that participants in criminal proceedings who do not speak the state language or do not speak it sufficiently have the right to testify, file motions and complaints, and

	provided with an interpreter at the expense of the State to translate the memo if the victim does not understand Ukrainian.	speak in court in their native or other language, using, if necessary, the services of an interpreter in the manner prescribed by this Code.
	3. Legal assistance and free legal aid (Article 15)	
	55. In Ukraine, access to legal assistance and free legal aid is regulated by the Law on Free Legal Assistance of 2 June 2011, which was amended in August 2023 in order to include persons who have been granted the status of victims of THB by the National Social Service amongst the beneficiaries of free secondary legal assistance. Pursuant to Article 13.2 of the Law, free secondary legal assistance includes the following types of legal services: 1) defence from prosecution; 2) representation in courts, other state agencies, self-governing authorities, and against other persons; 3) drafting procedural documents. Any citizen has the right to primary legal assistance, which 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 assistance and mediation.	The procedure for applying for free secondary legal aid is set out in Article 18 of the Law on Free Legal Aid. Adults must submit applications to free secondary legal aid centers or territorial justice authorities at the place of actual residence. Applications for legal aid in respect of children are submitted by their legal representatives, foster caregivers, as well as on issues on which it is allowed to apply to the court from the age of 14, personally by children who have reached this age. The Secondary Free Legal Aid Center is obliged to make a decision on the provision of free secondary legal aid within 10 days from the date of receipt of the application. The application for free secondary legal aid shall be accompanied by documents confirming that the recipient belongs to one of the vulnerable categories of persons provided for in part one of Article 14 of the Law. Taking into account the amendments to the Law of Ukraine “On Free Legal Aid” introduced by the Law of Ukraine No. 3022-IX dated 10.04.2023, we propose to restate this clause as follows: “The procedure for submitting applications for free secondary legal aid is determined by Article 18 of the Law on Free Legal Aid. Applications shall be submitted by persons who have reached the age of majority or their representatives to the free legal aid center at the place of actual residence of such persons, regardless of the registration of their place of residence or place of stay. Applications for legal aid in respect of children are filed by their legal representatives, foster caregivers, and in respect of issues on which it is allowed to apply to the court from the age of 14, personally by children who have reached this age or their legal representatives, foster caregivers at the place of actual residence of the child or his/her legal representatives, foster caregivers, regardless of the registration of the person's place of residence or place of stay. The free legal aid center is obliged to make a decision on the provision of free secondary legal aid within 10 days from the date of receipt of the

		application. The application for free secondary legal aid shall be accompanied by documents confirming that the recipient belongs to one of the vulnerable categories of persons provided for in part one of Article 14 of the Law."
	56. The procedure for submitting applications for free secondary legal assistance is set out in Article 18 of the Law of Free Legal Assistance. Adult persons have to submit applications to the Centres for Free Secondary Legal Assistance or the territorial justice authority at the place of their actual residence. Applications for the provision of legal assistance relating to children are submitted by their legal representatives, foster caregivers, and regarding issues for which court appeals are permitted from the age of 14, personally by children who have reached this age. The Centre for Free Secondary Legal Assistance is obliged to make a decision on the provision of free secondary legal assistance within 10 days from the date of receipt of the application. The application for free secondary legal assistance should be accompanied by documents confirming that the recipient belongs to one of the vulnerable categories of persons provided for in Article 14.1 of the Law.	The procedure for submitting applications for free secondary legal aid is set forth in Article 18 of the Law of Ukraine "On Free Legal Aid". Applications are submitted by adults or their representatives to the free legal aid center in writing at the place of actual residence of such persons, regardless of the registration of the place of residence or place of stay of the person or at the location of the body conducting the inquiry, pre-trial investigation, court, investigating judge considering the case. Appeals concerning children are filed by their legal representatives, foster caregivers, and regarding issues that are allowed to be brought to court from the age of 14 - personally by children who have reached the age of 14 or by their legal representatives, foster caregivers at the place of actual residence of the child or his/her legal representatives, foster caregivers, regardless of the registration of the person's place of residence or place of stay. The Free Legal Aid Center makes a decision on the provision of secondary legal aid within 10 working days from the date of receipt of the application, which is accompanied by documents confirming that the person belongs to the relevant category of subjects of the right to free secondary legal aid.
	57. Primary and secondary legal assistance are provided by Centres for Free Secondary Legal Assistance and lawyers included in the Register of Lawyers Providing Free Secondary Legal Assistance. Legal information, advice and clarification on legal issues can be obtained in person, by sending an e-mail, calling the unified telephone number of the free legal assistance system 0 800-213-103, in the private chat of the free legal assistance system in Telegram/Viber, through the mobile applications "Free Legal Assistance" and "Your Right", as well as through the "Client Cabinet" service posted on the system's website.	According to the Law "On Free Legal Aid", lawyers cooperate with the Centers for Secondary Legal Aid on the basis of contracts (on a permanent basis) or agreements (on a temporary basis). There are more than 1,000 lawyers and 8,644 advocates in the register.33 About 3,500 contracts are signed annually. After the decision to provide secondary legal aid is made, the Center appoints a lawyer by issuing a power of attorney. The law stipulates that when appointing an advocate, the specialization, work experience, workload and complexity of the cases in which the advocate participates are taken into account. At the same time, it should be noted that the current legislation of Ukraine, in particular the Law "On the Bar and Practice of Law", does not provide for the specialization of attorneys. Taking into account the amendments to the Law of Ukraine "On Free Legal Aid" introduced by the

		Law of Ukraine No. 3022-IX dated 10.04.2023, we propose to restate this clause as follows: “In accordance with the Law “On Free Legal Aid”, advocates cooperate with centers for the provision of free legal aid on the basis of agreements. The Register of Lawyers Providing Secondary Legal Aid includes 9,047 lawyers.33 About 3,500 contracts are signed annually. The current legislation of Ukraine, in particular the Law on the Bar and Practice of Law, does not provide for the specialization of lawyers. After the decision to provide secondary legal aid is made, the center appoints a lawyer by issuing a power of attorney; in some cases, the center may authorize an employee. Provision of free legal aid services in the centers is ensured by 647 full-time lawyers.”
	60. The free legal assistance system carries out systematic work to improve the qualifications of professionals of the Centres for Free Secondary Legal Assistance and lawyers involved in the provision of free secondary legal assistance, including in the field of effective protection of the rights of victims of trafficking in human beings. By way of example, in April 2019, 25 lawyers, including those involved in the provision of free secondary legal assistance, attended training organised by IOM on “Protection of Victims in Criminal Proceedings on Human Trafficking during the Pre-trial Investigation and Trial”. Remote training on providing legal assistance to victims of THB was provided to 100 lawyers in September-November 2020. Further, in November 2020, the PRAVOKATOR.Lviv Legal Club, together with IOM, conducted a webinar on "Psychological and Ethical Aspects of Lawyers' Work with Victims of THB", which was attended by 26 lawyers.	In May 2022, a webinar was held on “Human Rights Abroad in the Context of Russia's Full-scale Invasion of Ukraine” with 90 participants. In 2024, a training on combating human trafficking was organized by the NGO “TMZHK ‘Renaissance of the Nation’ with the support of the United States Agency for International Development and the IOM office in Ukraine and the UN Migration Agency to prevent human trafficking, identify people who will be or have been involved in a criminal scheme of human trafficking and victims of this crime. In addition, in April 2024, in cooperation with the National Social Service, the training course “Combating Human Trafficking” was adapted and updated, which is available on the Distance Learning Platform of the Free Legal Aid System. Currently, 260 participants have registered for the course, 201 of whom have successfully completed the course and received the relevant certificates.
	6. Compensation (Article 15)	
	79. From the information provided by the Ukrainian authorities on training to relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, it transpires that while there were numerous training sessions, the issue of enabling victims of THB to obtain compensation and other remedies was not specifically addressed through training. The	In order to improve the skills of prosecutors and ensure the inevitability of sentences for convicted persons, the Prosecutor General's Office, together with the Prosecutor Training Center and non-governmental organizations, held a number of training events in 2024. In total, since the beginning of 2024, the Prosecutor General's Office has trained 45 prosecutors offline and 96 prosecutors online. All trainings for prosecutors

	issue of victim compensation is reportedly covered by training provided in co-operation with the OSCE. In their comments on the draft GRETA report, the authorities stated that in 2024, as part of the professional development for 48 assistants to judges of local general and appellate courts, a lecture was delivered on "Consideration of Human Trafficking Cases in Wartime: Issues of Interrogation." In addition, the National School of Judges has planned a joint training for judges and prosecutors in 2025 on the topic "Combating Human Trafficking for Sexual Exploitation in Armed Conflict Conditions."	included the specifics of maintaining the prosecution in court. In addition, on May 23, 2024, the prosecutors of the Department for Organization of Procedural Management of Pre-trial Investigation and Public Prosecution in Criminal Proceedings Related to Human Trafficking of the Prosecutor General's Office, with the participation of deputy heads of regional prosecutor's offices responsible for organizing supervision over the observance of laws by the National Police of Ukraine and supporting public prosecution in court, heads of relevant independent structural units of these prosecutor's offices (96 participants), conducted seven training sessions for prosecutors. Also, on June 26-27, 2024, and July 16-17, 2024, two-day trainings were held for prosecutors, investigators and officers of operational units of police agencies on investigating human trafficking, providing procedural guidance and supporting prosecution in criminal proceedings under Article 149 of the Criminal Code of Ukraine, as well as the specifics of international cooperation. The training was attended by 30 prosecutors offline. During the training, prosecutors and investigators improved their skills not only in the specifics of investigating human trafficking, but also received training on procedural guidance, ensuring protection and preventing re-traumatization of victims, organizing financial investigations, supporting public prosecution, and international cooperation. At the same time, on October 10, 2024, the prosecutor of the Prosecutor General's Office Department took part as an expert in a discussion with the heads of investigative departments of regional police departments on problematic issues arising during the pre-trial investigation of crimes related to human trafficking (25 participants - representatives of the National Police of Ukraine from each region).
	80. The Ukrainian authorities do not collect data on compensation claimed by, and awarded to, victims of THB from the perpetrators. Lawyers and representatives of NGOs met by GRETA noted that compensation awards are very rare in criminal proceedings and the amount	Information on victims depending on the type of exploitation. According to the USRPTI, civil claims for compensation for damage caused to victims were filed in cases of labor, sexual exploitation and begging. An analysis of these decisions shows that proceedings related to various types of exploitation have specific features in terms of

	awarded by courts are usually small. GRETA was informed by NGOs of two cases of child sexual exploitation in which criminal courts ordered the perpetrators to pay the victims UAH 550,000 (approximately 12,220 euros) in 2023; however, the compensation had not yet been. Another case brought to GRETA's attention by the General Prosecutor's Office concerned trafficking for the purpose of sexual exploitation of a girl and a boy by a 55- year old man. The children's lawyer made a civil compensation claim on their behalf, pursuant to Article 128 of the CPC (see paragraph 75), amounting to UAH 1,500,000 (approximately 33,330 euros) for moral damages; the case was pending in court at the time of the adoption of this report. In their comments on the draft report, the Ukrainian authorities noted that cases of filing civil claims for compensation in criminal proceedings are not isolated and provided the following additional example of compensation awarded to victims of THB. By verdict of the Voznesensk City District Court of Mykolaiv region dated 26 December 2024, a married couple was found guilty of committing several criminal offences, including THB, and each of the spouses was sentenced to 15 years' imprisonment. The woman had produced pornographic videos involving herself and her two daughters, born in 2011 and 2013. She had involved her husband in the filming of some videos and had transferred her older daughter to him three times for the purpose of sexual exploitation. He had raped his stepdaughter in the presence and with the active participation of his wife. Subsequently, the videos containing child sexual abuse material was distributed via the Internet. A civil claim for compensation in the amount of 750,000 UAH (approximately 16,650 euros) was granted to the two children.	compensation for damage caused to a victim of human trafficking. For example, based on the analysis of the verdicts delivered against those accused of trafficking for sexual exploitation, 175 female victims of trafficking for sexual exploitation were identified. Of these, in 10 proceedings involving a total of 33 victims, representatives of the victims participated. Some verdicts stated that there were no claims from the victims, as stated either by the victims themselves or by their representatives. That is, at least at the time of the verdict, the victims had no material or moral claims. There are 18 such verdicts. Moreover, 14 verdicts state that the victims personally or through a representative provided the court with written consent to conclude a plea agreement between the prosecutor and the accused. Victims of trafficking related to sexual exploitation mostly refused to participate in court proceedings. According to the URPF, 65 people suffered from trafficking related to labor exploitation. Only 4 of them were women. Most of the victims are men without sources of income, who have difficult financial situations and difficult family circumstances. Some of them have alcohol or drug addiction. Two sentences were passed for labor exploitation of persons suffering from mental illness, in particular, personality disorders. Another concerned the exploitation of internally displaced persons. In one of the guilty verdicts, the victims stated that they did not consider themselves to be such, as there was no coercion to work by the accused, and they were not insulted. It was also established that they worked for free. In only one of the proceedings did the victims of labor exploitation insist on compensation for non-pecuniary damage, and the court decided to partially satisfy their civil claims. There are 49 victims of human trafficking related to involvement in various types of criminal activity. The courts considered cases of involvement in the illegal transportation of illegal migrants, drug trafficking, involvement in the illegal obtaining of refugee status in France, and work in the pornography business. As a rule, such victims have no claims against the defendants.

		They do not insist on severe punishment. In proceedings where a plea agreement is initiated, victims provide written consent. All of the above information is available on the official website of the Judiciary of Ukraine and in the Unified Register of Court Decisions of Ukraine. Court practice. Thus, the victim's representative filed a civil lawsuit against the defendant to recover material damage in the amount of UAH 77,770 and non-pecuniary damage in the amount of UAH 30,000. He defined the material damage as misappropriation of funds earned by the victim by begging for the period from 01.01.2020 to 16.06.2020 (UAH 300 daily). However, the court noted that, in accordance with Part 2 of Article 22 of the Civil Code of Ukraine, losses are losses incurred by a person in connection with the destruction or damage of a thing, as well as expenses that a person has made or must make to restore his or her violated right (real losses). Therefore, the court emphasized that these losses are not considered real and are not confirmed by proper evidence, and therefore, in this part of the civil claim, the civil claim is not subject to satisfaction. At the same time, the court found the following: "...the actions of the accused caused moral suffering to the victim PERSON_8, which was expressed in the use of his material dependence and vulnerable state caused by subjective and objective factors, and therefore the claim for non-pecuniary damage is justified and, based on the requirements of reasonableness and fairness, taking into account the financial situation of both the victim and the accused, is subject to partial satisfaction in the amount of UAH 10,000, the remaining amount of the claim should be dismissed as it does not correspond to the damage caused and the consequences that have occurred." In its judgment of 22.01.2024, the Lutsk City District Court of Volyn Region considered civil claims of two victims who claimed compensation for non-pecuniary damage in the amount of UAH 90,000 each. The court concluded that the defendant's actions caused the victims significant moral suffering and the latter experienced emotional stress, accompanied by feelings of confusion and fear. The conclusion of the forensic psychiatric

		expert confirmed that the crime was psychotraumatizing for the victims and caused a violation of the psycho-emotional and social spheres of their existence as individuals, preventing them from active and full life and causing the formation of negative psychological experiences. However, based on the principles of proportionality, fairness, reasonableness and balance, taking into account the depth of the victims' suffering, the nature of non-pecuniary losses, the severity of the forced changes in their lives, the time and effort required to restore their previous situation, and the victims' property status, the court decided to satisfy the civil claims in part and to recover UAH 20,000 from the defendant in favor of each of the victims. The court also noted, taking into account the position of the Supreme Court (Resolution of the Criminal Court of Cassation of the Supreme Court of 16.08.2021, case No. 644/7193/17), that civil plaintiffs in criminal proceedings are exempt from paying court fees for filing claims for compensation for any damage caused as a result of a criminal offense, regardless of the object of the offense. Annex 1 According to the Judiciary of Ukraine web portal, 264 victims of human trafficking were reported between 2019 and 2024, the majority of whom, namely 186, were women, and 11 victims were minors. The largest number of victims was in 2019 and 2023 (54 victims each), and the smallest in 2022 (23 victims). Annex 2 During this period, according to statistical reporting, 3 victims of human trafficking were identified who suffered life-threatening injuries (2023). Also, 148 victims whose health was harmed were identified. Material and moral damage was caused to 111 people. In terms of the value of moral and material damage, the amount of damage during the reporting period was almost UAH 397,000. During the reporting period, 13 verdicts were delivered in cases where victims filed civil lawsuits. In five cases, the victims dropped their claims due to full or partial

		compensation for non-pecuniary damage in the amount claimed, which, depending on the circumstances, amounted to UAH 2,500 or UAH 10,000. In addition, in order to ensure proper organization of the activities of the prosecutor's office in support of victims and witnesses, in pursuance of Section II of the Comprehensive Strategic Plan for Reforming Law Enforcement Agencies as Part of the Security and Defense Sector of Ukraine for 2023-2027, Order of the Prosecutor General No. 263 “On Organization of the Activities of the Prosecutor's Office in Support of Victims and Witnesses” was issued on October 28, 2024. According to the order, the main tasks in implementing a set of measures to support victims and witnesses are to ensure - proper communication between victims (witnesses) and prosecutors in specific criminal proceedings, other state bodies and institutions, international and national organizations providing support to victims and witnesses - Providing psychological, legal, medical, humanitarian and comprehensive social and psychological support to victims and witnesses in accordance with the individually determined needs of victims and witnesses, including by organizing referrals to relevant services, free legal aid centers and non-governmental organizations; - informing about available services in the territorial communities on the possibilities of receiving assistance, in particular humanitarian, medical, including mental and reproductive health, temporary accommodation (residence), state payments, compensation and reparations for damage; - counseling on the risk and prevention of revictimization, intimidation and revenge. During the pre-trial investigation, the pre-trial investigation shall take into account the material and moral damage caused to victims by the crimes. It is unclear in this paragraph on what basis it is concluded that victims are involved in criminal proceedings as witnesses. For two years in a row, the Office of the Prosecutor General has been holding joint meetings with representatives

		of civil society organizations to identify problematic issues in the course of specific criminal proceedings. The Prosecutor General's Office has not received any reports of a victim of trafficking being involved as a witness. Moreover, in 2023-2024, the Prosecutor General's Office studied the state of pre-trial investigation in criminal proceedings under Article 149 of the Criminal Code of Ukraine, in which pre-trial investigation is carried out by investigators of the National Police of Ukraine. The head of the regional prosecutor's office did not establish any facts of non-involvement of the victim in the criminal proceedings. It is the responsibility of the prosecution to establish the amount of damages and harm caused, not only in proceedings on human trafficking, but also in all other crimes under the Criminal Code of Ukraine. The current legislation does not provide for any obligation to prove the amount of damage to victims in criminal proceedings, and the lack of specific examples makes it impossible to provide clear justifications. The use of the mechanism of seizure and confiscation of assets of the accused is possible in circumstances where such accused owns property and assets. In cases where the defendant owns assets, the prosecutor may initiate the seizure and confiscation of assets. At the same time, when there is no such property, the issue of seizure and confiscation is not resolved.
	83. As noted in the previous GRETA reports, pursuant to Article 16 of the Law for Combating THB, a person who has been granted the status of a victim of trafficking in human beings is entitled to receive one-off financial assistance equivalent to three minimum subsistence incomes.41 The procedure for the payment of this financial assistance is set out in Cabinet of Ministers Resolution No. 660 of 25 July 2012 (as amended). The granting of financial assistance does not depend of the person's participation in criminal proceedings and is independent of the receipt of compensation from the perpetrators. As of 1 January 2024, the amount of the one-time financial assistance is as follows: for children under the age of six years – UAH 7,689	The Grand Chamber of the Supreme Court in its ruling of February 28, 2024 in case No. 415/2182/20 stated that actions committed in the context of armed conflict that are covered by the prohibitions established by international humanitarian law and constitute a serious violation of them are qualified only under Article 438 of the Criminal Code of Ukraine and do not require additional legal assessment under other articles of the Criminal Code of Ukraine, including Article 149 of the Criminal Code of Ukraine. The facts of illegal detention, transfer and imprisonment by the occupation authorities of a civilian who was tortured, sexually abused and forced to perform labor are not a relevant example of human trafficking, but a war crime, and such actions are qualified under Article 438

	(approximately 175 euros); for children from six to 18 years of age – UAH 9,588 (approximately 213 euros); for working adults – UAH 9,084 (approximately 202 euros); for persons who have lost the ability to work – UAH 7,083 (approx. 157 euros). According to the authorities, the annual number of victims of THB who received one-time financial assistance from the Ministry of Social Policy was as follows: in 2018, 150 persons (including 13 children); in 2019, 177 persons (including 12 children); in 2020, 123 persons (including one child); in 2021, 60 persons (including one child); in 2022, 43 persons (including two children); in 2023, 106 persons (including 18 children); and in 2024, 164 victims (including 10 children).42	of the Criminal Code of Ukraine "Violation of the Laws and Customs of War".
	7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)	
	99. According to data provided by the Ukrainian authorities, the number of THB offences registered by the National Police was 206 in 2020, 232 in 2021, 145 in 2022, 147 in 2023, and 116 in 2024. The highest number of THB offences were detected in Dnipro, Kharkiv and Odessa regions. The majority of the cases (70%) are related to labour exploitation. In 2021, law enforcement agencies uncovered four organised groups in the field of THB consisting of 31 people (in Kyiv, Dnipro and Donetsk regions and the Autonomous Republic of Crimea), two of which were involved in exploiting people in criminal activities and two in labour exploitation. During the first nine months of 2022, law enforcement agencies uncovered five organised groups in the field of THB (in Dnipro, Poltava and Kharkiv regions and Kyiv city), four of which were for labour exploitation and one for exploitative surrogacy. The number of indictments was 74 in 2020, 104 in 2021, 63 in 2022, 42 in 2023, and 37 (against 60 persons) in 2024.44 As of 3 December 2024, 231 criminal proceedings were under investigation (227 by the National Police, 3 by the Security Service, 1 by the State Bureau of	The draft report states that the information provided by the Office of the Prosecutor General differs from that presented during the visit. It is important to note that during the visit, representatives of the Office of the Prosecutor General provided information regarding registered criminal offenses for a specific period, as well as the number of criminal proceedings (including offenses) that were at the stage of pre-trial investigation as of the end of the reporting period. Therefore, the number of criminal proceedings initiated during a certain period and the number of proceedings under pre-trial investigation as of a specific date are not identical, as they represent different numerical indicators. Additionally, the provided information covered various periods. In some cases, full calendar years were indicated, while in others, analyses were conducted for six months of each year. To eliminate any potential discrepancies and provide additional explanations, we kindly request clarification on which specific figures, in the experts' opinion, do not match the information provided by the Office of the Prosecutor General. According to statistical data from the Office of the Prosecutor General:

	Investigation), and 79 proceedings were suspended, of which 75 due to the search for the suspects (see paragraph 105).	In 2018, 299 criminal offenses related to human trafficking were registered, with 111 individuals notified of suspicion in committing 150 offenses. 29 offenses were closed. Pre-trial investigations of 106 criminal offenses were completed by submitting indictments to the court. Enlargement and Eastern Neighbourhood In 2019, 335 criminal offenses related to human trafficking were registered, with 71 individuals notified of suspicion in committing 191 offenses. 15 offenses were closed. Pre-trial investigations of 150 criminal offenses were completed by submitting indictments to the court. In 2020, 217 criminal offenses related to human trafficking were registered, with 36 individuals notified of suspicion in committing 110 offenses. 11 offenses were closed. Pre-trial investigations of 74 criminal offenses were completed by submitting indictments to the court. In 2021, 250 criminal offenses related to human trafficking were registered, with 44 individuals notified of suspicion in committing 163 offenses. 18 offenses were closed. Pre-trial investigations of 104 criminal offenses were completed by submitting indictments to the court. In 2022, 145 criminal offenses related to human trafficking were registered, with 25 individuals notified of suspicion in committing 93 offenses. 12 offenses were closed. Pre-trial investigations of 63 criminal offenses were completed by submitting indictments to the court. In 2023, 164 criminal offenses related to human trafficking were registered, with 42 individuals notified of suspicion in committing 109 offenses. 17 offenses were closed. Pre-trial investigations of 82 criminal offenses were completed by submitting indictments to the court. In 2024, 116 criminal offenses related to human trafficking were registered, with 22 individuals notified of suspicion in committing 62 offenses. 11 offenses were closed. Pre-trial investigations of 93 criminal offenses were completed by submitting indictments to the court.
	100. According to the Prosecutor General's Office, there were 15 convictions in THB cases in 2018, 8 in 2019, 5 in 2020, 11	In its responses and during meetings, the Office of the Prosecutor General emphasized that the outcomes of judicial proceedings are reflected in

	in 2021, and 5 in 2022. According to data from the State Judicial Administration, in 2018, 15 persons were convicted (9 women and 6 men), in 2019, 35 (16 women and 19 men), in 2020, 29 (10 women and 19 men), in 2021, 24 (3 women and 21 men), and in 2022, 18 (4 women and 14 men). In their comments on the draft report, the Ukrainian authorities indicated that in 2023, 16 criminal proceedings concerning 34 persons were completed; 7 persons were sentenced to actual imprisonment, 20 persons received probation, and 4 persons received mitigated punishment. In 2024, 17 proceedings were completed, 19 persons were convicted, of whom 4 received actual imprisonment, including sentences of up to 8 years of imprisonment with confiscation of property for organised human trafficking. The majority of the convicted perpetrators were Ukrainian. The available data is not broken down according to the form of exploitation of the victims. The Ministry of Justice has provided data on persons serving prison sentences for THB (26 in 2018, 27 in 2019, 20 in 2020, 23 in 2021, and 21 in 2022; the majority of them being women). In their comments on the draft report, the Ukrainian authorities stated that in the period 2022-2024, 142 persons convicted under Article 149 of the CC were registered with the probation authorities.	the statistical reports of the State Judicial Administration. The Office of the Prosecutor General does not possess official statistics concerning court case reviews; certain information is collected for analytical purposes. However, such data are not considered official statistical information. As for the outcomes of judicial proceedings in criminal cases of the specified category, according to statistical data from the State Judicial Administration of Ukraine (Form No. 1-k), the following number of cases under Article 149 of the Criminal Code of Ukraine were reviewed by first-instance courts with verdicts issued: In 2018, 25 proceedings were reviewed, resulting in the conviction of 24 individuals; In 2019, 35 proceedings were reviewed, resulting in the conviction of 44 individuals; In 2020, 25 proceedings were reviewed, resulting in the conviction of 30 individuals; In 2021, 32 proceedings were reviewed, resulting in the conviction of 40 individuals; In 2022, 27 proceedings were reviewed, resulting in the conviction of 26 individuals; In 2023, 30 proceedings were reviewed, resulting in the conviction of 37 individuals; In 2024, 20 proceedings have been reviewed by the courts, resulting in the conviction of 24 individuals. We kindly request that only official statistical data included in the report be used in the final document.
	102. No data was provided by the authorities on the average length of criminal proceedings in THB cases, but GRETA understands that, in general terms, the length of judicial proceedings is very problematic. According to an analysis of rulings in THB cases carried out by the All-Ukrainian Counter- trafficking NGO Coalition in 2023, in some cases the proceedings lasted nine and a half years. The Ukrainian authorities have noted that the length of proceedings is connected with the large number of participants, delays caused by the COVID-19 pandemic, high turnover in the judiciary, court workload, and shortage of	44 It should be noted that the statistical data provided in the response of the Ukrainian authorities to the GRETA questionnaire (by the Office of the Prosecutor General) differ from those presented during the visit. According to the former, 299 cases of THB were investigated in 2018, 335 in 2019, 217 in 2020, 250 in 2021, and 145 in 2022. In 2018, there were 150 criminal proceedings related to THB, 191 in 2019, 110 in 2020, 163 in 2021, and 93 in 2022 (this may reflect a comparison over a six-month period). A separate discrepancy may lie in the information provided regarding opened and recorded (registered) proceedings. This difference may result from the exclusion of certain criminal

	judges, especially in some regions; the situation has worsened after the full-scale invasion by Russia due to air alarms and lack of electricity supply. The problem is compounded by the requirement to have all participants present during the preparatory court proceedings, the number sometimes exceeding 100 persons. A possible solution would be to allow the court to consider written statements by participants without their mandatory appearance before court.	proceedings from the statistical count, specifically those that have been removed from the register, i.e., closed cases.
	103. According to the previously mentioned monitoring bulletin of the NGO Coalition which analysed THB in Ukraine in the context of the full-scale invasion by Russia, the crime detection rates fell sharply in 2022-2023. Pre-trial investigations can take years. Only 21 of the 92 criminal proceedings opened on the basis of victims' statements which the NGO Coalition followed in 2022-2023 were sent to court. On the positive side, the share of proceedings opened on the basis of exploitation abroad has increased, which is indicative of strengthened international co-operation. It is also reported that the number of victims who agree to co-operate with the investigation has increased (19% of all victims with which the NGO Coalition worked). Further, there has been a significant increase in the number of criminal proceedings for THB for the purpose of labour exploitation. The NGO Coalition analysed 46 sentences issued by courts in 2022- 2023 (which were not prohibited for publication in the Unified State Register of Court Decisions) and found that 85% of those convicted had committed THB with aggravating circumstances, but the sentences were lenient, usually within the lower limit (e.g. 5 years' imprisonment). Only three persons were sentenced to terms over 5 years (in one of the cases, 10 years). The share of effective imprisonment was only 13% (7 out of 53 persons). The imposition of punishment in the form of fines, which is not provided for by Article 149 of the CC, was chosen in respect of four	The statement about a sharp decline in crime detection is incorrect. It is true that the number of identified crimes has decreased due to the occupation of territories, citizens fleeing abroad, and other factors. However, the number of suspects and indictments submitted to court depends on the number of initiated proceedings. For example, in 2020, out of 217 initiated offenses, suspicion was reported in 110 cases. In 2022, out of 145 initiated criminal offenses, suspicion was reported in 93 cases. At the same time, 12 proceedings were closed. In 2023, out of 164 initiated criminal offenses, suspicion was reported in 109 cases, with 17 proceedings closed. Therefore, the conclusion by the NGO about a dramatic decline is contradicted by official statistical data. The majority of sentences for human trafficking involve imprisonment for a specific term, which is the main type of punishment under this provision. However, it's important to note the significant number of judgments where convicts were released on probation. Over the past 5 years, out of 135 judgments publicly available in the Unified State Register of Court Decisions of Ukraine, only 36 were rendered without the application of Article 75 of the Criminal Code of Ukraine. Of these, 13 involved sexual exploitation, 3 labor exploitation, 2 for involving individuals in begging, and one for involving in criminal activity. Among the 19 judgments not applying Article 75, one was for a crime under Part 1 of Article 149 of the Criminal Code, 9 under Part 2, 3 under both Parts 1 and 2 (as a combination of offenses), and 6 under Part 3 of Article 149. The shortest prison

	persons. The courts applied confiscation of property only to five persons.45	sentence imposed was 3 years, and the longest — 10 years. As for other types of main punishments, in two cases — one under Parts 1 and 2, and one under Part 2 of Article 149 — a fine was imposed based on Article 69 of the Criminal Code. The least severe punishment in one of these rulings was a fine of 3,001 non-taxable minimum incomes of citizens, amounting to UAH 51,017. For example, in a criminal proceeding related to labor exploitation, during court debates, the prosecutor advocated for a fine instead of imprisonment, which is below the minimum limit set by the provision. This position was justified by a combination of mitigating factors: sincere remorse, active cooperation in the crime's investigation, voluntary compensation of harm to victims, donation to support the Armed Forces of Ukraine, positive character references, absence of severe consequences, the defendant's old age, chronic illnesses requiring medical attention, and the victims' consent to such punishment. As a result, the court agreed and imposed a fine, determined based on the specific circumstances. Additionally, prosecutors have frequently appealed verdicts due to the unjustified application of Articles 69 and 75 of the Criminal Code in sentencing. Judicial practice example: a first-instance court sentenced an individual for exploitation and involvement in criminal activity as part of an organized group related to the transportation of illegal migrants. Instead of imposing the penalty provided by law (8 to 15 years imprisonment with or without property confiscation), the court applied Articles 69 and 75, sentencing the individual to 5 years imprisonment with a 3-year probation. This verdict was later overturned by the appellate court upon the prosecutor's appeal, and a new sentence of 8 years imprisonment with full property confiscation was issued. From 2019 to 2024, appellate courts reviewed 19 prosecutor appeals in human trafficking cases, including: 14 appeals for the disproportionate leniency of punishment (under Part 2, Article 409 of the Criminal Procedure Code), specifically:

		1 under Part 1, Article 149 of the Criminal Code; 8 under Part 2; 5 under Part 3. By type of exploitation: 8 related to sexual exploitation; 4 to child trafficking (1 for involving a child in begging); 1 for involvement in criminal activity (transportation of illegal migrants); 1 for involving in begging. By punishment specifics: 8 appeals against probation-based verdicts (Article 75); 2 appeals involving both leniency (Article 69) and probation (Article 75); 1 appeal for leniency without probation; 3 appeals for verdicts not applying either Article 69 or 75. Appellate courts, while affirming first-instance rulings involving probation, justified them with mitigating factors such as chronic illnesses, positive character references, custody of minor children, sincere remorse, restitution, and victim consent. The above information is not official statistical data but comes from an analysis conducted by prosecutors of the specialized division of the Office of the Prosecutor General.
	105. Moreover, GRETA notes that victim protection is not properly carried out and perpetrators may hinder the investigation by reaching the victims (see also paragraph 127). Perpetrators are fined or are given conditional sentences, which creates mistrust among victims towards the law enforcement authorities. According to NGOs, around 70 cases have been suspended since the perpetrators are wanted and cannot be found. According to lawyers and NGOs met by GRETA, despite the training provided, the police, investigators, prosecutors and judges lack capacity and are not sensitised to the rights of victims of THB.	Indeed, 75 criminal proceedings have been suspended due to the search for the suspects.

	108. The current State Programme for Combating THB envisages developing standard operating procedures for investigating cases of THB. Further, one of the objectives of the State Programme is to increase the share of criminal proceedings in which persons are notified of a suspicion to 90%. In their comments on the draft report, the authorities stated that as of 31 December 2024, the proportion of criminal proceedings in which persons were notified of a suspicion in 2024 from the number of criminal proceedings opened in 2024 was 67%.	With the aim of improving the quality of the detection and investigation of crimes in this category (increasing the clearance rate, including for crimes committed in previous years), the central bodies of the National Police are reviewing criminal proceedings initiated under Article 149 of the Criminal Code of Ukraine and currently handled by regional units. The status of their investigation is being discussed during operational meetings. Based on the outcomes, investigative units are instructed to adhere to the general principles of criminal proceedings; to carry out procedural actions and make procedural decisions within reasonable timeframes; to conduct a range of investigative (search) and covert investigative (search) actions. Additionally, emphasis is placed on the need for continuous updating of information on the status of the search for suspects, and on resolving the issue of sending requests for international legal assistance to foreign states in order to identify individuals involved in the commission of these crimes, as well as owners of premises where victims were exploited, among others.