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Reply from Ukraine  
to the Questionnaire for the evaluation of the implementation  
of the Council of Europe Convention on Action against  
Trafficking in Human Beings by the Parties

Second evaluation round  
(Reply submitted on 3 July 2017)

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Ministry of Social Policy of Ukraine  
Answers to questions  
within GRETA's second round of evaluation  
as of 03/07/2017

A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

Forms of trafficking unrelated to sexual exploitation are becoming more common, for example, labor exploitation (in agriculture, construction, forced begging) whose victims are often able-bodied men or persons with obvious signs of disability, without a permanent place of residence and other disadvantaged categories of citizens.

Moreover, cases of recruitment of Ukrainian citizens for the purpose of involvement in criminal activity were registered in 2016.

*For example, in late October 2016 the staff of the directorates for combating trafficking crimes, in the chief directorates of the National Police in Dnipropetrovsk Oblast and in Kyiv identified a group of persons who, from 2014 to 2016, recruited citizens in the territory of Dnipropetrovsk Oblast, Kyiv Oblast and other regions of Ukraine for the purpose of exploitation, namely involvement in criminal activities in the Russian Federation. They perpetrated their criminal activities via the Internet and with the use of flyers in public places, inviting persons aged 20 or older to work as packaged freight forwarders with trips abroad. Later, when the hired persons arrived in the Russian Federation, they were involved in the illegal sales of narcotics, including with the use of threats and violence. Regardless of these persons' consent to participate in criminal activities, they were later detained by the Russian law enforcement agencies and kept in custody under the pretext of being held criminally liable.*

*Based on this fact, five criminal proceedings were initiated regarding 11 episodes on the grounds of criminal offenses under part 2 of article 149 of the Criminal Code of Ukraine. Four main organizers of the said criminal group have been detained and are now in custody. Up to 50 persons are estimated to have become victims of this crime (trafficking in human beings), and this figure is not conclusive as applications from the relatives and friends of these persons keep coming from different regions of Ukraine.*

*A similar scheme was used by another criminal group which was uncovered in January 2017 by agents of the Directorate for Combatting Trafficking Crimes in the Chief Directorate of the National Police in Kyiv Oblast. The group included four residents of Kyiv and Kyiv Oblast who recruited young people, mostly students, who were in a difficult financial situation and wanted to make "easy" money abroad. In 2014-2016, the group leaders sent eight persons from Ukraine to Brazil where they became victims of a fraudulent scheme and were forced to become international drug couriers and to transport cocaine in suitcases from Brazil to Thailand. As a result, these Ukrainian citizens were detained by the law enforcement agencies of these countries and are now in Brazilian and Thai prisons.*

*Joint efforts of the law enforcement agencies, the Ministry of Social Affairs and NGOs led to the release of one Ukrainian citizen from a Brazilian prison and their return to Ukraine. Another victim is awaiting court sentences under the strict laws of this country.*

*Two citizens of Ukraine kept in a Thai prison were sentenced to 25 years behind bars.*

*On 23 January 2017, in criminal proceedings under part 2 of article 149 of the Criminal Code of Ukraine, nine searches were carried out in Kyiv and Kyiv Oblast jointly with the Kyiv Oblast Prosecutor's Office. Evidence confirming the criminal activities of members of a criminal group (bank cards, notebooks, computers, mobile phones and notes) were seized during these searches. The court has applied a preventive measure in the form of detention to four of the identified criminal group leaders.*

Trafficking in children is one of the most latent crimes which is also difficult to detect and investigate.

Law enforcement authorities have identified about 3,000 facts of human trafficking since the beginning of 2005.

More than 3,000 people, including 300 minors (10% of the total number), have been recognized as victims in criminal proceedings.

It should be noted that fewer and fewer trafficking crimes are being committed against children thanks to effective measures taken by the state in recent years.

In 2006-2010, the number of child victims of trafficking was more than 10% of all identified victims. Starting from 2011, this number sharply fell and continues to decrease every year. In 2016, four children (4.7% of the total) became victims of trafficking in human beings.

An analysis of criminal proceedings involving THB and minors as victims shows that in 93% of cases minors aged 15-18 were going to be sold for the purpose of sexual exploitation and the Russian Federation was the destination country in the majority of cases.

In other cases, parents from disadvantaged families, most often previously convicted and leading an immoral lifestyle, have tried to sell their new-born babies.

*For example, in April 2017 investigators from the Department for Combatting Trafficking Crimes in the Chief Directorate of the National Police in Cherkasy Oblast detained a woman who had sold her new-born baby.*

*The mother was arrested near a maternity hospital during the transfer of money. The baby was handed over to doctors for examination; the woman is facing up to fifteen years in prison for the crime.*

*Having been informed that a 33-year-old resident of Cherkasy Oblast, who was in the last month of pregnancy, was seeking a buyer for her unborn child, investigators from the Department for Combatting Trafficking Crimes immediately worked out an operation to detain her. During the operational activities, the woman was arrested at the time of transfer of funds—she set the price of UAH15,000 for the baby. The infant was handed over for examination to doctors and social workers. The woman is currently in detention, and investigators are working with her. Criminal proceedings were instituted under part 3 of article 149 (Trafficking in human beings or other illegal agreement regarding a person) of the Criminal Code of Ukraine. The woman is facing an imprisonment term of up to 15 years. A preventive measure is now being selected, and the question of depriving her of parental rights is under consideration.*

An analysis of the situation shows that the main countries of destination for trafficked persons are the Russian Federation, Poland, Turkey, Ukraine, Germany, Israel, Greece and the United Arab Emirates.

Risk assessment based on the structural characteristics of the population:

- single women, single mothers, divorced persons;
- youth, street children, orphaned children, persons from disadvantaged families;
- rural population;
- internally displaced persons;
- foreign citizens who are migrant workers;
- victims of violence, including sexual violence;
- poor and disadvantaged persons;
- persons with mental health problems.

Population categories that are most vulnerable to trafficking:

- women aged 18-26, especially single (vulnerable to sexual exploitation);
- men aged 25-60, especially married (vulnerable to labour exploitation);
- children aged 13-18, especially girls from incomplete and restructured families (with one non-biological parent).

Criminals are increasingly using the Internet to recruit potential victims of trafficking. In particular, they create specialized websites and groups in social networks, establish direct contact on dating sites, place job advertisements, and so on.

In order to prevent identification, criminals communicate among themselves and with victims using VoIP apps (WhatsApp, Viber, Skype, Telegram, Line, Imo, Icq, Facebook and Google) for smartphones with Android, BlackBerry OS, iOS, Symbian, Windows Phone and Bada platforms and computers with Windows, OS X and Linux operating systems.

Following the illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol (hereinafter "Crimea") by the Russian Federation in February 2014, and further military intervention of the Russian Federation in Ukraine, which led to the occupation of certain parts of Donetsk and Lugansk regions, the human rights situation in Ukraine has been significantly deteriorated. This is primarily the case for general deterioration of the situation with trafficking of human beings, in particular on the occupied territories of Ukraine.

According to international humanitarian law, the Russian Federations as occupying power has the responsibility to ensure the safety of the whole population of illegally occupied Crimea. Having no possible means to assess the situation with trafficking of human beings on the occupied territories by the national mechanisms, Ukrainian Government calls the Group of Experts on Action against Trafficking in Human Beings (GRETA) to take all possible measures in order to carry out the fact-finding visit to the territory of temporary illegally occupied Crimea<sup>1</sup>.

any changes in your country's laws and regulations relevant to action against THB;

The Government of Ukraine is constantly working to improve the regulatory framework for combating trafficking in human beings.

1. The State Social Program to Combat Trafficking in Human Beings for the Period until 2020 has been approved.
2. Amendments have been made to Regulation No. 660 "On Approval of the Procedure for the Payment of One-Time Financial Assistance to Victims of Trafficking" of the Cabinet of Ministers of Ukraine of 25 July 2012 to increase the amount of one-time financial assistance. Starting from 1 January 2017, this assistance is equal to three times the subsistence rate for the relevant category of citizens:
  - children under 6 – UAH 4,278;
  - children aged 6-18 – UAH 5,331;
  - working person – UAH 5,052;
  - incapacitated persons – UAH 3,936.
3. Joint Order No. 4/5 of the Ministry of Social Affairs and the Ministry of Internal Affairs "On Approval of the Regulations on the Collection and Monitoring of Statistical Data on Victims of Trafficking" was approved on 11 January 2016.
4. Changes have been made to the form of the trafficking victim status application and the non-disclosure form regarding information about a trafficking victim in order to strengthen the confidentiality of information about victims and to receive consent or refusal to cooperate with law enforcement agencies (Order No. 366 of the Ministry of Social Policy of 25 March 2016).
5. The draft Law of Ukraine "On Amending Certain Legislative Acts of Ukraine to Strengthen Combatting Trafficking in Human Beings and Protection of Trafficking Victims" was developed and registered under No. 6125 in the Verkhovna Rada of Ukraine on 23 February 2017.
6. The draft Law of Ukraine "On Amending Certain Legislative Acts of Ukraine on the Business Activity of Mediating Foreign Employment", which is aimed at increasing the accountability of companies that provide intermediary services in foreign employment to prevent human trafficking, was developed and registered under No. 6275 in the Verkhovna Rada Ukraine on 31 March 2017.
7. A draft law amending Article 149 of the Criminal Code of Ukraine (concerning harmonization with international standards) was developed to expand criminally punishable types of exploitation by including forced abortion, forced marriage, forced involvement in begging, etc. (registered under No. 6243 in the Verkhovna Rada of Ukraine on 27 March 2017).

<sup>1</sup> The Russian Federation as an occupying-state cannot be, by definition, a party to the monitoring mechanism. Its participation should be limited to providing free access of the GRETA mission to the temporarily occupied territory of Crimea, and to ensuring its unfettered activities. Thereby, GRETA requests the Russian Federation as occupying power to ensure the access to Crimea and further inform the Ukrainian Side on the reaction of the Russian Federation on the said request. When carrying out the fact-finding visits to the territory of the temporary occupied Crimea, the GRETA monitors should enter/leave the territory of Crimea according to the national legislation.

The Ministry of Internal Affairs of Ukraine issued an order declaring 2017 the year of combatting THB. Pursuant to this order, the National Police drafted the Plan of Additional Measures to strengthen combatting trafficking crimes in 2017.

The Interdepartmental Council for Family, Gender Equality, Demographic Growth, Prevention of Domestic Violence and Combatting Trafficking in Human Beings met on 29 March 2016 with the participation of the heads of central executive authorities, as well international organizations and NGOs.

On 24 February 2017, the Prosecutor General's Office of Ukraine hosted an interdepartmental meeting of the heads of law enforcement bodies and government agencies. The meeting was chaired by Prosecutor General Yuriy Lutsenko and focused on the situation with preventing and combating human trafficking. A resolution was adopted on 24 February 2017 setting the main objectives and directions for coordinating the activities of central executive authorities and representatives of NGOs and IOs involved in the implementation of the state policy in this area until the end of 2017.

□ - the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;

The Ministry of Social Policy of Ukraine has been designated as the national coordinating body on action against THB.

To combat trafficking in human beings, the Ministry of Social Policy constantly cooperates with the National Police, the Prosecutor General's Office, the Ministry of Internal Affairs, the Ministry of Education and Science, the Ministry of Public Health, the Ministry of Justice, the Ministry of Foreign Affairs, the Security Service of Ukraine, the Administration of the State Border Guard Service of Ukraine, the State Migration Service and other agencies. The Ministry of Social Policy also cooperates with international organizations and NGOs in combating THB.

The Ministry of Social Policy set up an interdepartmental working group for improving regulations in the field of combating human trafficking in order to consider issues arising during the implementation of the state policy on combating human trafficking and to improve the regulatory framework in this area. The composition of the group was approved by Order No. 105 of the Ministry of Social Policy of 7 March 2013 (as amended). The working group meets on a monthly basis or more often if necessary.

Oblast and city administrations issued orders establishing (now operational) regional (raion and city) councils for family, gender equality, demographic growth, prevention of domestic violence and combating trafficking in human beings. Scheduled meetings are held in each raion and oblast to address the abovementioned issues. These councils meet to consider issues in improving efforts to combat trafficking in human beings, analyse and assess the effectiveness of their implementation, look into problems and solutions, etc.

An extremely important role in shaping and implementing the state policy to combat human trafficking is played by international organizations and NGOs, whose representatives are members of all working groups and interdepartmental coordination councils to combat trafficking in human beings:

IOM Mission in Ukraine,

OSCE Project Coordinator in Ukraine,

International Organization "Campaign A21"

Ukrainian Helsinki Human Rights Union,

All-Ukrainian NGO Coalition for Combatting Trafficking in Human Beings and other NGOs that are not members of the coalition.

Article 26 of the Law of Ukraine "On Combating Trafficking in Human Beings" envisages public control over the implementation of activities to combat trafficking in human beings, which reserves a specific role for NGOs in monitoring such activities. Pursuant to article 26 of the Law of Ukraine "On Combatting Trafficking in Human Beings", the Independent Monitoring Group to Combat Trafficking in Human Beings was set up on 10 December 2014. The group includes representatives of NGOs with many years of experience in monitoring state counter-trafficking policy: International Women's Rights Centre "La Strada – Ukraine", International Non-Governmental Organization "School of Equal Opportunities", NGO "Avest" (Vinnytsia), NGO "Development of Democracy", the DUMA Centre for Legal and Political Research (Kharkiv), the Information and Counselling Women's Centre, the All-Ukrainian Network Against Commercial Sexual Exploitation of Children, the Women's Prospects Western Ukrainian Centre (Lviv), International Non-Governmental Organization "Rozrada", and Civic Movement "Faith. Hope. Love" (Odesa).

The State Social Program to Combat Trafficking in Human Beings for the Period until 2020 includes a number of performance indicators used for monitoring its implementation.

The Ministry of Social Policy, in cooperation with state research institutes, drafts the annual State Report on the Implementation of the State Policy to Combat Trafficking in Human Beings.

On 17 April 2015, the Ministry of Social Policy held a strategic planning session on combating trafficking in human beings, which was attended by representatives of central and local authorities, IOM, OSCE and NGOs. At the session, the strategy for the activities of the Ministry of Social Policy to combat THB was developed. The strategy includes clear indicators and criteria for monitoring its implementation. Further work will be carried out to meet the performance evaluation criteria with the involvement of international organizations and NGOs.

□ an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

On 24 February 2016, the Cabinet of Ministers of Ukraine issued Regulation No. 111 approving the State Social Program to Combat Trafficking in Human Beings for the Period until 2020.

The Program's objectives are as follows:

- prevention of trafficking in human beings
- increased efficiency of identification of traffickers and their facilitators, as well as the protection of the rights of trafficking victims, especially children, and provision of assistance to them
- increased efficiency of interaction between executive authorities, international organizations, NGOs and other legal entities that perform different functions in combating trafficking in human beings;
- raising public awareness about ways to avoid the risks of trafficking and opportunities for receiving assistance in order to develop the skills of safe conduct among the population;
- improving the professional competence of the employees of public authorities, including the law enforcement and judiciary systems;
- reducing the manifestations of prejudice against trafficking victims and building trust in the executive agencies active in combating trafficking in human beings;
- enhancing public trust in the law enforcement and judicial systems;
- introducing an effective mechanism for trafficking victim referral by the National Police to the structural units responsible for providing assistance;
- providing adequate protection assistance to trafficking victims taking into account the needs of certain groups of such persons;
- the implementation of activities to minimize the level of trafficking in human beings.

The following activities are planned to be carried out while the Program is active:

- wide-ranging information campaigns among the population, including internally displaced persons, to prevent the risks of trafficking and explain opportunities for receiving assistance;
- preparing an annual report on the implementation of activities to combat trafficking in human beings;
- training for first-line employees in government institutions who are in contact with trafficking victims focusing on victim identification and interaction between agents for combating trafficking in human beings;

- improving the professional level of investigators, prosecutors, judges and lawyers regarding criminal proceedings in trafficking cases;
- strengthening cooperation between social services and law enforcement agencies for combating trafficking in human beings and providing assistance to victims;
- provision a complex of social services to trafficking victims, facilitation of their employment and other activities.

The implementing agencies of the Program are the Ministry of Social Policy, the Ministry of Internal Affairs, the National Police, the Ministry of Foreign Affairs, the Ministry of Infrastructure, the Ministry of Economic Development, the Ministry of Culture, the Ministry of Public Health, the Ministry of Education and Science, the Ministry of Youth and Sports, the Ministry of Justice, the State Border Guard Service, the Security Service of Ukraine, the Prosecutor General's Office of Ukraine, the National Anti-Corruption Bureau, the State Migration Service, the State Employment Service, the State Committee for Television and Radio Broadcasting, the State Statistics Service, the State Court Service, the Higher Specialized Court for Civil and Criminal cases, the Supreme Court of Ukraine, the State Labour Service, the Federation of Trade Unions of Ukraine, the Federation of Employers of Ukraine, the National School of Judges, the National Academy of Prosecutors, the Bar Academy, the Council of Ministers of the Autonomous Republic of Crimea, oblast state administrations, Kyiv and Sevastopol city state administrations, and international organizations and NGOs (by consent).

In order to monitor the implementation of the Program, central executive bodies, oblast administrations and Kyiv city administration submit to the Ministry of Social Policy—every six months by the 20th of the month following the reporting period—information on the implementation of the Program for the purpose of summarization and submission to the Cabinet of Ministers of Ukraine and the Ministry of Economic Development and Trade by March 1.

After the expiration of the Program, the Ministry of Social Policy drafts the final report and submits it to the Ministry of Economic Development and Trade, which makes a conclusion on the effectiveness of its implementation and informs the Cabinet of Ministers of Ukraine on the results.

The Program is to be financed from the state and local budgets and other sources.

The amount of expenditures to implement the Program is set annually during the drafting of the state and local budget for the respective year based on their actual capacity.

Approximate financing for the Program from the state budget: UAH 98,800 in 2016; UAH 98,800 in 2017; UAH 548,800 in 2018; UAH 548,800 in 2019; UAH 548,800 in 2020.

Financing from local budgets: UAH 219,220 in 2016; UAH 219,220 in 2017; UAH 219,220 in 2018; UAH 219,220 in 2019; UAH 219,220 in 2020.

Financing from other sources: UAH 7,126 million in 2016; UAH 6,966 million in 2017; UAH 7,126 million in 2018; UAH 6,966 million in 2019; UAH 7,126 million in 2020.

A significant amount of funds from local budgets is allocated for the maintenance of facilities, which, under the Law of Ukraine "On Combating Trafficking in Human Beings", provide assistance to trafficking victims (centres of social services for families, children and youth; centres for social and psychological assistance; territorial centres of social services; centres for the social and psychological rehabilitation of children; shelters for children).

In particular, the following sums were allocated from the local budgets in 2016:

- to finance shelters for children – UAH 8,092,131,370.00
- to finance centres for the social and psychological rehabilitation of children – UAH 110,415,881.67
- for maintenance and for the implementation of programs and activities in the centres of social services for families, children and youth – UAH 322,395,000.00
- for the maintenance of centres for social and psychological support – UAH 14,020,000.00
- to finance territorial centres of social services – UAH 2,081,022,800.00

## B. Cross-cutting questions



## Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

The Law of Ukraine "On Ensuring Equal Rights and Opportunities for Women and Men" envisages equality of women and men to be achieved in all spheres of social life by way of legal provision of equal rights and opportunities for women and men and the use of special temporary measures aimed at addressing imbalances between the opportunities to exercise their rights enjoyed by women and men.

A number of strategic documents have been adopted that take into account the gender aspect:

- the President's Strategy on Human Rights and the National Plan for its implementation (2015);
- the National Action Plan to implement UN Security Council Resolution No. 1325 "Women, Peace and Security" until 2020 (2016);
- the Poverty Reduction Strategy and the Plan for its implementation (2016);
- the concept of Public Administration Reform (2016);
- the Strategy for reforming public finance management by 2021, which takes into account the gender approach (2017);
- Draft Strategy "Education: The gender dimension 2020".

In 2017, the Government of Ukraine approved the Concept of the State Social Program to ensure equal rights and opportunities for women and men for the period until 2021 (Order No. 229-r of the Cabinet of Ministers of Ukraine of 4 April 2017). The document takes into account the international instruments of the UN, Council of Europe, European Union and OSCE, the recommendations of international institutions monitoring human rights and the provisions of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other.

The program is aimed at improving the mechanism for ensuring equal rights and opportunities for women and men in all spheres of social life and the introduction of European standards of equality.

The program envisages the following:

- improving the regulatory framework to ensure equal rights and opportunities for women and men in all spheres of social life;
- taking the gender component into consideration in programs of economic and social development in the light of current needs in sectors and regions;
- improving the mechanism of gender and legal expert assessment;
- expanding the list of statistical indicators disaggregated by gender and further disaggregated by other major characteristics (age, place of residence, disability, socioeconomic status, etc.);
- reducing the gender imbalance in public service and human resources management;
- improving the mechanism for exercising the right to protection from gender discrimination and multiple discrimination, consideration of such discrimination cases and taking appropriate action based on the results;
- fulfilment of contractual and other international commitments undertaken by Ukraine, in particular those relating to ensuring equal rights and opportunities for women and men, taking into account relevant recommendations of international organizations of which Ukraine is a member;
- involving international organizations and NGOs whose activities are aimed at ensuring equal rights and opportunities for women and men in society in the implementation of the Program.

The following has been done to implement the National Action Plan to implement UN Security Council Resolution No. 1325 "Women, Peace and Security" for the period until 2020:

- increasing the number of women in military service by 3,200, including by 500 among officers.

Note: 20,200 women served in the Ukrainian army at the beginning of 2017, including 2,700 officers (13%) (17,000 women, including 2,200 officers, in 2016).

- operation of 26 mobile teams that provide social and psychological services to victim of gender violence (Zaporizhia, Dnipropetrovsk and Kharkiv oblasts and government-controlled areas in Donetsk and Luhansk oblasts);
- developing training programs on the gender aspects of conflicts, including sexual violence and rehabilitation of victims;

- developing the Monitoring Card on the protection, assistance and rehabilitation of gender violence victims.

The issue of strengthening the role of women in political and economic life remains relevant for Ukraine.

In order to solve this problem, the Law of Ukraine “On Political Parties in Ukraine” was amended to introduce quotas which set the minimum level of representation of persons of the same sex in the electoral lists of political parties at no less than 30 per cent.

The Law of Ukraine “On local elections”, which requires that the representation of persons of the same sex in the electoral lists of candidates for local council members in multi-member districts must be at least 30 per cent of the total, was passed in July 2015.

On 24 November 2016, a group of MPs registered bill No. 5446 which stipulates that if the fraction of men or women in the parliamentary faction of a political party does not exceed two-thirds of its total membership, this political party will be entitled to a 10% increase in financing, but this percentage is not of the total sum allocated for all political forces, as is the case at present, but of the annual sum of state financing for the party.

Leadership schools for women running for seats in local councils continue to be conducted. These include training in strategic planning, project management and development of communication skills as a tool for organizational development, as well as training in debating skills. Theoretical knowledge is consolidated in practice.

Activities have been organized within the projects “Academy of Women's Political Leadership”, “Politics is for women” and “Building women's political lobby in Ukraine”. Moreover, the project “Women in Politics”, administered by the Ukrainian NGO “Women's Consortium of Ukraine”, is being implemented. A website created as part of the project highlights the participation of women in the electoral process.

The level of gender segregation (horizontal and vertical) on the Ukrainian labour market remains high, which is manifested in the gap between the wage levels of men and women, unequal opportunities for access to economic resources, differences in the quality characteristics of employment and social status of women and men.

The average income level of men in Ukraine is almost 25% higher than that of women.

The pay gap between men and women is due to the following factors:

- a significant number of women are employed in sectors that do not offer high salaries, mostly in the public sector of the economy;
- women take maternity leaves until their children reach the age of three, which inhibits career growth;
- mainly women exercise their right to work part-time to combine a job and family responsibilities.

Ukraine has pronounced occupational segregation—both vertical and horizontal. Women are over-represented in the textile and food industry, healthcare, tourism and social services sector, especially in low-skilled occupations and general service professions.

The government is taking a number of important steps to address this problem. For example, gender is included in the Poverty Reduction Strategy adopted in 2016. Ways of reducing the pay gap between men and women include the following: (1) strengthening state and public control over the enforcement of legislation, in particular the involvement of trade unions in these activities; (2) the gradual introduction of gender quotas in state enterprises, (3) the use of family-friendly policies in enterprises, and (4) encouraging girls to learn highly paid professions, for example, in the IT sector.

Ukraine has launched activities to apply gender budgeting, a tool that is clearly geared towards its consumers—men and women, boys and girls.

The project “Gender-oriented budgeting in Ukraine”, covering the period between 2014 and 2018, is funded by the Swedish International Development Cooperation Agency (Sida). Its main beneficiary is the Ministry of Finance of Ukraine and the main partner is the Ministry of Social Policy, as well as the Ministry of Youth and Sports, the Ministry of Education and Science and the Ministry of Public Health.

The Cabinet of Ministers of Ukraine has approved a new strategy for managing public finances for 2017-2021. The strategy, developed by the Ministry of Finance, includes gender-oriented budgeting.

This means that for the first time, gender budgeting was integrated into a strategic document by the Ministry of Finance, which will be the basis for gender mainstreaming in the budgetary process.

A budget program of the Ministry of Social Policy under which payments to trafficking victims are financed is subjected to analysis in 2017 within the project "Gender Budgeting in Ukraine", implemented with the help of Sida. (These payments include one-time payments to women awarded the title "Hero Mother", persons with disabilities, unemployed disadvantaged persons and victims of trafficking in human beings.)

Statistical reports on trafficking victims use indicators disaggregated by sex and type of trafficking. Based on the analysis of statistical information, the situation is examined and measures to prevent THB in specific population groups are developed.

For example, given that sexual violence predominantly affects women, NGO "A-21" produced, with the support of the Ministry of Social Policy, a video spot targeting women in 2016. The video was shown on 30 July 2016 at the opening of the exhibition "Live free".

The draft order of the Ministry of Social Policy "On Approval of Methodological Guidelines for the Organization of State Procurement of Social Services" applies a gender approach in the provision of social services. This will allow to assess the needs of men and women in the provision of social services and ensure an equitable distribution of resources.

In order to respond to complaints and appeals from citizens regarding cases of sex-based discrimination, the Ministry of Social Policy has an advisory body—the Expert Council for Preventing and Combating Sex Discrimination.

In 2016, the application review procedure was improved, and the composition of the council was updated (pursuant to Order 376 of the Ministry of Social Policy of 11 April 2016). The council includes representatives of the Ministry of Social Policy, the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of Information Policy; a representative of the Verkhovna Rada Human Rights Commissioner for children's rights, non-discrimination and gender equality; gender experts from international organizations and NGOs; representatives of the Coordination Council of the Coalition to combat discrimination in Ukraine, the National Academy of Public Administration under the President of Ukraine and the National Assembly of the Disabled; scholars.

To overcome stereotypes of the social roles of women and men which are entrenched in Ukrainian society, a training course and handbook on gender equality and non-discrimination for the media and advertising industry was developed and tested with the support of the OSCE Project Coordinator in Ukraine. The handbook and the training course were presented and distributed among Ukrainian universities that offer education in these areas.

A series of trainings entitled "Implementing a gender-based approach: New opportunities for Ukrainian journalism" for journalists and teachers of journalism at universities were conducted.

### Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

According to article 3 of the Law of Ukraine "On Combating Trafficking in Human Beings", counter-trafficking activities are based on the principle of voluntary acceptance of assistance by trafficking victims and their non-discrimination by race, colour, political, religious and other beliefs, sex, ethnic origin, social background, property, place of residence, language or other characteristics.

In other words, all persons applying for assistance receive the full range of social services according to their needs.

As of 22 June 2017, the Ministry of Social Policy granted trafficking victim status to 367 citizens, including six foreigners (citizens of Moldova, the Russian Federation and Pakistan). All victims were provided the necessary assistance and paid one-time financial assistance under the Law of Ukraine "On Combating Trafficking in Human Beings".

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

According to the Law of Ukraine "On Combating Trafficking in Human Beings", the State Migration Service of Ukraine is one of the agents for combating human trafficking.

In its turn, the State Migration Service is a central executive authority whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Internal Affairs. It implements the state policy on migration (immigration and emigration), including combating illegal (irregular) migration, citizenship, registration of natural persons, refugees and other categories of migrations specified by law.

In addition, the structure of the National Police includes the Department for Combatting Trafficking Crimes which, according to its statute, takes measures to prevent, detect, suppress and investigate criminal offenses related to trafficking in human beings, illegal migration and offenses against public morality.

Representatives of the State Migration Service and the National Police are members of the interdepartmental working group and the Interdepartmental Coordinating Council for Combating Trafficking in Human Beings that operate at the central level and interdepartmental coordination councils that operate at the local level (in all oblasts and raions).

Accordingly, all training sessions for multidisciplinary teams in the regions contain modules explaining the differences between trafficking in human beings and irregular migration, as well as issues with the identification of trafficking victims.

Thus, employees of the State Migration Service and the National Police have received training and, in the course of their activities, are able to identify victims of trafficking among irregular or migrant workers and refer them for assistance according to the Law of Ukraine "On Combating Trafficking in Human Beings".

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

According to article 3 of the Law of Ukraine "On Combating Trafficking in Human Beings", counter-trafficking activities are based on the principle of voluntary acceptance of assistance by trafficking victims and their non-discrimination by race, color, political, religious and other beliefs, sex, ethnic origin, social background, property, place of residence, language or other characteristics.

In other words, all persons applying for assistance receive the full range of social services according to their needs.

As of 22 June 2017, the Ministry of Social Policy granted trafficking victim status to 367 citizens, most of whom (171) are men. All of them have received social assistance according to rehabilitation plans that were drawn up for them.

Training of relevant professionals (Articles 10 and 29)

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

Number of trained persons		
Number of persons		Category of participants
2015	2016	
1,224	2,032	persons responsible for establishing the trafficking victim status (departments for the social protection of the population) at the regional level
400	11,021	law enforcement officials, including district police officers, road police officers, cyber police and specialized units for combatting trafficking

		crimes at the regional level
1,000	1,900	representatives of relevant executive authorities (social security, healthcare, education and science, migration service) at the regional level
250	350	staff of services for children's affairs at the regional level
<b>Total</b>		
2,874	15,303	
School students:		
15,100	31,100	students at boarding schools and vocational schools have been informed about the risks of trafficking and the safety rules through a peer-to-peer education campaign

In particular, the Ministry of Social Affairs conducted following as part of the plan for the advanced training of state officials in 2016:

- On 13-15 April, the short-term thematic workshop "Identification of trafficking victims and the organization of assistance" was conducted for 25 officials in local administrations who are responsible for the trafficking victim status procedure.
- On 14-16 September, the short-term thematic workshop "Rehabilitation and reintegration of trafficking victims" was conducted for 25 officials in local administrations who are responsible for the trafficking victim status procedure.
- On 30-31 May, the Ministry of Social Policy in cooperation with the IOM Mission in Ukraine conducted the training "Identification of trafficking victims" as part of advance training of the Ministry of Foreign Affairs staff members who are preparing to serve in Ukraine's consular offices abroad.

In 2017:

- On 7-8 February 2017, the training "Combating trafficking in children and protecting the rights of victims" was conducted for 25 heads of services for children's affairs.
- On 25-26 April 2017, the Ministry of Social Policy in cooperation with the International NGO "Campaign A21" conducted the training "Identification of trafficking victims" for 50 aviation security staff members working at Boryspil Airport.
- On 18 May, the Ministry of Social Policy in cooperation with the International Organization for Migration (IOM) in Ukraine conducted the training "Identification of trafficking victims" for 25 employees of the government-run contact center.

Police officers involved in combatting trafficking in human beings receive training on a regular basis, both in the educational institutions at the Ministry of Internal Affairs and with the support of international partners.

In order to develop professional skills in the field of combating trafficking in human beings and working with victims of trafficking, police officers participated in the following training sessions in 2016-17:

- on 18-31 January 2016, a series of workshops (within interdisciplinary exercises) were conducted in Kharkiv for representatives of the criminal justice system (units for combatting trafficking crimes and investigators) within the project "Strengthening Ukraine's efforts to combat human trafficking", which is supported by the International Organization for Migration in Ukraine;

- on 25-26 April 2016, the introductory workshop for a training course entitled "Combating trafficking in human beings: Interactive training course for law enforcement officers in Ukraine" was conducted in Lviv with the support of the Global Affairs Canada and the IOM Mission in Ukraine (for 25 investigators and 25 staff members of the unit for combatting trafficking crimes in the Chief Directorate of the National Police). The syllabus of the course involved five working weeks from 25 April to 1 July 2016 (on-the-job training);

- on 29-30 April 2016, the republican workshop "Sharing best practices in combating trafficking in human beings" was held in Karaganda (Kazakhstan) with the support of the US Embassy and the OSCE Centre in Kazakhstan;
- On 26-27 May 2016, the workshop "Improving mechanisms for combating trafficking in human beings: detecting and documenting trafficking crimes, cooperation of the prosecutor's office, pre-trial investigation bodies and investigative units in criminal proceedings on charges of trafficking in human beings" was held in Kyiv and supported by the IOM Mission in Ukraine, with the participation of the Prosecutor General's Office and the State Border Guard Service of Ukraine;
- from 28 June to 1 July 2016, the final practical workshop of the course "Combating trafficking in human beings: Interactive training course for law enforcement officers in Ukraine" was conducted in Odessa with the support of Global Affairs Canada and the IOM Mission in Ukraine (for investigators and staff members of units for combatting trafficking crimes in the Chief Directorate of the National Police);
- on 12-13 July 2016, the coordination meetings of agents for combating trafficking in human beings were held within the project "Spreading the National Mechanism for Interaction of Agents for Combating Trafficking in Human Beings in Ukraine";
- advanced training courses for 200 employees of the territorial units for combatting trafficking crimes were conducted at the National Academy of Internal Affairs (Kyiv) from 12 September to 24 December 2016 with the support of the OSCE Project Coordinator in Ukraine; another 100 employees received training in March-May 2017;
- from 24 April to 1 June 2017, the distance learning course "Combating trafficking in human beings: Interactive training course for law enforcement officers in Ukraine" was conducted with the support of Global Affairs Canada and the IOM Mission in Ukraine (for 30 investigators, 30 staff members of the units for combatting trafficking crimes in the Chief Directorate of the National Police, 30 border guards, 30 prosecutors, and 20 court officials). The syllabus of the course involved five working weeks of on-the-job training.

A letter of the Deputy Prosecutor General of Ukraine of 10 March 2015 ordered heads of regional prosecutor's offices to indicate specialization in the distribution of duties for the implementation of procedural oversight in criminal proceedings on charges of trafficking in human beings.

Furthermore, when organizing training in combating trafficking in human beings, the Prosecutor General's Office of Ukraine raised the issue of ensuring that prosecutors with this specialization participated in the training.

Moreover, an online training course for law enforcement officers in Ukraine, including prosecutors involved in this area, was initiated in 2016. The said course is being taken by prosecutors also in 2017.

In addition, the workshops "Capacity building of law enforcement agencies for combatting trafficking in human beings by strengthening their role in the National Mechanisms for Interaction of Agents for Combating Trafficking in Human Beings" was conducted in November 2016 with the support of IOM. The participants included, among others, top procedural officers in oblasts bordering on the territory of the counterterrorist operation—Zaporizhia, Kharkiv, Luhansk, Sumy, Kherson, Dnipropetrovsk, Donetsk and Mykolaiv oblasts.

Similar workshops were conducted in other regions of Ukraine in 2017.

In April 2017, the Ministry of Social Policy in cooperation with a representative of the Secretariat of the Council of Europe for Action Against Trafficking in Human Beings conducted training for 60 representatives of law enforcement agencies, including prosecutors, representatives of the State Financial Monitoring Service and representatives of international organizations, regarding financial investigations in criminal proceedings on charges of trafficking in human beings.

On 25-26 May 2017, with the support of the OSCE Project Coordinator in Ukraine and in cooperation with the Prosecutor General's Office of Ukraine, the Ministry of Social Policy, the National Police of Ukraine and the Higher Specialized Court of Ukraine for Civil and Criminal Cases scheduled training within the project "Strengthening criminal prosecution of human traffickers using information technologies", including for prosecutors.

Ukraine's National Academy of Prosecutors periodically offers classes "Procedural oversight of the pre-trial investigation of trafficking crimes" in order to improve the professional skills of prosecutors.

In particular, training in this area was conducted for the following categories of students in 2017:

- prosecutors in local prosecutor's offices and military prosecutor's offices in garrisons who perform procedural oversight over pre-trial investigation and support public prosecution in court (distance learning, training at the Academy on 15-26 May 2017);
- prosecutors in local prosecutor's offices who perform procedural oversight over pre-trial investigation and support public prosecution in court (trainings at the Academy from 15 May 2016 to 2 February 2017).

The training of prosecutors is mandatory and is carried out according to plans for the advanced training of prosecutors. Funding comes from the state budget of Ukraine.

This learning process took the form of training which included, among other things, the application of information technology in the investigation of human trafficking in Ukraine and abroad.

A round table was held with investigators from military prosecutor's offices in garrisons on 28 November 2016. The round table focused on pre-trial investigation in criminal proceedings on charges of trafficking in human beings in special circumstances. Special attention was paid to the rehabilitation and protection of victims, including compensation of the damage caused by the criminal offense.

Moreover, practical training, business games and round tables entitled "Activities of the prosecutor in criminal proceedings related to domestic violence" were conducted, as part of advanced training at Ukraine's National Academy of Prosecutors for prosecutors in local prosecutor's offices responsible for the protection of children's rights and freedoms (7-25 November 2016) and heads of the departments of juvenile justice in regional prosecutor's offices (14-25 November 2016). These activities highlighted, among other things, the use of information technology in trafficking in human beings in Ukraine and abroad.

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

The coordinating body in the field of combatting trafficking in children is the Ministry of Social Policy, while services for children's affairs, which are structural units of the local state administrations, are responsible for the provision of assistance to child victims of trafficking at the local level.

According to the Law of Ukraine "On Combating Trafficking in Human Beings", agents for combating trafficking in human beings implement, within their competence, the necessary social, legal, psychological, educational and other measures to identify and eliminate the causes and preconditions that contribute to trafficking in children; take measures to identify child victims of trafficking; conduct preventive activities with such children, their parents or persons replacing them; implement measures to combat trafficking in human beings; within their powers, develop and implement training and educational programs to combat child trafficking in education institutions.

Agents active in combating trafficking in human beings take measures, within their competence, to raise awareness of trafficking in children among parents and persons replacing them, as well as among persons who are regularly in contact with children in education, healthcare, culture, physical culture and sports, recreation and leisure, judicial and law enforcement sectors.

According to the National Mechanism for Interaction of Agents for Combating Trafficking in Human Beings, the following measures are taken in the case of detection of a child victims of trafficking:

The person who became aware of a child victim of trafficking must immediately inform, in a confidential manner, the local state administration, local self-government, National Police bodies or the prosecutor's office.

According to the Procedure of Interaction of Agents for Combating Trafficking in Human Beings, in cases where the victim is a child, the agents immediately informs the appropriate service for children's affairs and a National Police body. All actions regarding such a child must follow the requirements of laws and regulations in order to protect the rights of the child. The service for children's affairs takes measures to protect the rights of the child and, if necessary, refers him/her to a shelter for children run by a service for children's affairs or a center for the social and psychological rehabilitation of children.

If there is a suspicion that the parents or persons replacing them are involved in the trafficking of the child, persons who have regular contact with children in education, healthcare, culture, physical culture and sports, recreation and leisure, justice and law enforcement sectors inform National Police bodies or the prosecutor's office in the manner prescribed by law.

After receiving information about a child victim of trafficking, the local state administration in whose territory this child is detected immediately identifies the child, assesses the circumstances and adopts a plan of priority measures to help the child until the issue of granting trafficking victim status to this child is settled.

If the child victim of trafficking has the status of an orphan or a child deprived of parental care, the local state administration immediately decides on the child's placement.

If the victim is a child, an individual plan for the social protection of a child in difficult circumstances, orphaned or a child deprived of parental care is drawn up in accordance with legislation. The plan is considered and approved at a meeting of the commission for the protection of children's rights according to the law.

Centres for the social and psychological rehabilitation of children and shelters for children implement, with the involvement of education and healthcare institutions, the individual assistance program for the child victims of trafficking.

Agents for combating trafficking in human beings ensure, within their competence, observance of the rights of child victims of trafficking.

In the case where a child victims of trafficking who is a foreigner or a stateless person is detected in Ukraine, one of the following decisions is adopted according to an established procedure:

- 1) return the child to the country of origin;
- 2) leave the child in Ukraine.

A child victim of trafficking is to be returned to his/her country of origin provided that the parents or persons replacing them, or an institution for protecting children in his/her country of origin have agreed and are able to take responsibility for the child and provide proper care and protection to the child.

A child victim of trafficking is to remain in Ukraine if his/her return to the country of origin is impossible and if the conditions for his/her integration in Ukraine in terms of ensuring the right to healthcare, education and social protection are in place.

In deciding whether to return the child or keep him/her in Ukraine, the opinion of the child is taken into account, as well as his/her age, physical and intellectual development and interests.

A child victims of trafficking is not returned to the country of origin if there are indications that such return will threaten his/her security and will not be in his/her best interests.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment for them, including through:

a. ensuring registration of all children at birth, in particular from socially vulnerable groups;

The legislation of Ukraine fully ensures the right of a person to the state registration of birth, regardless of the legal status of the child's parents, ethnicity and social background.

In accordance with part 3 of article 49 of the Civil Code of Ukraine, the birth of an individual and his/her origin are subject to state registration.

Part one of Article 144 of the Family Code of Ukraine stipulates the duty of parents to have the birth of a child registered in a state civil status registration body immediately, but no later than one month after birth.

State registration of the birth of a child is carried out regardless of how much time has elapsed since the child's birth and in a manner prescribed by the Law of Ukraine "On State Registration of Civil Status Acts". Part four of article 13 of the Law of Ukraine "On State Registration of Civil Status Acts" stipulates that grounds for the state registration of the birth of a child are documents confirming the fact of birth as defined by a central executive authority that forms state policy on healthcare.

Moreover, the norms of the Family Code of Ukraine stipulate that the origin of the child from the mother is determined on the basis of the document a healthcare institution issues to confirm the birth of the child by the mother. The Family Code also establishes the right to the state registration of birth on the application of any person, which means that there are no obstacles to such registration in the absence of a passport (ID document) of the mother.



Legal provisions regulate the mechanism of documentary confirmation of the birth of a child in case of birth outside of a healthcare institution.

According to part four of Article 13 of the Law of Ukraine "On State Registration of Civil Status Acts", if a child is born outside a healthcare institution, a document confirming the child's birth is issued by a healthcare facility which examined the mother and the child. If no healthcare facility has examined the mother and the child, a document confirming birth is issued by a medical consultation commission according to the procedure established by the Cabinet of Ministers of Ukraine.

The medical consultation commission issues a birth certificate if it establishes the fact of the birth of a child by the woman.

In the absence of a document from a healthcare institution or a medical consultation commission confirming the birth of a child, the basis for the state registration is a court decision establishing the fact of birth.

On 10 January 2011, Order 3307/5 "On Amending Order No. 52/5 of the Ministry of Justice of Ukraine of 18 October 2000" of the Ministry of Justice of Ukraine of 24 December 2010 entered into force. This order approved a new redaction of the Rules for State Registration of Civil Status Acts. Prior to that, state registration of the birth of a child born outside of a healthcare facility was based on a medical certificate confirming that the child was under supervision in a medical institution and on the statements of two eyewitnesses present at birth.

However, the above provisions of the law that served to determine the birth of a child by the mother on the basis of testimony of eyewitnesses present at birth contained corruption risks and could not reliably confirm the fact of the birth of a child by a woman.

Regulation No. 9 "On Approval of the Procedure to Confirm the Fact of the Birth of a Child Outside of a Healthcare Institution", issued by the Cabinet of Ministers of Ukraine on 9 January 2013, introduced the activities of a medical consultation commission. When it establishes that a child was born by a woman, it issues a document confirming birth which is grounds for the state registration of the child's birth.

In addition, with a view to facilitating and simplifying access to the service of state registration of birth, the Ministry of Justice of Ukraine issued, in particular, Order No. 519/5 of 22 February 2016 amending its order No. 1593/5 "Some aspects of the organization of activities of the departments for state registration of civil status acts related to state registration of the birth of a child" of 26 August 2015. This order instructs the staff of such departments in all regions of Ukraine to accept documents necessary for the state registration of the birth of a child and to issue birth certificates directly in healthcare institutions where deliveries take place. This is to be done with the consent of the heads of the relevant local healthcare facilities.

The introduction of this approach is one of the incentives for mandatory state registration of birth, which is free of charge and available to all children regardless of their ethnic origin and social status.

It should be noted that certain steps in this direction have been taken directly in the regions of Ukraine.

For example, departments for state registration of civil status acts regularly explain the application of appropriate legislation in articles written for the print media, by speaking on the radio and television, etc.

In particular, all departments for state registration of civil status acts in chief territorial directorates of justice (ChTDJ) regularly write articles on the state registration of birth ("The legal status of the Roma minority in the state registration of birth", "Human rights in Ukraine are a national state strategy", "Protection of the Roma minority and its integration into Ukrainian society", "All children are subject to the state registration of birth", "Protecting the rights and interests of Ukrainian citizens, refugees and persons in need of temporary shelter, including the Roma", etc.). These articles are published in the local media (including online media), and similar information is published on ChTDJ's websites.

In 2016, ChTDJ's raion, city and intercity departments of state registration of civil status acts also organized appearances on the local television, held round tables with representatives of services for children's affairs about the problems raised, placed relevant information on information stands in these departments and on the premises of executive committees of village, settlement and city councils (except oblast-level cities) and published it on the websites of raion administrations and city councils and

city web portals. Information booklets were also produced and distributed, and thematic flash mobs were held.

Moreover, representatives of the departments for state registration of civil status acts participated in the meetings with the chairmen and secretaries of executive committees. These meetings considered, among other things, the issue of ensuring state registration of all children, regardless of their ethnic origin and social status. They also participated in joint meetings with the local units of the State Migration Service, legal counselling meetings with Roma representatives regarding timely birth registration, etc.

In some oblasts, the necessary information was posted on the Facebook pages of all heads of the departments for state registration of civil status acts.

Representatives of the main territorial directorates of justice in Zakarpattia, Odesa and Kharkiv oblasts took part in the visit of representatives of ODIHR/OSCE Contact Point for Roma and Sinti Issues on 22 November 2016, 29 November 2016 and 1 December 2016, respectively. The participants discussed issues related to ensuring the rights of the Roma minority in Ukrainian society, including their documentation and obtaining birth certificates, provided explanations of the abovementioned regulations and explained the feasibility of their implementation.

The draft Law "On Amending the Law of Ukraine 'On State Registration of Civil Status Acts' and Some Other legislative Acts of Ukraine Concerning Decentralization and Bringing Administrative Services in State Civil Acts Registration Closer to Citizens" has been registered in the Verkhovna Rada of Ukraine. This draft law was submitted by the Cabinet of Ministers of Ukraine (registration number 6150 of 28 February 2017) as a legislative initiative. It introduces the principle of extraterritoriality in the activities of state civil acts registration bodies in order to simplify the procedure for state registration of civil status acts and bring such services as close as possible to citizens.

The draft stipulates, among other things, that state registration of the birth of a child is carried out by any state civil acts registration body, regardless of the place of residence of the child and his/her parents and his/her place of birth. The expiration of a month-long period established for state registration of birth does not affect the procedure of such registration.

Moreover, the draft law no longer includes the norm under which birth is registered on the application of a child who has reached 16 years of age upon presentation of a Ukrainian passport by the applicant.

#### b. raising awareness of THB through education;

In 2016, more than 31,100 students in boarding schools and vocational schools were informed about the risks of trafficking and about safety rules through a peer-to-peer education campaign (15,100 students were informed through the same program in 2015).

Printed materials on combating human trafficking were distributed: 56 sets of information and educational materials for children, such as comics, leaflets and games, were sent out to the network of institutions for the social protection of children; 100 sets of information materials, such as leaflets and posters, were sent out to a network of centers of free secondary legal aid.

Trafficking prevention projects were implemented among vocational school students in 13 regions of Ukraine (Chernivtsi, Ivano-Frankivsk, Ternopil, Rivne, Zhytomyr, Vinnytsia, Cherkasy, Odessa, Sumy, Poltava, Dnepropetrovsk, Zaporizhia and Kherson oblasts).

An information campaign to counteract child begging was launched in Odessa in 2016 and expanded to Kyiv and Lviv in 2017.

An information and education quest towards Children's Day was held in Odessa on 1 June 2016 and was attended by 150 children from vulnerable families.

On 1 June 2017, the Avenue of Dreams holiday for vulnerable children was held in Kyiv towards Children's Day with the assistance of the IOM Mission in Ukraine. It was attended by more than 100 children from foster families and family-type children's home. The children participated in various master classes and activities in which their rights were explained to them, and celebrities read fairy tales to the children.

In 2016, the Ministry of Social Policy made a video to counteract child begging, and it has been broadcast by national and local TV stations and shown at railway stations, airports and in other crowded places since 2017.

The Ministry of Education and Science developed—jointly with the Ukrainian Foundation “Well-Being of Children” and with the support of the IOM Mission in Ukraine—the training program “Personal Dignity. Life Safety. Civic Position” for educational activities with students in grades 7-11 to prevent trafficking in human beings. In 2015, the Ministry of Education and Science sent letter No. 1/9-264 of 28 May 2015 with instructions on how to use these materials to the departments (directorates) of education and science in oblast administrations, the Kyiv city administration, as well as to institutes of postgraduate pedagogical education.

The implementation of this program has continued in schools in 2016-17.

As part of the implementation of the State Targeted Social Program to Combat Trafficking in Human Beings, activities to inform children and prevent trafficking in children are being carried out, including the following:

- a lesson on combatting trafficking in human beings is taught annually to students in general education institutions of all types and forms of ownership;
- educational activities to prevent the disappearance of children and trafficking in human beings have been organized in education institutions as part of law-related subjects and the humanities: students study international and Ukrainian laws and regulations in this area;
- high-school students watch the film *Destination Station LIFE*;
- training “Awareness of the issue of trafficking in human beings” and “How to raise one’s awareness and level of protection”, round tables, discussions, talks and debates are conducted;
- exhibitions of literature under the slogans “How I can exercise my rights”, “I am a citizen of my country” and “How to avoid becoming a commodity” are held in school libraries and rooms for law studies and history.

In the general, vocational and higher education institutions in all oblasts, the following informational and educational activities have been held to raise awareness among students about contemporary manifestations of trafficking in human beings: Legal Education Weeks; lessons in law; classes with elements of training “Trafficking in human beings is a modern type of slavery” and “Combatting trafficking in human beings”; the workshop “Preventive counter-trafficking activities and exploitation and abuse of children”; the legal quest “I know my rights”, talks on safe migration and the risks of trafficking; conversations “Human dignity is the highest value”, “Trafficking in human beings is a violation of human rights”, “What it means to be free”, “UN Convention on the Rights of the Child”, “Consequences of trafficking in human beings and ways of its prevention”; competition of posters “We are against violence and abuse”; meetings with law enforcement officers and representatives of social services; the watching of the documentary *Life for Sale*, the film *Destination Station LIFE*, etc.

c. training professionals working with children.

In institutes of postgraduate pedagogical education, programs for advance training of teachers include special courses on the prevention of trafficking in human beings.

Moreover, programs to prevent trafficking in human beings have been implemented in the system of postgraduate education of teachers in six regions in Ukraine (Chernivtsi, Ternopil, Khmelnytsky, Cherkasy, Sumy and Dnipropetrovsk oblasts) and have started being implemented in another seven regions (Volyn, Kyiv, Luhansk, Mykolaiv, Odessa, Rivne and Chernihiv oblasts). A total of 94% trained specialists train teachers to introduce counter-trafficking information and educational materials in schools.

The educational programs for advanced professional training of teachers include thematic courses that cover the prevention of trafficking in human beings, commercial sexual exploitation of children and abuse of children and the issues of child safety on the Internet: “Social prevention of trafficking in human beings: organization of activities and methods of work”, “Trafficking in human beings: Situation on the international and national levels”, “Legal framework for the protection of human rights and combatting trafficking in human beings”, “Shaping the culture of using the Internet among students”, “Ensuring human rights and the rights of the child in school”, “Protection of children from violence, sexual exploitation, pornography and trafficking”, “Organization of social and educational activities with children during the conflict in Ukraine” and “National children’s hotline and national hotline for the prevention of domestic violence, trafficking in human beings and gender discrimination”.

For example, the Kyiv Oblast Institute of Postgraduate Pedagogical Education "Academy of Continuous Education" organized training for deputy principals for educational activities and practicing psychologists from general and vocational schools, as well as training courses "Introduction of modern educational technology in practice in an educational institution".

In June 2016, pursuant to the State Social Program to Combat Trafficking in Human Beings for the Period until 2020, methodology specialists in Ivano-Frankivsk Oblast Centre for Practical Psychology and Social Work conducted a training workshop for practical psychologists and school counsellors from the cities and raions of the oblast. The workshop was entitled "Education and preventive work to combat trafficking in human beings". In September and October 2016, in order to implement the program in all secondary schools in the oblast in 2016-17, the staff of the psychological service who had received training conducted similar workshops for practical psychologists and school counsellors in their cities and raions. The Ivano-Frankivsk Oblast Institute of Postgraduate Pedagogical Education explains aspects of ensuring the rights of the child as part of its advanced training courses for teachers and has developed specialized courses:

- "Organization of activities to address the problems of violence in an education institution";
- "Without a slap in the face: How to set boundaries for children with love and respect";
- "Methodological foundations for organizing social and psychological activities to prevent trafficking in human beings";
- "How to avoid the snare of trafficking in human beings, or 'safe conduct'";
- "The notion of violence, its forms and manifestations";
- "Overcoming stereotypes and forming the rules of safe behaviour".

The workshop "Social prevention of trafficking in human beings" was held in Novoarkhanhelsk raion, Kirovohrad Oblast, on 26 October 2016. Experts in the Centre for Applied Psychology, Social Work and Healthy Lifestyle in the Kharkiv Academy of Continuous Education participated in the presentation of a social campaign to ratify and implement the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence in the second half of 2016 (with the support of the Department of Education and Science of the Kharkiv Oblast State Administration, jointly with NGO "La Strada – Ukraine", on 23 November 2016, Kharkiv).

The Centre for Applied Psychology, Social Work and Healthy Lifestyle in the Kharkiv Academy of Continuous Education developed the special course "Preventing the manipulation of consciousness trafficking in human beings" (18 hours), which is conducted to order. Teachers who take advanced training learn about prevention of trafficking in human beings during the lecture "Prevention of socially dangerous phenomena".

In October 2016, 60 certified trainers (representatives of psychological services, students from 10 vocational schools in the oblast and educators from dormitories) received training in issues of human trafficking and methods of its counteraction within the project "Increasing awareness among vulnerable children and young people studying in vocational schools in Vinnytsia Oblast about safe migration and employment".

The Vinnytsia Academy of Continuing Education conducted practical classes on the topic "Combatting trafficking in human beings and preventing violence among students" as part of advanced training courses for teachers (a total of 96 trainees). Round tables "Combatting trafficking in children: Forming the habits of safe conduct among children" were held according to the schedule for training of teachers in the oblast. A databank of educational resources for combatting trafficking in human beings has been developed.

On 22 November, a workshop for practicing psychologists and school counsellors in secondary schools was conducted focusing on the topic "Methodological aspects of the activities of the psychological service staff for prevention of trafficking in children".

The training "Psychological support of trafficking victims" was conducted in the Chernihiv Oblast Institute of Postgraduate Pedagogical Education as part of advanced training for practicing psychologists in general and vocational schools and out-of-school education institutions. Training participants were introduced to the laws and regulations in this area and the National Mechanism for Interaction of Agents for Combatting Trafficking in Human Beings and acquired the skills of identifying cases of trafficking in human beings and providing psychological support to victims.

The Khmelnytsky Oblast Institute of Postgraduate Pedagogical Education, more specifically its research and methodology centre for education and out-of-school activities, developed a plan of

counter-trafficking activities until 2020. Methodology specialists for education in raion and city methodology centres received training in this area.

In addition, during the first half of 2016 the staff of the Education Methodology Centre for Educational Activities and Out-of-school Education jointly with the "initiative group" (a group of trainers trained in the program "Personal Dignity. Life Safety. Civic Position") conducted a workshop (in October) for methodology specialists in out-of-school education institutions located in the oblast. The workshop was entitled "Modern challenges of trafficking in human beings in Ukraine and ways of counteracting". They also organized video lectures "What you need to know when going abroad" in education institutions in the city of Khmelnytsky and Khmelnytsky raion.

On 22 September 2016, a meeting of the methodological association of principals of out-of-school aesthetic education institutions was held in the Poltava Oblast Center for Aesthetic Education. The participants discussed the regional plan of activities to ensure interaction of agents for combatting trafficking in human beings in Poltava Oblast and outlined a plan for future action in this area.

The practical workshop "Needs assessment and drawing up a rehabilitation plan for a trafficking victim. Interaction in providing assistance to a victim" was conducted for practicing psychologists and school counsellors on 31 October General Education School No. 3 in Mlyniv.

On 22 September 2016, specialists from the Ternopil Oblast Institute of Postgraduate Pedagogical Education conducted the oblast-level practical workshop "Organization of the activities of a group of children in conditions of building the new Ukrainian school. Traditions and innovations in the educational activities of a class teacher" for methodology specialists in raion (city) methodology rooms and territorial associations of citizens. The participants discussed the issue of creating conditions for developing the student's personality and his/her life competencies through the introduction of the education counter-trafficking program "Personal Dignity. Life Safety. Civic Position".

Each workshop participant and each partner institute of postgraduate pedagogical education received sets of information and educational materials on safe migration and combatting trafficking in human beings that will enable them to carry out educational activities among different categories of teachers. The sets of materials included the following:

- program and teaching materials "Personal Dignity. Life Safety. Civic Position" for students in grades 7-11 in hard copy and on a CD-ROM;
- special course for the postgraduate education system to train teachers to implement the program "Personal Dignity. Life Safety. Civic Position";
- handbook for the implementation of the program "Personal Dignity. Life Safety. Civic Position" in vocational schools.

According to letter No. 1/9-538 of the Ministry of Education and Science of 6 October 2016, specialists from the departments (directorates) of education and science in the Lviv, Ivano-Frankivsk, Donetsk, Dnipropetrovsk, Cherkasy, Sumy, Ternopil, Khmelnytsky, Chernivtsi, Kyiv, Chernihiv, Rivne, Volyn, Luhansk, Mykolaiv and Odessa oblast administrations and the Kyiv city administration participated, on 26-27 October 2016, in the International Conference "Combatting Trafficking in Human Beings: Current Challenges and Problems". The conference was aimed at creating a platform for regional discussions and exchange of best practices between governments and international and non-governmental organizations for more effective cooperation and improved and strengthened response to the problem of trafficking in children in Eastern Europe, in accordance with international standards.

The Ministry of Education and Science sent letter No. 1/11-8618 of 1 July 2016 to the departments (directorates) of education and science in Donetsk, Zaporizhia and Luhansk oblast administrations regarding the participation of practicing psychologists in training in the framework of the Council of Europe project "Strengthening the human rights protection of internally displaced persons in Ukraine" on 9-12 July 2016.

The handbook *Methodological Guidelines for the Trafficking Prevention Lesson in Secondary Schools* was created in order to discuss areas of social and educational activities for the prevention of human trafficking. The handbook includes information materials for teachers, a recommended algorithm for conducting the lesson, a practical legal workshop, additional materials for students and a CD. The experience of the International Human Rights Organization "La Strada – Ukraine" was used in drafting the handbook. The handbook will be useful to teachers in preparing and conducting lessons. The trafficking prevention lesson is part of an integrated system of preventive activities among students and their parents.

Jointly with the Ministry of Education and Science of Ukraine and with the support of the OSCE Project Coordinator in Ukraine, a special counter-trafficking course (15 hours) and accompanying training materials have been developed for teachers in general secondary education institutions. They will be implemented as part of the curriculum in institutes of postgraduate pedagogical education for students in advanced training courses. In 2017, the course will be tested and then spread to all institutions of postgraduate pedagogical education.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

According to Article 3 of the Law of Ukraine "On Combating Trafficking in Human Beings", if the person's age is unknown and there are grounds to believe that this person is a child, he/she is deemed a child and granted special protection until his/her age is determined.

Decree No. 903/1464/711 of the Ministry of Public Health, the Ministry of Education and Science and the Ministry of Social Policy of Ukraine "On examination to determine the age of a child who is left without parental care and needs social protection" of 23 October 2013 approved the Regulation on the commission to determine the age of a child who is left without parental care and needs social protection and the Procedure for conducting such an examination.

Under the provisions of the said Decree, an examination to determine the age of a child who is left without parental care (a child who is left without parental care, is registered by a service for children's affairs in the primary register of children left without parental care, orphaned children, children deprived of parental care and children separated from the family, who is not a citizen of Ukraine and who or whose legal representative has applied to the competent authorities of Ukraine to be recognized as a refugee or a person in need of subsidiary or temporary protection) and is in need of social protection, is conducted according to the Procedure for conducting an examination to establish the age of a child who is left without parental care and needs social protection.

The composition of the Commission is as follows:

the chairperson;

representatives of the Ministry of Public Health of the Autonomous Republic of Crimea, the Ministry of Social Policy of the Autonomous Republic of Crimea, the Ministry of Education, Youth and Sports of the Autonomous Republic of Crimea, structural units for healthcare, education and science, social protection of the population, services for children's affairs in oblast administrations and Kyiv and Sevastopol city administrations, regional centers of social services for families, children and youth, school counsellors and practicing psychologists as defined by the relevant education management authorities;

independent experts (by consent);

Secretary of the Commission (representative of the Ministry of Public Health of the Autonomous Republic of Crimea, structural units for healthcare in oblast administrations and Kyiv and Sevastopol city administrations).

The Commission does the following:

keeps records of children whose age is being determined;

refers children for physiological/psychological evaluation of their age to healthcare institutions, psychological, medical and pedagogical counselling centres according to the form approved by this Regulation;

monitors the examination to establish the age of a child;

if necessary, refers the child for further in-patient examination to healthcare institutions to determine the health of the child in order to clarify data required to determine his/her age;

keeps the documentation of the Commission;

reviews and analyses applications and complaints regarding age determination.

If necessary, specialists from research institutions of the National Academy of Pedagogical Sciences of Ukraine, the National Academy of Medical Sciences of Ukraine, representatives of non-governmental organizations and other experts (by consent) may be involved in the activities of the Commission.

Based on the results of its work, the Commission drawn up a conclusion using the form approved by this Regulation, which is sent to the initiator of the examination.

The procedure for determining the age of a child consists of three stages:

study and analyse available information about the child, information about the country of his/her origin if the child is separated from his/her family, is not a citizen of Ukraine and if he/she or his/her legal representative has applied to the competent authorities of Ukraine to be recognized as a refugee or a person in need of subsidiary or temporary protection;

psychological age assessment;

physiological age assessment.

The procedure for determining the age of a child is based on the following principles: respect for the rights of the child and ensuring its legitimate interests by the officials of the competent authorities involved in the procedure of the examination of the child's age; non-discrimination; confidentiality; respecting the rights of the child to participate in the decision-making process regarding his/her age and appealing against the Commission's conclusion or the safety of the examination procedure.

According to Regulation No. 832 of the Cabinet of Ministers of Ukraine of 16 November 2016 "On the special aspects of the social protection of children separated from their families who are not citizens of Ukraine", a territorial body of the State Migration Service refers a child separated from his/her family, in case there is reasonable doubt about his/her age, for an examination to determine his/her age with the involvement of an interpreter and with the consent of the child and his/her legal representative, in the manner prescribed by the Ministry of Public Health, the Ministry of Education and Science and the Ministry of Social Policy.

The grounds for such an examination are explained to the child separated from his/her family who is referred for an examination to determine his/her age through an interpreter in the presence of a legal representative.

Furthermore, the determination of the age of a child is regulated by Regulation No. 866 of the Cabinet of Ministers of Ukraine of 24 September 2008.

Until reliable data on the age of a person is obtained, this person will be deemed a child.

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests are duly taken into consideration, in particular when it comes to:

a. identification of child victims of trafficking:

In addition to general principles, the Law of Ukraine "On Combating Trafficking in Human Beings" defines special principles for combatting trafficking in children:

1) respect for the rights of the child;

2) respect for the opinions of child victims of trafficking regarding measures applied to them, given their age, health, intellectual and physical development and interests;

3) clarification of the rights and responsibilities to the child victim of trafficking in a form understandable to the child;

4) confidentiality of personal information about the child and data that would enable to grant the child the status of a trafficking victim.

Prevention of trafficking in children

1. Agents for combating trafficking in human beings shall implement, within their competence, the required social, legal, psychological, pedagogical and other measures aimed at the identification and elimination of causes and premises fostering trafficking in children.

2. Agents for combating trafficking in human beings shall implement, within their competence, measures to identify child victims of trafficking and conduct preventive work with children and their parents or persons replacing them.

3. Agents for combating trafficking in human beings shall develop and implement, within their competence, training and educational programs in educational institutions to combat trafficking in children.

4. Agents for combating trafficking in human beings shall implement, within their competence, measures to raise awareness concerning combating trafficking in children of parents and persons replacing them and of persons having constant contact with children in the domains of education,

healthcare, culture, physical culture and sports, recreation and leisure, and in judicial and law enforcement areas.

Article 10 of the Law of Ukraine "On the Protection of Childhood" defines the right to protection from all forms of violence. Every child is guaranteed the right to liberty, personal inviolability and protection of dignity.

Thus, the state shall protect the child from:

all forms of physical and mental violence, injury, neglect, abuse, exploitation, including sexual abuse, in particular by parents or persons replacing them;

involvement in criminal activities and the consumption of alcohol, drugs and psychotropic substances;

involvement in extremist, religious, psychocult groups and movements; the use of the child to create and distribute pornography; forced prostitution, begging, vagrancy, involvement in gambling, etc.

Through agencies of guardianship and tutelage, services for children's affairs, centres of social services for family, children and youth, the state provides children and their caregivers, in [the manner](#) prescribed by law, with the necessary assistance in preventing and detecting child abuse, submitting information on these cases to relevant legally authorized bodies for review, investigation and action to stop violence.

Part two of article 10 of the Criminal Procedure Code of Ukraine stipulates that, in cases and manner prescribed by this Code, certain categories of persons (minors, foreigners, people with mental and physical disabilities, etc.) enjoy additional guarantees during criminal proceedings.

In order to improve the mechanism for interaction of agents and early identification of children in hardship, the Ministry of Social Policy has set priority actions of legal regulation, namely:

improving the Procedure for consideration of applications and reports regarding child abuse or the threat of such, approved by Order No. 564/836/945/577 "On Approval of the Procedure for consideration of applications and reports regarding child abuse or the threat of such" by the Ministry of Social Policy, the Ministry of Internal Affairs, the Ministry of Education and Science, and the Ministry of Public Health of 19 August 2014, registered in the Ministry of Justice of Ukraine under No. 1105/25882 on 9 October 2014 . The improvement should involve the development of a clear algorithm of actions in different cases and its approval by the government;

expanding the competence of services for children's affairs in monitoring observance of children's rights;

development of social services for families with children, primarily those that are in hardship or risk finding themselves in hardship, at the level of the basic territorial community;

raising public awareness (including through information campaigns) about the algorithm of actions and agents to be contacted if one becomes aware of the threat to the life and health of children and about the responsibility for a lack of response and signals.

In addition, the Cabinet of Ministers of Ukraine approved the Concept of the State Social Program "National Action Plan to implement the UN Convention on the Rights of the Child" for the Period until 2021. The program (section "Protecting Children from Violence") stipulates the following:

forming the policy of public intolerance for all forms of violence against children in community (in communities, children's groups, schools, etc.);

establishing a system of effective prevention and combating domestic violence against children;

improving measures to combat the worst forms of child labour; protecting children from exploitation and trafficking;

energizing outreach work regarding the unacceptability of all forms of violence against children.

b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;

According to the Procedure for interaction of state bodies and local authorities in identifying children who are separated from their families and are not citizens of Ukraine, approved by Regulation No. 832 of the Cabinet of Ministers of Ukraine of 16 November 2016, the head of the guardianship authority issues a power of attorney to an employee of the service for children's affairs to represent the interests of children separated from their families on behalf of the guardianship and tutelage authority.



c. locating the child's family;

According to the Law of Ukraine "On Combating Trafficking in Human Beings", upon receipt of the information on a child victim of trafficking, the local state administration, in whose territory the child was found, shall immediately identify such child, assess circumstances and adopt a plan of priority measures to assist the child for the period of time until the decision to declare the child a victim of trafficking is taken. In the event when the child victim of trafficking has the status of an orphan or a child deprived of parental care, the local state administration shall immediately decide on the child's placement. Centres for social and psychological rehabilitation and shelters for children, with involvement of educational and health care institutions, shall develop and implement an individual program of assistance to the child victim of trafficking.

d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;

The Ministry of Social Policy does not provide information and contact data of victims, including child victims, for recording interviews, only with the consent of the person concerned and on conditions of complete confidentiality (covered face, distorted voice and changed name). At all events organized by the Ministry, confidentiality issues are discussed separately.

The Procedure for establishing the status of victims of trafficking in human beings stipulates that the official who interviews the victim signs a non-disclosure form regarding information that became known to him/her during the interview. Order No. 287 of the Ministry of Social Policy of 25 March 2016 amended the non-disclosure form by specifying what types of information are not subject to disclosure (first name, middle name and last name; place of residence/stay; telephone number; ID data, such as date of issue and number; marital status).

e. access to appropriate and secure accommodation, education and health care;

The service for children's affairs takes measures to protect the rights of the child and refers him/her, if necessary, to a shelter run by the service for children's affairs or a centre for the socio-psychological rehabilitation of children.

According to the Law of Ukraine "On Agencies and Services for Children's Affairs and Special Facilities for Children" and Standard Provisions No. 565 of 9 June 1997 and No. 87 of 28 January 2004 approved by the Cabinet of Ministers of Ukraine, shelters for children and centres for the socio-psychological rehabilitation of children are institutions of social protection which provide comprehensive social, psychological, educational, medical, legal and other types of assistance to children from families in hardship, including child victims of violence who need social and psychological assistance and child victims of trafficking.

All children who have been granted trafficking victim status have been provided with a full range of social assistance under the Law of Ukraine "On Combating Trafficking in Human Beings".

f. issuing residence permits for child victims of trafficking;

As of 22 June 2017, the Ministry of Social Policy granted trafficking victim status to 367 citizens, including 361 citizens of Ukraine and six foreigners (citizens of Pakistan, Moldova and the Russian Federation). This status was granted to 39 children (13 boys and 26 girls), including 38 citizens of Ukraine and one citizen of the Russian Federation who was 22 at the time of victim status application. Thus, there were no children who needed to be issued residence permits among those who were granted the status of a trafficking victim.

At the same time, under Article 14 of the Law of Ukraine "On Combating Trafficking in Human Beings", a foreigner or a stateless person who has applied for trafficking victim status receives a certificate of application which is grounds for registration in an immigration service office. Under Article 16 of the said Law, a foreigner or a stateless person who has been granted such status has the right to temporarily stay in Ukraine for up to three months with the possibility of extension, if necessary.

All six foreigners who were granted victim status were issued permits to reside in Ukraine until the expiration of their status:

1	Male	Pakistan	Status granted on 20 September 2012 for 2	Permission for immigration to Ukraine was obtained. Based on this permission, a permit for
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			years Status extended on 19 November 2014 for 1 year	permanent residence in Ukraine was issued on 24 February 2017.
2	Female	Moldova	Status granted on 7 September 2012 for 2 years	<p>On 8 September 2015, a raion sector of the Chief Directorate of the State Migration Service in Odessa Oblast asked the Department for the Social Protection of the Population in the Odessa Oblast State Administration to confirm that a certificate on trafficking victim status was issued. It was established during a review process that the person herself made a mark in the certificate about the extension of her status until 2018.</p> <p>Considering the above, a decision was made on 11 September 2016 on the forced return of the said person to the country of origin due to the expiration of her status and the forgery of documents by her.</p> <p>According to the State Border Guard Service of Ukraine, the said person left Ukraine for Moldova on 24 November 2016.</p>
3	Male	Pakistan	Status granted on 5 October 2012 for 2 years  Status extended on 7 October 2014 for 1 year	<p>On 8 July 2015, this person was documented with a temporary residence permit, valid until 15 February 2017.</p> <p>On 14 February 2017, under paragraph 1, part 3, article 4 of the Law of Ukraine "On Immigration" (marriage to a citizen of Ukraine for over two years), this person received an immigration permit and was documented with a permanent residence permit.</p>
4	Male	Pakistan	Status granted on 5 October 2012 for 2 years  Status extended on 7 November 2014 for 1 year	Under paragraph 1, part 3, article 4 of the Law of Ukraine "On immigration" (marriage to a citizen of Ukraine over two years), this person received an immigration permit on 19 January 2017 and was documented with a permanent residence permit.
5	Female	Russian Federation	Status granted on 15 February 2013 for 2 years	The person was documented by the Directorate of the State Migration Service in Chernivtsi Oblast with a permanent residence permit based on a permit to immigrate to Ukraine issued on 14 October 2014.

6	Male	Pakistan	Status granted on 7 March 2013 for 2 years	<p>According to information provided by the State Migration Service, this person received a permit for permanent residence in Ukraine in 1998 under article 3 of the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" as he was married to a citizen of Ukraine.</p> <p>He received a permit for permanent residence in Ukraine valid indefinitely.</p>
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g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;

From 2012 to 21 June 2017, the Ministry of Social Policy granted trafficking victim status to 39 children (13 boys and 26 girls). All trafficking victim status applications were filed by legal representatives of children. Hence, the children and their legal representatives were informed about all types of assistance that the child could receive while his/her status as a trafficking victim was being determined.

Moreover, the employees of the service for children's affairs explain to children their rights in a language they can understand.

h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;

The State Social Program is currently being developed to ensure the continued and consistent implementation of the [UN Convention on the Rights of the Child](#), to build an effective system for the protection of the rights and interests of the child at the level of territorial communities in conditions of decentralization, to create a child-friendly environment in line with international standards and the priorities of the Council of Europe Strategy for the Rights of the Child (2016-2021).

On 20 January 2014, the Ministry of Social Policy issued Order No. 14 which, under paragraph 14, approved the Procedure for the registration of children in hardship by services for children's affairs. The goal is to organize the social protection of children in hardship, including victims of abuse, and organize social work with them and their families, if any.

According to the Law of Ukraine "On Agencies and Services for Children's Affairs and Special Facilities for Children" and Standard Provisions No. 565 of 9 June 1997 and No. 87 of 28 January 2004 approved by the Cabinet of Ministers of Ukraine, shelters for children and centres for the social and psychological rehabilitation of children are institutions of social protection which provide comprehensive social, psychological, educational, medical, legal and other types of assistance to children from families in hardship, including child victims of violence who need social and psychological assistance and child victims of trafficking.

i. special protection measures for children.

Pursuant to the National Targeted Social Program to Combat Trafficking in human beings for the Period until 2015, specialists from raion and city centres of social services for families, children and youth carried out—in oblast administrations and the Kyiv city administration, in 2012-2015—informational and prevention counter-trafficking activities (video lectures, training, talks, debates, counselling, competitions of creative works, thematic films, correctional activities, etc.) for students, children in summer camps, children of migrant workers, orphaned children and other

categories of children and persons in need of social protection, as well as among the families of internally displaced persons. The activities reached *more than 450,000 persons*.

In the framework of the implementation of the State Social Program to Combat Trafficking in Human Beings for the Period until 2020, a number of activities were carried out in 2016, including the following:

1) In Vinnytsia Oblast, in order to raise awareness among parents and persons replacing them about combatting trafficking in children, services for children's affairs in raion administrations and executive committees of city councils in oblast-level cities organized and carried out 1,180 activities, including lectures, discussions, etc. in 2016. The staff of these services participated in 889 activities to combat trafficking in human beings which were organized by other bodies and structures. Preventive activities against trafficking in children were carried out in 1,443 families, including 405 families whose children were registered by the services for children's affairs in the oblast as such that were in hardship, 172 foster families and family-type children's homes, 866 families of guardians/caregivers. A total of 347 families were provided assistance (psychological, legal, material, etc.) to prevent trafficking in children; 86 articles were published in the mass media on the prevention of abuse of children, in particular trafficking in children.

In 2016, services for children's affairs in raion administrations and executive committees of city councils in oblast-level cities initiated and conducted meetings focused on combatting trafficking in children as part of interaction with relevant structures (35 meetings).

The meetings of services for children's affairs in the oblast state administration, held in April and September 2016, raised, among other things, issues in preventing abuse of children, including combatting trafficking in children.

2) The service for children's affairs in the Zakarpattia Oblast State Administration, which is tasked with providing assistance and protection to child victims of trafficking, produced methodological materials to be used in working with children in difficult circumstances.

3) In education institutions in the raions and cities of Kyiv Oblast, activities were carried out to raise awareness among high-school and university students about laws and regulations in the field of combating trafficking in human beings: round tables, lectures, meetings where students were given information materials, and outreach trafficking prevention activities.

4) The service for children's affairs in the Odessa Oblast State Administration works closely with NGO "Veritas" to provide assistance and protection to foreign children who have crossed the border unaccompanied, families of migrant workers with children, children and citizens of Ukraine and Moldova who are trafficking victims, irregular migrants in crisis. They also cooperate on their identification and repatriation to the country of origin and on the prevention of trafficking in human beings.

5) The staff of raion and city services for children's affairs in Rivne Oblast systematically receive training, including advanced professional training.

On 19-21 October 2016, Rivne Oblast hosted the certified training workshop for trainers "Combating trafficking in human beings, identifying and working with victim". The workshop took place in the children's sports and recreation centre "Elektronik-Rivne" in village Oleksandriia in Rivne Oblast. The event was attended by two experts in the practice and rehabilitation of children.

6) Preventive and educational talks "Model of safe conduct when traveling abroad" were held in the schools of Ternopil Oblast.

7) In Kherson Oblast, specialists in the services for children's affairs organized and held a three-day workshop and six two-day workshops. The participants were provided with methodological materials for use and distribution.

8) The staff of the services for children's affairs in the Chernihiv Oblast State Administration, raion state administrations and executive committees of oblast-level cities received training and were provided with the necessary methodological literature on assisting and protecting child victims of trafficking in the framework of the "Implementation of the Mechanism for Interactions of Agents for Combatting Trafficking in Human Beings in Chernihiv Oblast".

9) In Kyiv, the services for children's affairs carry out preventive and explanatory counter-trafficking work with orphaned children deprived of parental care and children registered by these services as children in hardship.

10) On 24-25 February 2016, Cherkasy Oblast hosted a workshop and meeting of the heads and specialists of services for children's affairs in raion administrations and municipal executive committees

on the topic "Legal regulation of the protection of children's rights" in order to intensify work to prevent trafficking in human beings. The participants discussed ways to improve explanatory work among children to prevent them from becoming trafficking victims, as well as available assistance and protection.

In order to prevent trafficking in human beings, the staff of services for children's affairs in raion administrations and municipal executive committees carry out explanatory work as they visit the families of guardians, caregivers, foster families, family-type children's homes and families with children in difficult circumstances. Children receive information about current trends and risks of trafficking (attractive ads with promises of jobs and study abroad, exploitation as industrial or domestic workers, sex exploitation, begging and other illegal activities), as well as about ways to avoid such situations and available assistance and protection.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

The National Police can identify trafficking victims among foreign minors through investigative and search operations and as part of pre-trial investigation in criminal proceedings.

During the reporting period, the National Police did not identify any trafficking victims among foreign minors.

Services for children's affairs in conjunction with police officers and social workers carry out preventive raids to identify children who are in difficult circumstances.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

According to the Law of Ukraine "On Agencies and Services for Children's Affairs and Special Facilities for Children" and Standard Provisions No. 565 of 9 June 1997 and No. 87 of 28 January 2004 approved by the Cabinet of Ministers of Ukraine, shelters for children and centres for the social and psychological rehabilitation of children are institutions of social protection which provide comprehensive social, psychological, educational, medical, legal and other types of assistance to children from families in hardship, including child victims of violence who need social and psychological assistance and child victims of trafficking.

These institutions provide children with social protection and a set of social services. They carry out socio-pedagogical correction tailored to the individual needs of each child, facilitating their return to their biological families, ensure children's attendance of general education or other education institutions or individual learning tailored to the needs and capabilities of students, help children develop their own position to overcome the habits of antisocial behaviour, provide psychological and other assistance to the parents of children (or persons replacing them) aimed at the return of the child to the family, develop recommendations on the social and psychological adaptation of the child for teachers and social workers and parents and so on.

Ukraine presently has 82 such institutions, which provide assistance to some 9,000 children each year.

If a trafficking victim is a child, an individual plan for the social protection of a child in difficult circumstances, orphaned child or child deprived of parental care is drawn up according to legislation.

This individual plan is considered and approved at a meeting of a commission for the protection of the rights of the child according to legislation.

### C. Questions related to specific articles

#### Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

The National Police constantly monitor economic entities and individual entrepreneurs who provide mediation services for employment abroad in order to identify those that may be involved in the recruitment of Ukrainian citizens and their movement across the state border for the purpose of further exploitation.

To this end, the National Police constantly monitor the Internet, printed advertising booklets and crowded places to identify ads related to foreign employment. Constant preventive work with the most vulnerable segments of the population is carried out through the explanation of the basic rules of conduct in case of suspicion about employers and acquaintance with the list of individuals and companies that operate in this area and have received a license to conduct such business activity. Extended visits are paid to education institutions where graduates attend lectures with the explanation of circumstances and situations that need to be guarded against during the employment process.

If there is evidence of trafficking in human beings or fraudulent schemes perpetrated by persons whose activities are related to the employment of citizens abroad, criminal proceedings will be opened against them under article 149 (Trafficking in human beings or other illegal agreement regarding a person) of the Criminal Code of Ukraine or under Article 190 (Fraud) of the Criminal Code of Ukraine.

At the same time, a moratorium was imposed on inspections of business entities by the regulatory authorities (other than the State Fiscal Service of Ukraine and the State Financial Inspection of Ukraine) in accordance with Law of Ukraine No. 76-VIII "On Amending and Recognizing as Invalid Certain Legislative Acts of Ukraine" and Law of Ukraine No. 71-VIII "On Amending the Tax Code of Ukraine and Some Other Legislative Acts of Ukraine Concerning the Tax Reform".

According to paragraph 3 of the Final Provisions of Law of Ukraine No. 71-VIII "On Amending the Tax Code of Ukraine and Some Other Legislative Acts of Ukraine Concerning the Tax Reform" of 28

December 2014, inspections of enterprises, institutions, organizations and individual entrepreneurs with the income of up to UAH 20 million for the previous calendar year were carried out in 2015 and 2016 by controlling authorities exclusively with the permission of the Cabinet of Ministers of Ukraine, on an application of the business entity, according to a court decision or pursuant to the demands of the Criminal Procedure Code of Ukraine.

On 3 November 2016, the Verkhovna Rada of Ukraine adopted Law of Ukraine No. 2418a "On Amending the Law of Ukraine 'On the Basic Foundations of State Supervision (Control) in the Area of Economic Activity' of 21 July 2015 regarding the liberalization of the system of government oversight. Under this law, the moratorium on inspections of economic entities by controlling authorities was extended until 31 December 2017.

The said moratorium makes it impossible to prevent the commission of illegal acts against citizens who intend to find work abroad at the early stages. An inspection of business entities whose activities are related to the employment of Ukrainian citizens abroad can be carried out only as part of criminal proceedings, i.e., when the offense has already been committed and there is a victim.

When processing information that may be received by a police officer in the process of reviewing applications from citizens, organizations and MPs, or messages received from other stakeholders, or from publications in the mass media, it is possible to learn about the commission of a criminal offense related to a violation of civil rights during employment abroad, which would constitute grounds for considering the legality of the activities of a business entity as part of a pre-trial investigation in criminal proceedings.

Therefore, in this case in the framework of activities to support criminal proceedings, police officers do not need a permission to inspect a business entity and this is not affected by the moratorium on inspections of such entities.

As far as problematic issues in the classification of crimes on the facts of trafficking in human beings for the purpose of forced labor are concerned, we may refer to article 172 of the Criminal Code of Ukraine, which provides for criminal liability for a gross violation of labor legislation and has a number similar characteristics to article 149 of the Criminal Code of Ukraine.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

According to Law of Ukraine No. 3739-VI "On Combating Trafficking in Human Beings" of 20 September 2011, trafficking in human beings is a settlement of an illegal agreement, the object of which is a human being, as well as recruitment, transportation, harbouring, transfer or receipt of a human being for the purpose of his/her exploitation, including sexual, by means of deception, fraud, blackmail, abuse of a person's position of vulnerability or by use of force or threat of use of force, with abuse of power or economic or other dependence of the victim on another person, which is considered a crime under the Criminal Code of Ukraine.

According to article 149 (Trafficking in human beings or other illegal agreement on person) of the Criminal Code of Ukraine, – trafficking in human beings or conducting other illegal agreement with a person as an object, as well as recruitment, transportation, harbouring, transfer or receipt of a person, committed for the purpose of exploitation by means of deceit, blackmail, or the use of his/her vulnerable condition.

Note 2 of article 149 of the Criminal Code states that vulnerable condition of a person shall be understood as: the status of a person, due to his/her physical or mental peculiarities or external conditions, that divests or abridges his/her ability to comprehend his/her commission or omission of an act or to manage his/her actions, to make his/her own decisions according to his/her will, to maintain adequate resistance to violent or other illegal actions, as well as concourse of severe personal, family or other circumstances.

According to the definition provided in paragraph 2 of the note to article 149 of the Criminal Code of Ukraine, vulnerable condition of a person may be of two types:

1) the condition of the person that divests or abridges his/her ability to comprehend his/her commission or omission of an act or to manage his/her actions, to make his/her own decisions according to his/her will, to maintain adequate resistance to violent or other illegal actions. This condition of a

person can be caused by: a) mental peculiarities (presence of certain diseases, disorders or abnormalities in mental activities, etc.); b) physical peculiarities (inability to maintain resistance to illegal actions due to a physical illness, certain physical disabilities, etc.); c) certain external factors (such as putting a person into the state of unconsciousness by applying a soporific or narcotic substances).

2) concurrence of severe personal, family or other circumstances (typically characterized by the presence of an extremely difficult or desperate situations: an urgent need for a large sum of money for the treatment of a loved one, a lack of a permanent job, an inability to keep rented accommodation or purchase an own home, temporary dependence on others, having to maintain minors or disabled persons, the presence of a large debt, etc.). The totality of such circumstances causes a person to consent to exploitation.

The concept of vulnerable condition is a judgment-based legal category. At the same time, a conclusion about whether the victim was in this condition and whether the accused took advantage of it during the commission of the crime may be based both on the results of a medical, psychological, psychiatric or comprehensive examination of the victim, which would prove that he/she has a physical illness or physical disability, a special psychological condition (e.g., stress, frustration, etc.) or a mental disorder, and on the totality of evidence of severe personal, family or other circumstances.

It must be borne in mind that the consent of a person to his/her further exploitation resulting from the use of his/her vulnerable condition does not exclude criminal liability.

The concept "vulnerable condition" is used to assess the status of a victim in the qualification of actions under article 149 of the Criminal Code of Ukraine "Trafficking in trafficking in human beings or other illegal agreement on person".

In addition, under Article 67 of the Criminal Code of Ukraine, one of aggravating circumstances of a crime is "the commission of a crime against a minor, an elderly person or a person *in a helpless condition*".

Moreover, article 135 of the Criminal Code of Ukraine also uses such a characteristic of the victim as "being unable to take measures for self-preservation due to minority, old age, illness or *as a result of other helpless condition*".

"Any such actions, where committed in regard of a person who was in helpless condition or financial or any other dependence on the culprit" is also a qualifying characteristic of crimes under article 143 of the Criminal Code of Ukraine "Violation of procedures prescribed by law with regard to the transplantation of human organs or tissues" and article 144 "Forcible donation of blood".

*On 6 June 2016, as they conducted investigation in criminal proceedings over the organization of prostitution, the staff of the Directorate for Combatting Trafficking Crimes in the Chief Directorate of the National Police in Kharkiv Oblast detained, in Kyiv, a native of Kharkiv Oblast who had organized the transportation of three young women from Kharkiv to Moscow in the Russian Federation for the purpose of further sexual exploitation.*

*In the course of these activities, it was revealed that the said citizen, having involved unidentified persons, organized the recruitment of young girls with the use of their vulnerable condition in the territory of Ukraine. Due to difficult personal circumstances, such girls may consent to prostitution, transportation to the capital of the Russian Federation, placement in rented accommodation and engagement in prostitution on the main street of Moscow at night.*

*In early April 2016, the detained man found, through an unidentified person, two women in Kharkiv for prostitution on the streets of Moscow. Later, on 3 June 2016, he met with them in a cafe in Kharkiv and reached an agreement about their transfer to Moscow for the provision of sexual services in its streets. In doing so, he took advantage of their vulnerable condition, which was caused by severe personal circumstances (one of the women was raising three young children and the other one had a large debt in the form of outstanding loans) which limited their ability to comprehend their actions. The recruiter promised big earnings ranging from USD 100 to 300 per night with "unlimited tips from clients", but only after they worked off the money spent on their transfer and accommodation in Moscow. In addition, the detained man warned them about USD 100 "fines" for absenteeism.*

*Implementing his criminal intent, the man met the women around 11am on 6 June 2016 and made sure they intended to travel to Moscow in the Russia Federation. Then he placed them in his own car GAZ 3110 and paid UAH 2,500 to the unidentified person who had found the women. At 11:00, after*



*an attempt to take the women to the Russian Federation, he was detained by the staff of the Directorate for Combatting Trafficking Crimes in the Chief Directorate of the National Police in Kharkiv Oblast.*

*The man was arrested under article 208 of the Criminal Procedure Code of Ukraine, while the women are in a satisfactory condition and have been returned home.*

*At present, two counts of criminal activity with the signs of the crime under article 149 of the Criminal Code of Ukraine have been documented.*

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

During the reporting period, the National Police did not receive any information about forced marriages and illegal adoptions related to trafficking in human beings; such crimes have not been detected.

It should be mentioned that criminal liability for unlawful adoption is punishable under Article 169 of the Criminal Code of Ukraine.

*Article 169. Unlawful actions for the purpose of adoption*

1. Unlawful mediation or other unlawful actions for the purpose of adoption or placement of a child under guardianship (or in the custody) or under foster care, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same actions committed in regard of several children, or repeated, or committed by a group of persons upon their prior conspiracy, or through abuse of office, or where they caused any grave consequences, -

shall be punishable by imprisonment for a term of three to five years.

In contrast, article 149 of the Criminal Code of Ukraine covers only cases of illegal adoption for commercial purposes. This purpose can be combined with other purposes under article 149 of the Criminal Code of Ukraine: involvement in criminal activities, forced labor and so on. The use of a child who was illegally adopted as a result of being trafficked in begging or his/her involvement in criminal activities are covered by article 149 of the Criminal Code of Ukraine; additional qualification under article 304 or article 150-1 of this Code is not required.

A note to article 149 of the Criminal Code of Ukraine "Trafficking in human beings or other illegal agreement on person" establishes that exploitation of a person in this article shall be understood as: all forms of sexual exploitation, use in porno business, 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, involvement into the criminal activity, use in armed conflicts, etc.

Moreover, actions related to unlawful mediation or other illegal actions regarding the adoption of the child, his/her transfer into guardianship (custody) or to a foster family of citizens are criminally punishable under separate provisions in article 169 of the Criminal Code of Ukraine.

Forced marriage is currently not criminalized in Ukraine's legislation.

At the same time, a draft law has been prepared to amend article 149 of the Criminal Code of Ukraine (concerning harmonization with international standards). It proposes expanding the criminally punishable types of exploitation to include forced abortion, forced marriage, forced involvement in begging, etc. (The draft law was registered in the Verkhovna Rada of Ukraine under No. 6243 on 27 March 2017).

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

Article 149 of the Criminal Code of Ukraine "Trafficking in human beings or other illegal agreement on person" does not provide for "forced begging" as a purpose of exploitation of a person.

However, Article 150-1 of the Criminal Code of Ukraine establishes criminal liability for the use of a minor for begging.

In addition, Article 304 of the Criminal Code of Ukraine criminalizes actions involving minors in begging.

During the reporting period, the National Police did not detect any cases of trafficking in children for the purpose of forced begging when the crime involved a guardian of the child or a family member.

However, there are cases of trafficking in human beings for use in begging, including the following.

*The staff of the unit for combatting trafficking crimes in the Chief Directorate of the National Police in Mykolaiv Oblast took a set of measures and collected evidence of unlawful actions committed by a couple, a 23-year-old and a 26-year-old residents of Mykolaiv, who received income from begging by a disabled person, a resident of Kherson Oblast.*

*The staff of the unit for combatting trafficking crimes received information that two residents of Mykolaiv of non-Slavic ethnic origin, a man and a woman, used the vulnerable condition of a disabled man to profit themselves by providing him with shelter in a car and forcing him to engage in begging.*

*An inspection revealed that about one year ago, a 40-year-old victim, a resident of Kherson Oblast, was approached by a man and a woman. They learned that he had the social status of a disabled person and no permanent place of residence. They offered him to beg to profit them in exchange for food and shelter.*

*The disabled man agreed and was later brought to Mykolaiv. The couple took him to crowded places where he begged. In return, he was fed but was put up in a car rather than a house. The culprits took all the money for themselves. Incidentally, the woman's mother is now serving a condition term for a similar crime for which he was prosecuted last year.*

*After receiving a permission from the court, the police searched the apartment of the couple and found and seized the victim's personal documents, a black ledger and UAH 1,809.*

*The investigative directorate of the Chief Directorate of the National Police in Mykolaiv Oblast instituted criminal proceedings on the grounds of part 1 of article 149 of the Criminal Code of Ukraine "Trafficking in human beings or other illegal agreement on person" which provides for punishment by imprisonment from three to eight years.*

The Ministry of Social Policy drafted the Law of Ukraine "On Amending Certain Legislative Acts of Ukraine to Strengthen Counter-trafficking and Protecting Victims" (registered under No. 6125 in the Verkhovna Rada of Ukraine on 23 February 2017). The draft law proposes changing the definition of trafficking in human beings:

"trafficking in human beings is the recruitment, transportation, transfer, harbouring, or receipt of a person, including a disabled person, committed for the purpose of exploiting the prostitution of other persons, other forms of sexual exploitation, forced labour or services, slavery, servitude, experimentation over a person without his/her consent, or removal of organs through the threat or application of force or other forms of coercion, kidnapping, fraud, deceit, abuse of office or the use of his/her vulnerable condition, bribery in the form of payments or benefits to obtain the consent of a person having control over another person, without taking the consent of the person into consideration".

Moreover, another draft law has been developed to amend article 149 of the Criminal Code of Ukraine (concerning harmonization with international standards). This draft law proposes expanding the types of criminally punishable exploitation by the inclusion of forced abortion, forced marriage, forced involvement in begging, etc. (registered under No. 6243 in the Verkhovna Rada of Ukraine on 27 March 2017).

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

According to note 1 to Article 149 of the Criminal Code of Ukraine (Trafficking or other illegal agreement on person), exploitation of a person in this article shall be understood as: all forms of sexual exploitation, use in porno business, 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, involvement into the criminal activity, use in armed conflicts, etc.

Forms of trafficking unrelated to sexual exploitation are becoming more common, for example, labor exploitation (in agriculture, construction, forced begging) whose victims are often able-bodied men

or persons with obvious signs of disability, without a permanent place of residence and other disadvantaged categories of citizens.

Moreover, cases of recruitment of Ukrainian citizens for the purpose of involvement in criminal activity were registered in 2016.

*For example, in late October 2016 the staff of the directorates for combating trafficking crimes, in the chief directories of the National Police in Dnipropetrovsk Oblast and in Kyiv identified a group of persons who, from 2014 to 2016, recruited citizens in the territory of Dnipropetrovsk Oblast, Kyiv Oblast and other regions of Ukraine for the purpose of exploitation, namely involvement in criminal activities in the Russian Federation. They perpetrated their criminal activities via the Internet and with the use of flyers in public places, inviting persons aged 20 or older to work as packaged freight forwarders with trips abroad. Later, when the hired persons arrived in the Russian Federation, they were involved in the illegal sales of narcotics, including with the use of threats and violence. Regardless of these persons' consent to participate in criminal activities, they were later detained by the Russian law enforcement agencies and kept in custody under the pretext of being held criminally liable.*

*Based on this fact, five criminal proceedings were initiated regarding 11 episodes on the grounds of criminal offenses under part 2 of article 149 of the Criminal Code of Ukraine. Four main organizers of the said criminal group have been detained and are now in custody. Up to 50 persons are estimated to have become victims of this crime (trafficking in human beings), and this figure is not conclusive as applications from the relatives and friends of these persons keep coming from different regions of Ukraine.*

*On 29 April 2017, an indictment against four accused under part 3 of article 149 of the Criminal Code of Ukraine for recruitment and transfer of persons to the Russian Federation for the purpose of further exploitation as committed by an organized group was filed to court.*

*A similar scheme was used by another criminal group which was uncovered in January 2017 by agents of the Directorate for Combatting Trafficking Crimes in the Chief Directorate of the National Police in Kyiv Oblast. The group included four residents of Kyiv and Kyiv Oblast who recruited young people, mostly students, who were in a difficult financial situation and wanted to make "easy" money abroad. In 2014-2016, the group leaders sent eight persons from Ukraine to Brazil where they became victims of a fraudulent scheme and were forced to become international drug couriers and to transport cocaine in suitcases from Brazil to Thailand. As a result, these Ukrainian citizens were detained by the law enforcement agencies of these countries and are now in Brazilian and Thai prisons.*

*On 23 January 2017, in criminal proceedings under part 2 of article 149 of the Criminal Code of Ukraine, nine searches were carried out in Kyiv and Kyiv Oblast jointly with the Kyiv Oblast Prosecutor's Office. Evidence confirming the criminal activities of members of a criminal group (bank cards, notebooks, computers, mobile phones and notes) were seized during these searches. The court has applied a preventive measure in the form of detention to four of the identified criminal group leaders.*

For example, the Investigative Directorate of the Chief Directorate of the National Police in Kirovohrad Oblast conducted a pre-trial investigation in criminal proceedings of 19 November 2012 in which Ya. was suspected of having committed a crime under part 2 of article 149 of the Criminal Code of Ukraine.

The pre-trial investigation established that in the summer of 2006, in a village in Kirovohrad Oblast, Ya. found P. and, knowing for certain that P. was a minor and having an intention to enrich herself through the recruitment, transportation and transfer of a person for the purpose of exploitation, offered P. a job in the Russian Federation, while misleading P. about its true nature (prostitution). After P. consented, Ya. purchased with her own money train tickets and transported P. to Moscow in the Russian Federation where she sold her to unidentified persons for purpose of use in prostitution.

Later, Ya. and unidentified persons threatened the victim with physical violence and forced her to engage in prostitution.

The court ruled on 5 December 2016 to find Ya. guilty of committing a crime under part 2 of article 149 of the Criminal Code of Ukraine and sentenced her to five years of imprisonment with the release from punishment and a probation period of three years. The verdict was challenged by the procedural supervisor.

## Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

The Ministry of Social Policy in cooperation with international and non-governmental organizations carries out counter-trafficking information campaigns targeting different population groups throughout the year.

As a follow-up to the information campaigns, organizations conduct various studies, including population surveys aimed at assessing awareness of trafficking in human beings. The results of these surveys are taken into consideration by the Ministry of Social Policy and other authorities in planning further information campaigns and shaping state policy, including the development of amendments to legislation.

The following surveys were carried out in 2015-2017:

1. The Centre "La Strada – Ukraine" conducted a survey on the risks of being trafficking among internally displaced persons in Ukraine from 29 December 2015 to 12 January 2016 in 16 oblasts of Ukraine (Donetsk, Dnipropetrovsk, Zakarpattia, Zaporizhia, Kyiv, Kirovohrad, Lviv, Odessa, Poltava, Rivne, Sumy, Kharkiv, Kherson, Cherkasy and Chernihiv oblasts and the city of Kyiv).

Results: 34.2% of the respondents said they were disadvantaged because of their IDP status; 72.1% were aware of trafficking in human beings; 31.6% did not know what institution could be contacted if a person was trafficked.

2. With the support of the IOM Mission in Ukraine, GfK Ukraine carried out a population survey on the risks of irregular migration and trafficking in human beings in Ukraine. Results: The proportion of the population potentially vulnerable to trafficking increased from 14% to 21%. The proportion of those working abroad unofficially increased from 28% in 2011 to almost 41% of all Ukrainians who worked abroad at the time of the survey.

3. In January 2016, with the support of the IOM Mission in Ukraine, GfK Ukraine conducted a population survey on awareness of the risks of trafficking in human beings among vulnerable children and youth in Ukraine. Results: Orphaned children (91%) are most aware and the children of IDPs (69%) are least aware of cases of trafficking in human beings that involved Ukrainian citizens. The majority of the respondents in all categories know of cases when persons are forced to beg or are sold for this purpose. Awareness of sexual exploitation, sale for the purpose of organ removal and labour exploitation is also fairly high. The respondents were least aware of forced participation in armed conflicts.

4. In December 2016, the All-Ukrainian association of companies for international employment conducted a population survey on migration sentiments among Ukrainian migrant workers. Result: 71% of the respondents would like to work abroad in the future.

5. In December 2016, the School of Social Work in the National University "Kyiv Mohyla Academy" conducted, with the support of the IOM Mission in Ukraine, a population survey "Trafficking in men for the purpose of labour exploitation, Ukraine, Moldova and Belarus". Results: 20% of the respondents were ready to become migrant workers again but would go to another country or work under the condition of official employment and taking possible risks into consideration. The findings of this survey were taken into consideration by the Ministry of Social Policy while carrying out an information campaign within the framework of the State Program. In particular, a video spot to combat the labour exploitation of men inside Ukraine was developed with funding coming from the State Budget of Ukraine. The video was then distributed in all regions of Ukraine.

Significant attention is also paid to conducting surveys and polls about citizens' awareness of the problem:

- With the assistance of the Zaporizhia Oblast NGO "Vzaiemodiiia", a population survey was conducted in Zaporizhia Oblast on trafficking in human beings in the city of Zaporizhia. The aim of the

survey was to study the public opinion on trafficking in human beings among the residents of Zaporizhia. The survey involved 400 people aged 18 or older.

- In Kyiv Oblast, a questionnaire-based poll was conducted to study students' awareness of the prevention of trafficking in human beings. Monitoring studies "Trafficking in human beings is one of the main problems of today" are carried out among high-school students. Informational and explanatory talks were held with students and young people. A survey of parents in families which include citizens in difficult circumstances was conducted to study their awareness of combatting trafficking in human beings.

- The participants of training workshops and training with experts in social work in Mykolaiv Oblast are surveyed at the beginning and at the end of the training to study their awareness of combatting trafficking in human beings.

- Representatives of the NGO "Professional League of Social Workers in Sumy Oblast" conducted a questionnaire-based poll in 18 raion of the oblast and in the city of Sumy as part of the project "Strengthening public control over the formation, coordination and implementation of counter-trafficking policy in Sumy Oblast".

- In Ternopil Oblast, a population survey was conducted among unemployed young people to determine their awareness of trafficking in human beings. The survey was entitled "My safety in foreign employment".

- psychologists and school counsellors conducted a survey in educational institutions of Kherson Oblast among students and their parents about their awareness of trafficking in human beings. A similar survey was conducted in the city and raion employment centres among the unemployed.

- In the course of counter-trafficking training in Khmelnytsky Oblast, a parallel survey was conducted to determine awareness of human trafficking in different population groups.

- The Dniprovsky District Administration in Kyiv conducted 44 surveys in educational institutions.

- The Chernihiv Oblast Center of Services for Family, Children and Youth conducted a poll among students and unemployed youth aged 15-25. The poll was entitled "The problem of trafficking in human beings. Solutions" and involved 500 respondents.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

The Ministry of Social Policy promotes sociological studies by NGOs and international organizations and takes into consideration their findings in shaping state policy on combating trafficking in human beings.

1. The Centre "La Strada – Ukraine" conducted a survey on the risks of being trafficking among internally displaced persons in Ukraine from 29 December 2015 to 12 January 2016 in 16 oblasts of Ukraine (Donetsk, Dnipropetrovsk, Zakarpattia, Zaporizhia, Kyiv, Kirovohrad, Lviv, Odessa, Poltava, Rivne, Sumy, Kharkiv, Kherson, Cherkasy and Chernihiv oblasts and the city of Kyiv).

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Moreover, the Ministry of Social Policy prepares, jointly with research institutes and with funding from the State Budget of Ukraine, annual reports on combating trafficking in human beings:

- in 2013, jointly with the government-run Research Institute for Social and Labor Relations, the Ministry of Social Policy of Ukraine drafted the Report on the implementation of the state policy on combating trafficking in human beings in 2013 and the situation with Ukraine's compliance with international agreements in this area;

- in 2015, jointly with the State Institute for Family and Youth Policy, the Ministry of Social Policy drafted the Report on the implementation of the state policy on combating trafficking in human beings and the situation with Ukraine's compliance with international agreements in this area (for 2014);

- in 2016, jointly with the Mykhailo Ptukha Institute of Demography and Social Studies, National Academy of Sciences of Ukraine, the Ministry of Social Policy drafted the State Report on the implementation of the state policy on combating trafficking in human beings for 2015 and the first half of 2016.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

To extend social protection to Ukrainian citizens working abroad and implement the EU Visa Liberalization Action Plan, the Law of Ukraine "On External Labour Migration" (No. 761 of 5 November 2015) was passed.

The law applies to migrant workers who work under an employment agreement (contract); independently provide themselves with work; provide paid services (perform work).

The law fixes, in particular, the following rights of migrant workers and their families:

- the right to proper working conditions, social security and family reunification;
- the right to education and confirmation of the results of informal learning;
- the right to satisfaction of national, cultural, religious and linguistic needs and the need for information;
- the right to compensation for damages caused during employment abroad;
- the right to receive social services and assistance.

The law sets the limits of the state's responsibility before migrant workers and establishes organizational principles governing employment abroad.

Furthermore, pursuant to the Law of Ukraine "On External Labour Migration", the Action Plan to ensure the reintegration of migrant workers and members of their families was developed and approved by Order No. 257-r of the Cabinet of Ministers of Ukraine of 12 April 2017.

The Action Plan envisages, in particular, measures to do the following:

facilitate the employment of migrant workers and members of their families given their level of education and professional experience;

involve the children of migrant workers in the educational process through additional lessons (primarily in the Ukrainian language);

provide the necessary medical assistance to migrant workers who have returned to Ukraine; Ukraine's diplomatic missions provide legal and information assistance to migrant workers abroad and enhance international cooperation on the protection of migrant workers, etc.

The implementation of the Action Plan will create additional opportunities for Ukrainian citizens working abroad to return to Ukraine, with further integration into the national labour market and active social life in Ukraine.

The employment of foreigners in Ukraine is regulated by Article 26 of the Constitution of Ukraine, the Labour Code of Ukraine, Law of Ukraine No. 5067-VI "On the Employment of the Population" of 5 July 2012, and Regulation No. 347 "Questions of issuing, extending and revoking the permit for the use of the labour of foreigners and stateless persons" of the Cabinet of Ministers of Ukraine of 27 May 2013.

Under article 26 of the Constitution of Ukraine, foreigners and stateless persons staying in Ukraine on legal grounds shall enjoy the same rights and freedoms and bear the same duties as citizens of Ukraine, except as restricted by the Constitution, laws, or international treaties of Ukraine.

Under article 42 of the Law of Ukraine "On the Employment of the Population", enterprises, institutions and organizations have the right to use the labour of foreigners and stateless persons in Ukraine on the basis of a permit issued by the territorial bodies of the central executive authority that implements state policy on employment and migration, *for up to one year, renewable for the same period, without limitations on the number of renewals*, unless otherwise provided by international treaties of Ukraine which have been ratified by the Verkhovna Rada of Ukraine.

Article 42 of Law of Ukraine No. 5067-VI "On the Employment of the Population" of 5 July 2012 and the Procedure for issuing, extending and revoking the permit for the use of the labour of foreigners and stateless persons, approved by Regulation No. 347 of the Cabinet of Ministers of Ukraine of 27 May 2013, as amended, provides that permit for the use of the labour of foreigners and stateless persons is *valid for up to one year, renewable for the same period, without limitations on the number of renewals*.

In order to ensure the rights of foreign migrant workers to work in Ukraine, the Procedure for issuing, extending and revoking the permit for the use of the labour of foreigners and stateless persons was amended by Regulation No. 28 of the Cabinet of Ministers of Ukraine of 18 January 2017.

The abovementioned changes are aimed at improving the mechanism for issuing, extending and revoking permits for the use of the labour of foreigners and stateless persons. In particular, employers are granted the right to use the labour of foreign experts in several executive or managerial positions. The procedure and terms of appealing against the refusals of regional employment centres to issue, extend or revoke a permit are clearly and unambiguously defined. An employer who has made minor violations is given an opportunity to correct them without permit revocation.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;

The transplantation of organs and other anatomic human materials are regulated in Ukraine by the Constitution of Ukraine, the Foundational Laws of Ukraine on Healthcare, the Law of Ukraine "On Transplantation of Organs and Other Anatomic Materials to Humans" and the Law of Ukraine "On Burial and the Funeral Business".

In addition, the present legal framework for transplantation in Ukraine includes Cabinet of Ministers regulations No. 695 "Certain aspects of enforcing the Law of Ukraine 'On Transplantation of Organs and Other Anatomic Materials to Humans'" of 24 April 2000 and No. 1100 "On measures to organize the activities of healthcare and research institutions related to the transplantation of organs, tissues and cells" of 5 September 2007, as well as the following orders of the Ministry of Public Health of Ukraine:

No. 96 of 4 May 2000 "On approval of legislative and normative acts on the transplantation of organs and other anatomic materials to humans", registered in the Ministry of Justice of Ukraine under No. 682/4903 on 5 October 2000;

No. 226 of 25 September 2000 "On approval of legislative and normative acts on transplantation", registered in the Ministry of Justice of Ukraine under No. 697/4918 on 11 October 2000;

No. 257 of 3 July 2001 "On amendments and additions to the instructions approved by Order No. 226 of the Ministry of Public Health of Ukraine 'On approval of legislative and normative acts on transplantation' of 25 September 2000", registered in the Ministry of Justice of Ukraine under No. 620/5811 on 20 July 2001;

No. 357 of 19 July 2005 "On amendments and additions to the instructions approved by Order No. 226 of the Ministry of Public Health of Ukraine 'On approval of legislative and normative acts on transplantation' of 25 September 2000", registered in the Ministry of Justice of Ukraine under No. 815/11095 on 28 July 2005;

No. 261 of 24 May 2004 "On the regulation of the transplantation service of Ukraine";

No. 630 of 10 October 2007 "On approval of the Procedure for the clinical trials of tissue and cell transplants and expert evaluation of the materials of clinical trials and amending the Procedure for the clinical trials of medications and expert evaluation of the materials of clinical trials, approved by Order 66 of the Ministry of Public Health of Ukraine of 13 February 2006 and registered in the Ministry of Justice of Ukraine under No. 252/12126 on 10 March 2006", registered in the Ministry of Justice of Ukraine under No. 1206/14473 on 25 October 2007;

No. 226 of 24 April 2008 "On amending the Procedure for the clinical trials of tissue and cell transplants and expert evaluation of the materials of clinical trials", registered in the Ministry of Justice of Ukraine under No. 460/15151 on 26 May 2008.

No. 161 of 15 March 2012 "On approval of safety and quality indicators for a kidney homotransplant from a cadaver donor", registered in the Ministry of Justice of Ukraine under No. 779/21092 on 16 May 2012;

No. 250 of 10 April 2012 "On the donation of a homotransplant by a living donor for transplantation", registered in the Ministry of Justice of Ukraine under No. 963/21275 on 14 June 2012;

No. 276 of 20 April 2012 "On approval of the List of human tissues and cells which are allowed to be taken by the banks of umbilical cord blood and other human tissues and cells", registered in the Ministry of Justice of Ukraine under No. 1124/21436 on 5 July 2012;

No. 926 of 20 November 2012 "On approval of amendments to certain orders of the Ministry of Public Health of Ukraine on transplantation", registered in the Ministry of Justice of Ukraine under No. 2037/22349 on 7 December 2012;

No. 927 of 20 November 2012 "On amending the List of human tissues and cells which are allowed to be taken by the banks of umbilical cord blood and other human tissues and cells", registered in the Ministry of Justice of Ukraine under No. 2048/22360 on 7 December 2012;

No. 981 of 30 November 2012 "On amending Order No. 49 of the Ministry of Public Health of Ukraine of 2 February 2011", registered in the Ministry of Justice of Ukraine under No. 2131/22443 on 22 December 2012;

No. 194 of 12 March 2013 "On approval of the Procedure for the use of xenografts", registered in the Ministry of Justice of Ukraine under No. 478/23010 on 22 March 2013;

No. 401 of 18 May 2013 "On amending Order No. 226 of the Ministry of Public Health of Ukraine of 25 September 2000", registered in the Ministry of Justice of Ukraine under No. 1757/24289 on 14 October 2013;

No. 821 of 23 September 2013 "On establishing diagnostic criteria of brain death and procedures for the pronouncement of the death of a person", registered in the Ministry of Justice of Ukraine under No. 1757/24289 on 14 October 2013;

No. 988 of 22 December 2014 "On approval of safety and quality indicators for a heart homotransplant from a cadaver donor", registered in the Ministry of Justice of Ukraine under No. 11/26456 on 12 January 2015;

No. 9 of 12 January 2016 "On approval of methods for planning and calculating the number of medications and medical products purchased with and within the volume of funds approved in the state and local budgets for the relevant year to be provided to patients that have undergone or preparing to undergo the transplantation of organs and other anatomical materials and to be provided for the implantation of an endoprosthesis", registered in the Ministry of Justice of Ukraine under No. 173/28303 on 2 February 2016;



No. 38 of 22 January 2016 "On approval of safety and quality indicators for an intestine homotransplant from a cadaver donor", registered in the Ministry of Justice of Ukraine under No. 205/2835 on 9 February 2018.

According to note 1 of article 149 of the Criminal Code of Ukraine, one of the forms of exploitation of a person is the removal of organs, and the list of exploitation types is not exhaustive under this provision and can be expressed in the form of the removal of human tissue, unlawful experimentation over a person and forced donation.

The detection of criminal offenses related to trafficking in human beings for the purpose of organ removal is a rather laborious process. This is due to the fact that the donors who have agreed to sell their organ made the decision while usually in a vulnerable condition associated with domestic, social and economic problems.

Therefore, the victims of this type of criminal offense are reluctant to turn to law enforcement authorities because they do not consider themselves victims of trafficking.

At the same time, a prerequisite for the identification of such criminal offenses is certain knowledge of transplantation of human organs or tissues.

Criminal offenses related to organ removal are characterized by high latency. Therefore, when such facts are discovered, every effort should be made to document the criminal activity, regardless of whether the victim wants to cooperate with law enforcement authorities, and materials should continue to be collected due to the high probability of finding other victims who may give such consent.

In addition, article 143 of the Criminal Code (Violation of the procedure for transplantation of human organs and tissues established by law) criminalizes illegal transplantation.

As of today, two draft laws have been submitted to the Verkhovna Rada of Ukraine to amend some legislative acts of Ukraine on healthcare and the transplantation of organ and other anatomic materials to humans (No. 2386 and No. 2386-1).

*In Dnipropetrovsk Oblast, a person whose kidney was removed in a criminal manner was detected. This person was granted trafficking victim status in Kyiv, where criminal proceedings were opened, but received financial, medical and rehabilitation assistance at the place of residence in Novomoskovsk. According to Regulation No. 660 of the Cabinet of Ministers of Ukraine of 25 July 2012, the victim was paid a one-time financial assistance and provided with the necessary medical care. In addition, the local centre of social services for families, children and youth drew up a plan rehabilitation for the victim and provided social guidance.*

b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;

Overseeing and monitoring of medical care and the recovery of donors and recipients is the responsibility of the Ministry of Public Health of Ukraine and the structural units for healthcare in oblast administrations and Kyiv city administration. The lists of such persons are kept by the Coordination Centre for Organ for the Transplantation of Organs, Tissues and Cells in the Ministry of Public Health of Ukraine.

c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

All training conducted at the national or local level includes sections devoted to the removal of organs as a type of trafficking in human beings.

In addition, the distance learning program "Combating trafficking in human beings: Interactive training course for law enforcement officers of Ukraine" (for investigators, detectives, border guards, prosecutors, and court officials) has been designed and conducted with the support by Foreign Affairs Canada and the IOM Mission in Ukraine from April to June 2017. The program contains a topic on the detection of cases of human trafficking for the purpose of organ removal.

In order to prevent this type of trafficking, identify victims and provide assistance to them, the Department for the Social Protection of the Population in the Dnipropetrovsk Oblast State Administration conducted 17 training workshops to train relevant experts in state bodies and local authorities. The training workshops were attended by 301 persons.

## Measures to discourage the demand (Article 6)

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

a. educational programmes;

In order to combat trafficking in human beings, reduce demand and form “zero tolerance” for the crime among children and adults, the Ministry of Social Policy in cooperation with the Ministry of Education and Science and with the support of international partners has developed a number of educational programs that are actively used in everyday learning process and while working with parents, teachers and educators:

3. A comprehensive program of educational activities with students on combating trafficking in human beings, designed for students in grades 7-11 and entitled “Personal Dignity. Life Safety. Civic Position”.

4. The program “Let us together create a child-safe world” is aimed at helping teachers to carry out educational activities with parents as part of the program of educational activities with teenagers on combating trafficking in human beings.

5. Creating the future responsibly and economically is a program of social and financial education and training for students in secondary schools.

6. Training sessions “Profession. Career. Success” are designed to enable young people to make the right career choices, learn about professions and requirements and acquire the skills to explore one own opportunities.

7. Teaching materials for parents “Without a slap in the face: How to set boundaries for children with love and respect”

8. Handbook No. 1 on the practice of the enforcement of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

9. Handbook *Developing Skills for Independent Living and Fostering Employment among Vocational School Graduates Who Are Former Students at Boarding Schools for Orphaned Children*.

10. *A Model of Social Support for Young People in Vulnerable Social Groups* (in two parts), a methodological handbook on the provision of services to young people from vulnerable social groups.

11. “Social and psychological rehabilitation of children removed from situations of trafficking and other worst forms of child labour”, a summary of the experience of organizations in Central and Eastern Europe.

12. The publication “Education completed. Are you dreaming of a job?”.

13. Board game “Hopping around Europe” (9-11 grades).

14. Board game “Pink Sunglasses” (7 - 8 classes).

b. information campaigns and involvement of the media;

To increase public awareness of the crime of trafficking in human beings, the Ministry of Social Policy in cooperation with permanent partners conducts nationwide information campaigns:

- from 30 May to 2 September 2016, with the support of the IOM Mission in Ukraine, the Ministry of Social Policy conducted an information campaign against child begging in Odessa. The information campaign was aimed at drawing attention to children begging in the streets and establishing a mechanism of cooperation between law enforcement agencies and services for children's affairs to help these children. The campaign was expanded to Kyiv and Lviv in 2017;

- towards World Day against Trafficking in Persons (July 30), the Ministry of Social Policy in cooperation with Ukrainian NGOs combatting trafficking in human beings and with the support of the International Organization for Migration (IOM) in Ukraine conducted the large-scale information campaign “Joint efforts against trafficking in human beings in Ukraine” in 15 cities of Ukraine: Dnipro, Zhytomyr, Lutsk, Sumy, Rivne, Poltava, Zaporizhia, Kherson, Chernivtsi, Kropyvnytsky, Mykolaiv, Ternopil, Kharkiv, Cherkasy and Vinnytsia;

- Photo exhibitions were opened, one in Kyiv on 28 July and one in Lviv on 30 July 2016. The exhibitions were aimed at combatting trafficking in human beings, and a press conference involving celebrities and

journalists was held. The exhibition was organized jointly with NGO "Campaign A21" in partnership with the OSCE Project Coordinator in Ukraine as part of the information campaign "Live free" and attracted the attention of the residents of Kyiv and Lviv for a week.

- the information and education campaign against modern-time slavery "Walk For Freedom" was organized by the international NGO "Campaign A21" and the OSCE Project Coordinator in Ukraine towards EU Anti-Trafficking Day (18 October) and held on 15 October 2016 in Khreshchatyk in Kyiv with the support of the Ministry of Social Policy. The campaign was attended by about 150 citizens who marched through the streets of Kyiv holding black umbrellas as a protest against trafficking in human beings;

- towards EU Anti-Trafficking Day, a national information campaign was launched to draw attention to the problem of trafficking in human beings and joining efforts for to prevent and overcome this modern-day form of slavery. While the information campaign was held across the country, social commercials were broadcast on state and private television and radio channels and information materials were placed in the streets and appeared in the press;

- The national information campaign "Hrani" was launched on 2 December with the support of the IOM Mission in Ukraine. It will help residents in 16 oblasts to learn more about the problem of trafficking in human beings. Art installations have already been seen by the residents of Kyiv, Vinnytsia, Zhytomyr and Rivne. In the course of 2017, the installation will travel through Lutsk, Uzhgorod, Khmelnytsky, Chernihiv, Sumy, Severodonetsk, Kramatorsk, Zaporizhia, Kherson, Mykolaiv, Kirovohrad and Cherkasy;

- from 1 to 15 May 2017, the Ministry of Social Policy conducted the information campaign "Eurovision 2017 without trafficking in human beings" in cooperation with the National Police of Ukraine and the State Border Guard Service of Ukraine and with the support of the OSCE Project Coordinator in Ukraine. The main purpose was to protect foreign visitors against trafficking and to prevent them from trafficking human beings in Ukraine. All foreigners who crossed the state border of Ukraine received a booklet with information about the problem and hotline telephone number that could be called in case of being trafficked or detecting a trafficking situation.

The Ministry of Social Policy used funding from the State Budget of Ukraine to make two social commercials "Combating child begging" and "Preventing labour exploitation" which will be broadcast on the Ukrainian television.

Moreover, a large number of information campaigns are continued at the local level in collaboration with NGOs.

c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);

Public procurement is regulated by the Law of Ukraine "On Public Procurement", which sets the legal and economic principles for the procurement of goods, works and services to meet the needs of the state and territorial communities.

The purpose of the law is to ensure effective and transparent procurement, creating a competitive environment in the field of public procurement, preventing corruption in this area and promoting fair competition.

During the drafting of the law and other regulations in the field of public procurement, special attention has been paid to ensuring the predictability and stability of the legal framework through harmonization of national legislation with EU regulations, the adaptation of key concepts and bringing procurement procedures in line with international standards.

Thus, according to EU directives governing public sector procurement, considerable efforts are aimed, in particular, at combating and preventing terrorist crimes, money laundering, financing of terrorism and trafficking in human beings.

Therefore, based on the agreements of Ukraine—the Association Agreement with the European Union, the European Atomic Energy Community and their Member States, the WTO Agreement on Government Procurement, the Strategy for Reforming the System of Public Procurement ("roadmap") — all regulations in the field of public procurement are being harmonized with the best international practices and are drafted and adopted with consideration for principles.

For example, article 17 of the Law of Ukraine "On Public Procurement" defines a list of cases which are grounds for rejecting a participant's proposal during the procurement procedure. It mentions,

among others, the case of an individual participant has been convicted of crimes committed for selfish motives and whose criminal record has not been cleared or cancelled in accordance with the law.

d. involvement of the private sector.

The Ministry of Social Policy in cooperation with the OSCE Project Coordinator in Ukraine are implementing the project "Prevention of trafficking in human beings in Ukraine by strengthening the economic capacity of risk group members" aimed at improving the economic capacity of people who are at the risk of trafficking and former victims of trafficking through the use of a sustainable model of social business. As part of the project, social enterprises were set up in Kyiv, Lviv, Vinnytsia and Zhytomyr in 2016. They are operating, expanding their product range, finding new sales channels and have started generating revenue. In 2016, specialized training courses in the project's social were taken by 85 beneficiaries, including 72 women and 13 men (31 beneficiaries were under the age of 35).

It is expected that at least 10% of the members of risk groups and victims of trafficking who apply to local NGOs active in combating trafficking in human beings will benefit from the economic opportunities created by the social businesses by the end of 2017.

By the end of 2018, local NGOs active in combating trafficking in human beings will be able to finance at least 20% of the current activities to combat human trafficking from profits generated by the social businesses.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, inter alia, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

The Ministry of Social Policy licenses activities of foreign employment mediation in accordance with the Law of Ukraine "On Licensing Types of Economic Activities" and according to the Licensing Conditions for the economic activities of foreign employment mediation (*Regulation No. 1060 of the Cabinet of Ministers of Ukraine of 16 December 2015*).

As of 1 June 2017, 1,248 licensees carried out the economic activity of foreign employment mediation.

According to the annual report for 2016, 79,200 citizens of Ukraine were employed through such businesses in Poland, the Czech Republic, Greece, Cyprus, the United Kingdom, Germany, the Republic of Panama, the United States of America, the Netherlands, Belgium and other countries. The main sectors of employment are the construction industry, agriculture and the marine industry.

A moratorium on scheduled inspections of business entities that provide foreign employment mediation has been in place since 2014, which makes it impossible to check whether these entities comply with the license conditions and operate accordingly.

Thus, control over compliance with license conditions by the licensees has been carried out through unscheduled inspections since November 2016.

With the agreement of the State Regulatory Service, the staff of the department for licensing foreign employment mediation activity and labour migration in the Department of Labour Market and Employment of the Ministry of Social Policy conducted four unscheduled inspections of business entities and took administrative measures based on their results.

At the same time, let us point out that pursuant to the laws "On Licensing Types of Economic activity" (as amended), "On Amending the Law of Ukraine 'On Basic Principles of State Supervision (Overseeing) of economic activity' regarding the liberalization of state supervision (overseeing) of economic activity" and the regulation of the Cabinet of Ministers of Ukraine "On amending the methods for developing criteria for assessing the risks of economic activities and determining the periodicity of planned measures of state supervision (overseeing), as well as standardized forms of acts drawn up based on the results of planned (unplanned) measures of state supervision (overseeing)", the Ministry of Social Policy has drafted a resolution of the Cabinet of Ministers of Ukraine "On amending the Licensing Conditions for the economic activities of foreign employment mediation", which has been sent for approval to the relevant executive authorities (letter No. 9223/0/2-17/24 of 28 April 2017 and letter No. 9257/0 /2-17/24 of 3 May 2017). Moreover, amendments are being drafted to the Resolution "On approval of criteria for assessing the risks of economic activity in foreign employment mediation and for

determining the periodicity of planned measures of state supervision (overseeing) by the Ministry of Social Policy" (Regulation No. 750 of the Cabinet of Ministers of Ukraine of 26 October 2016) and Order No. 865 of the Ministry of Social Policy "On approval of the standardized form of an act drawn up based on the results of a scheduled (unscheduled) check of an economic entity's compliance with legal requirements for economic activity in foreign employment mediation" of 9 August 2016, registered in the Ministry of Justice of Ukraine under No. 1128/29258 on 12 August 2016.

Furthermore, the draft Law of Ukraine "On Amending Certain Legislative Acts of Ukraine Regarding the Economic Activity of Foreign Employment Mediation" has been prepared to enhance the accountability of companies that provide intermediary services for employment abroad and prevent trafficking in human beings (registered in the Verkhovna Rada of Ukraine under No. 6275 on of 31 March 2017).

#### Border measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

a. identification of possible victims of THB in the context of border control;

In order to counteract trafficking crimes and identify potential and actual victims as they cross the state border, nationwide risk profile No. Z\_2010\_01\_TL "Trafficking human beings out of Ukraine / into Ukraine". Based on the results of using the risk profile, 12 victims of trafficking were stopped from being taken out of the country in 2016.

Nationwide risk profile No. Z\_2010\_01\_TL "Trafficking human beings out of Ukraine / into Ukraine" has been prepared and put into use in 2017. The main efforts in developing this risk profile were focused on preventive measures to combat human trafficking. Risk indicators in the abovementioned risk profile and a possible interaction algorithm were agreed with the International Organization for Migration in Ukraine and individual units of the National Police of Ukraine. The application of this risk profile in the first quarter of 2017 resulted in four victims of trafficking being prevented from taken across the border.

Representatives of the State Border Guard Service receive periodic training as members of multidisciplinary groups to combat human trafficking.

b. identification of possible perpetrators of THB offences;

Cooperation with the border guard services of neighbouring countries has been maintained:

- through the first secretaries of the embassies for border issues in Ukraine's embassies in Poland and Slovakia;

- through liaison officers for law enforcement issues in Ukraine's embassies in Poland, Slovakia, Germany, France, the Netherlands, Austria and Great Britain, as well as missions of foreign security organizations in Ukraine.

Moreover, in cooperation with the European Border and Coast Guard Agency (FRONTEX), risk analysis experts from the Border Guard Service took part in the elaboration of joint analytical materials for the annual risk profile to identify victims of trafficking.

The staff of the State Border Guard Service of Ukraine took part in the following:

- a regional conference on combating modern-time slavery on 8-9 March 2017 organized by the British Embassy in Warsaw;

- the conference "Practical aspects of combating transnational/cross-border crime. Terrorism" in the framework of Euroeast Police Cooperation, 10-11 May 2017, Vilnius, Lithuania;

- the capacity building project for integrated border management in Eastern Partnership countries under the auspices of FRONTEX, 14-16 March 2017, FRONTEX headquarters (Warsaw); participation in a workshop to discuss the *Vega* counter-trafficking handbook.

c. gathering of first-line information from victims and perpetrators;

In order to counteract trafficking crimes and identify potential and actual victims as they cross the state border, nationwide risk profile No. Z\_2010\_01\_TL "Trafficking human beings out of Ukraine /

into Ukraine". Based on the results of using the risk profile, 12 victims of trafficking were stopped from being taken out of the country in 2016.

Nationwide risk profile No. Z\_2010\_01\_TL "Trafficking human beings out of Ukraine / into Ukraine" has been prepared and put into use in 2017. The main efforts in developing this risk profile were focused on preventive measures to combat human trafficking. Risk indicators in the abovementioned risk profile and a possible interaction algorithm were agreed with the International Organization for Migration in Ukraine and individual units of the National Police of Ukraine. The application of this risk profile in the first quarter of 2017 resulted in four victims of trafficking being prevented from taken across the border.

Representatives of the State Border Guard Service receive periodic training as members of multidisciplinary groups to combat human trafficking.

d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

In order to counteract trafficking crimes and identify potential and actual victims as they cross the state border, nationwide risk profile No. Z\_2010\_01\_TL "Trafficking human beings out of Ukraine / into Ukraine". Based on the results of using the risk profile, 12 victims of trafficking were stopped from being taken out of the country in 2016.

Nationwide risk profile No. Z\_2010\_01\_TL "Trafficking human beings out of Ukraine / into Ukraine" has been prepared and put into use in 2017. The main efforts in developing this risk profile were focused on preventive measures to combat human trafficking. Risk indicators in the abovementioned risk profile and a possible interaction algorithm were agreed with the International Organization for Migration in Ukraine and individual units of the National Police of Ukraine. The application of this risk profile in the first quarter of 2017 resulted in four victims of trafficking being prevented from taken across the border.

Representatives of the State Border Guard Service receive periodic training as members of multidisciplinary groups to combat human trafficking.

From 1 to 15 May 2017, the informational campaign "Eurovision without trafficking in human beings" was carried out in Ukraine. During the campaign, all persons crossing the border of Ukraine, including carriers, received information leaflets on ways to guard oneself against trafficking and organizations to be contacted in case of danger.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

On 25-26 April 2017, at the initiative of Ministry of Social Policy and supported by the International NGO "A21 Campaign", training "Identification of victims of trafficking" was conducted for 50 aviation security employees at Boryspil Airport. These were the first two out of a series of training sessions for the staff of this service.

From 1 to 15 May 2017, the informational campaign "Eurovision without trafficking in human beings" was carried out in Ukraine. During the campaign, all persons crossing the border of Ukraine, including carriers, received information leaflets on ways to guard oneself against trafficking and organizations to be contacted in case of danger.

Social commercials "Combating child begging" and "Combating labour exploitation", developed by the Ministry of Social Policy to implement the State Social Program to Combat Trafficking in Human Beings, are shown on screens in the waiting rooms of airports, railway stations, bus stations and on luxury trains. Thus, the staff of airports, railway stations and bus stations know about the need to inform law enforcement agencies and structural divisions of local state administrations about identified victims of trafficking.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB?

Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

In order to counteract trafficking crimes and identify potential and actual victims as they cross the state border, nationwide risk profile No. Z\_2010\_01\_TL "Trafficking human beings out of Ukraine / into Ukraine". Based on the results of using the risk profile, 12 victims of trafficking were stopped from being taken out of the country in 2016.

Nationwide risk profile No. Z\_2010\_01\_TL "Trafficking human beings out of Ukraine / into Ukraine" has been prepared and put into use in 2017. The main efforts in developing this risk profile were focused on preventive measures to combat human trafficking. Risk indicators in the abovementioned risk profile and a possible interaction algorithm were agreed with the International Organization for Migration in Ukraine and individual units of the National Police of Ukraine. The application of this risk profile in the first quarter of 2017 resulted in four victims of trafficking being prevented from taken across the border.

Cooperation with the border guard services of neighbouring countries has been maintained:

- through the first secretaries of the embassies for border issues in Ukraine's embassies in Poland and Slovakia;
- through liaison officers for law enforcement issues in Ukraine's embassies in Poland, Slovakia, Germany, France, the Netherlands, Austria and Great Britain, as well as missions of foreign security organizations in Ukraine.

Moreover, in cooperation with the European Border and Coast Guard Agency (FRONTEX), risk analysis experts from the Border Guard Service took part in the elaboration of joint analytical materials for the annual risk profile to identify victims of trafficking.

The staff of the State Border Guard Service of Ukraine took part in the following:

- a regional conference on combating modern-time slavery on 8-9 March 2017 organized by the British Embassy in Warsaw;
- the conference "Practical aspects of combating transnational/cross-border crime. Terrorism" in the framework of Euroeast Police Cooperation, 10-11 May 2017, Vilnius, Lithuania;
- the capacity building project for integrated border management in Eastern Partnership countries under the auspices of FRONTEX, 14-16 March 2017, FRONTEX headquarters (Warsaw); participation in a workshop to discuss the *Vega* counter-trafficking handbook.

#### Identification of the victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

According to Article 13 of the Law of Ukraine "On Combating Trafficking in Human Beings", Ukraine has the National Mechanism for Interaction of Agents for Combatting Trafficking in Human Beings (NMI).

The NMI was established in order to render effective assistance to the victims of trafficking and to protect them. The implementation of the NMI includes the identification of the needs of a victim of trafficking and of bodies or institutions capable to satisfy such needs.

In order to provide effective assistance and protection to victims of trafficking, agents for combating trafficking in human beings take into consideration the age, health condition, sex and special needs of such persons. They also interact with each other in the process of combating trafficking in human beings and cooperate with non-governmental, regional and international organizations.

##### NMI agents:

Ministry of Social Policy is the National Coordinating body for combating trafficking in human beings. The ministry is responsible for the development and implementation of state policy on combating trafficking in human beings.

Ministry of Internal Affairs and the National Police are central executive authorities responsible for implementing measures to identify and investigate trafficking crimes.

Ministry of Foreign Affairs and Ukraine's diplomatic missions abroad are the main (leading) central authority in the system of central authorities which ensures the implementation of the state policy in the sphere of foreign relations and coordinates activities in this area, including those aimed at implementing the strategic objectives of Ukraine's foreign policy to ensure Ukraine's entry into the European space and the creation of conditions for Ukraine's membership in the European Union (EU) and North Atlantic Treaty Organization (NATO).

Ministry of Public Health is the main body in the system of central executive authorities which develops and implements state healthcare policy.

Ministry of Education and Science is the main body in the system of central executive authorities which develops and implements state policy in education and science, scientific, technological and innovation activity and technology transfer.

Ministry of Justice is the main body in the system of central executive bodies which develops and implements state policy in the domain of law.

Administration of the State Border Guard Service and border protection bodies are the central executive body in the system of executive authorities which ensures the implementation of state policy on the protection of the state border and Ukraine's sovereign rights in its exclusive maritime (economic) zone.

State Migration Service is part of the system of executive authorities which has been established to implement state policy on immigration, including combating illegal (unlawful) migration, citizenship, registration of natural persons, refugees and other categories of migrants specified by law.

Security Service of Ukraine is the state law enforcement agency for special purposes which ensures the national security of Ukraine.

Regional and local state administrations are responsible for implementing state policy on combating trafficking in human beings at the local level.

Agencies for assisting victims of trafficking are responsible for providing comprehensive psychological, social, educational, medical, legal, informational and other types of assistance.

Local self-government bodies and, by consent, enterprises, institutions and organizations, regardless of their ownership type, as well as NGOs and individual citizens are involved in the implementation of measures aimed at preventing trafficking in human beings.

The main stage of the National Mechanism for Interaction:

1. A NMI agent detects a victim and provide him/her with information about ways of receiving assistance and types of assistance.

2. The victim is referred to the responsible unit (if he/she is a child, a law enforcement body and a service for children's affairs are also notified).

3. The victim is interviewed by the responsible department and is referred to a centre of social services for families, children and youth for needs assessment.

4. The Ministry of Social Policy decides to declare the status of a trafficking victim on a submission from the local state administration.

5. A centre of social services for families, children and youth (a service for children's affairs) draws up a rehabilitation plan for the victim and initiates a joint meeting of NMI agents to approve the plan.

The main principles of the National Mechanism for Interaction are as follows:

1) mutual exchange of information, on the basis of confidentiality, concerning the crimes of trafficking in human beings, the premises and causes of such trafficking, methods used by the traffickers, and assistance required for victims of trafficking;

2) joint development of programs and plans for combating trafficking in human beings;

3) joint implementation of measures aimed at combating trafficking in human beings;

4) exchange of best practices in combating trafficking in human beings.

The said National Mechanism for Interaction was operational at the time of the first round of evaluation.



28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

The Ministry of Social Policy has developed a list of indicators for identifying persons, including children, foreigners, stateless persons, internally displaced persons and victims of trafficking in human beings. Currently, the draft document has been sent for review and submission of proposals to oblast state administration.

The staff of the State Border Guard Service use risk profiles and indicators (features) of trafficking in human beings in their activities.

Officials in the National Police bodies identify victims of trafficking in human beings as part of the detection and investigation of trafficking crimes.

29. What is considered as “reasonable grounds” to believe that a person is a victim of THB and which bodies have competence to identify victims upon “reasonable grounds”? Please provide examples from practice.

In the framework of criminal proceedings, registered in the Unified Register of Pre-Trial Investigations under article 149 (Trafficking in human beings or other illegal agreement on person) of the Criminal Code of Ukraine, a victim of trafficking in human beings can be recognized as a victim in criminal proceedings according to Article 55 of the Criminal Procedure Code of Ukraine.

The Ministry of Social Affairs is authorized to declare the status of a victim of trafficking in human beings under Regulation No. 417 of the Cabinet of Ministers of Ukraine “On approval of the procedure for the declaration of the status of a victim of trafficking in human beings” of 23 May 2012. Victim status is granted to a person based on a review of a set of documents submitted by a local state administration to the Ministry of Social Policy under the Cabinet of Ministers regulation and supporting documents about the fact of recruitment, transportation, transfer and exploitation of the said person.

According to paragraph 14 of the abovementioned Cabinet of Ministers regulation, the grounds for declaring the status of a victim of trafficking in human beings are as follows:

1) settlement of an illegal agreement on a person who considers himself/herself a victim of trafficking in human beings;

2) recruitment, transportation, harbouring, transfer or receipt of a human being who considers himself/herself a victim of trafficking in human beings for purpose of his/her exploitation, including sexual, by means of deception, fraud, blackmail, abuse of a person's condition of vulnerability or by use of force or threat of use of force, with abuse of power or economic or other dependence of the victim on another person;

3) documents and materials collected while checking information on the circumstances of the case that confirm the possibility of declaring victim status.

Some examples from practice have been provided in answers to previous questions.

30. What measures are taken in your country to encourage self-identification of victims of THB?

The Government of Ukraine in cooperation with international and non-governmental organizations carries out a large number of activities, including large-scale information campaign to raise Ukrainians' awareness of the problem of trafficking, types of exploitation and criteria for self-identification a victim of trafficking in human beings.

See paragraph 22b for specific information campaigns.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

According to the Law of Ukraine “On Combating Trafficking in Human Beings”, Regulation No. 783 of the Cabinet of Ministers of Ukraine “On approval of the Procedure for interaction of agents for

combating trafficking in human beings" of 22 August 2012 and Regulation No. 417 of the Cabinet of Ministers of Ukraine "On approval of the Procedure for declaring the status of a victim of trafficking in human beings" of 23 May 2012, the State Migration Service of Ukraine and its territorial bodies have the following functions:

- renew and issue documents lost by a victim of trafficking, including identification and proof of citizenship or a country of origin of foreigners and stateless persons;
- register foreigners and stateless persons who have received a certificate of application for the status of a victim of trafficking and a certificate of the status of a victim of trafficking;
- issue immigration permits and permanent residence permits to foreigners who have lived in Ukraine for three years in the status of victims of trafficking.

The territorial bodies of the State Migration Service have extended the term of stay in Ukraine for all foreigners and stateless persons who have received a certificate of application for the status of a victim of trafficking and certificates of the status of a victim of trafficking and have applied to the SMS according to the established procedure.

Paragraph 8 of part two of Article 4 of the Law of Ukraine "On Immigration" specifies that immigration permits are issued within the immigration quota to persons who have continuously resided in Ukraine for three years from the date when their status of a victim of trafficking was declared.

From 2014 and through the first quarter of 2017, immigration permits and permanent residence permits have been issued to one person in this category.

The structural units of the SMS territorial bodies that accept and review applications from foreigners and stateless persons to be recognized as refugees or persons in need of subsidiary protection have designated employees responsible for working with children separated from their families. They received training in the module "Interviewing methods" of the Training Program administered by the European Asylum Support Office and acquired special skills for quality interviewing children separated from their families who apply for protection in Ukraine. This enables them to detect trafficking victims among this category of persons. Upon identification, children separated from their families are placed in centers for the social and psychological rehabilitation of children in the services for children's affairs and in families, where they are provided appropriate assistance. There have been no cases of involuntary return of children who are victims of trafficking.

Should an employee of a territorial body of the State Migration Service detect, while receiving and reviewing applications from foreigners and stateless persons to be recognized as refugees or persons in need of subsidiary protection, a victim of trafficking in human beings, he/she takes all the necessary measures under the Procedure for interaction of agents for combatting trafficking in human beings approved by Regulation No. 783 of the Cabinet of Ministers of Ukraine of 22 August 2012.

No victims of trafficking have been detected among those who were recognized as refugees or persons in need of subsidiary protection.

#### Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

The Procedure for interaction of agents for combatting trafficking in human beings was approved by Regulation No. 783 of the Cabinet of Ministers of Ukraine of 22 August 2012. According to this regulation, the Ministry of Social Policy ensures coordination of the activities of central and local executive authorities.

Paragraph 4. The agent which, as a result of its activities, has learned about a victim of trafficking refers him/her, by his/her consent or by the consent of his/her legal representative, to a relevant structural unit of the local state administration at the place of stay of the person in question.

Paragraph 5. In the event where the victim is a child, the agent immediately informs the relevant service for children's affairs and a law enforcement body about this person.

Paragraph 9. In order to receive assistance, the victim submits, at his/her place of stay, an application for victim status to the local state administration according to the procedure established by

law. Order No. 287 of the Ministry of Social Policy of 25 March 2016 amended the form of the trafficking victim status application by adding a Yes/No checkbox to indicate whether the person wishes to cooperate with the law enforcement bodies and whether he/she has previously participated in criminal proceedings.

Where the victim has not applied and does not wish to cooperate with law enforcement agencies and in order to avoid a conflict of interests, the responsible unit of the local state administration submits information to a law enforcement agency about the fact and circumstances of the offense with a mark indicating a refusal to cooperate with the relevant authorities and signs a non-disclosure agreement. Order No. 287 of the Ministry of Social Policy of 25 March 2016 amended the non-disclosure form to specify which data are not to be disclosed: first name, middle name, last name, place of residence/stay, telephone number, ID document data (issue date, number) and marital status.

A law enforcement agency reviews the abovementioned information and takes appropriate measures according to the procedure established by law.

In order to strengthen the proper level of interaction, the Ministry of Social Policy constantly updated contact details of responsible officials in local state administrations conducting who conduct the procedure for declaring the status of a victim of trafficking and provide these lists to the National Police for further communication to the subordinated regional units engaged in combatting trafficking in human beings.

#### Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

##### a. funding;

Currently, the system of financing of the activities of NGOs in combating trafficking in human beings is possible at the local level, according to law. This may take the form of appropriate contracts for services (such as the funding of a hotline for victims of trafficking in human beings in Vinnytsia Oblast). As part of the decentralization reform in Ukraine, this system will continue to develop in the future.

##### b. victim's safety and protection;

Under the Law of Ukraine "On Ensuring the Safety of Persons Participating in Criminal Proceedings", victims of trafficking have the right to the protection of life, residence, health and property against unlawful attacks during the preliminary investigation or proceedings.

Under this law, the following security measures may be applied to victims of international trafficking depending on the degree of danger:

- personal guard and protection of residence and property;
- provision of special means of individual protection and notification about danger;
- use of technical means of monitoring and wiretapping telephone and other conversations and visual surveillance;
- replacement of documents and 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;
- closed court proceedings.

Considering the nature and degree of danger to the life, health, residence and property of persons under protection, other security measures may also be taken.

In the course of 2016, investigators in criminal proceedings in trafficking cases applied security measures to two persons in the form of changing of their personal data.

Prosecutors cooperate with other government agencies in a manner and on the foundations determined by law. Thus, Article 3 of the Law of Ukraine "On Prosecutor's Office" establishes that the prosecutor's office acts based on, among other things, inadmissibility of unlawful interference of the prosecution into the activities of the legislative, executive and judicial power.

The activities of a prosecutor within criminal proceedings are governed by the Criminal Procedure Code of Ukraine. Part one of article 36 of this code establishes that prosecutors are independent in their procedural activities as they exercise their powers in accordance with this Code and interference into these activities by persons who do not have that legal authority is prohibited. State authorities, local self-government bodies, enterprises, institutions and organizations, officials and other natural persons must comply with the legal requirements and procedural decisions of the prosecutor.

Article 3 of the Law of Ukraine "On Securing the Safety of Persons Participating in Criminal Proceedings" puts prosecutors on the list of agents authorized to make decisions on the application of security measures to persons in need of protection.

In connection with the adoption of amendments to the Constitution of Ukraine which entered into force on 30 September 2016, the prosecutor is deprived of the right to bring a civil action in the interests of citizens who, due to their physical condition or financial situation, minority, old age, incapacity or limited capacity, are unable to protect their rights themselves in a manner prescribed by the Criminal Procedure Code of Ukraine and other legislative acts.

c. standards of assistance and their implementation in practice;

Order No. 458 of the Ministry of Social Policy of 30 July 2013 approved three standards for providing assistance to victims of trafficking:

- [Standard for the provision of social trafficking prevention services;](#)
- [Standard for the provision of services in social integration and reintegration of victims of trafficking;](#)
- [Standard for the provision of social services in social integration and reintegration of child victims of trafficking.](#)

All NGOs that provide assistance to victims of trafficking must comply with the national standards in this area.

d. access to medical treatment, psychological assistance, counselling and information;

In Ukraine, assistance is provided to victims of trafficking by state authorities at the local level at the place of residence/stay. In addition to state assistance, reintegration of trafficked persons is provided by NGOs which are funded by international donors. These types of assistance do not duplicate, but rather complement, each other. The following aspects are in the competence of state authorities: financing (provision of material assistance); standards for the provision of assistance and their application in practice; access to medical and psychological assistance, counselling and information; interpretation, in necessary. When NGOs are involved in the provision of medical and psychological assistance, counselling, information and interpretation, state authorities cooperate with them and coordinate joint activities to provide assistance. In particular, they ensure the application of the Standard for the provision of services in social integration and reintegration of victims of trafficking and the Standard for the provision of services in social integration and reintegration of child victims of trafficking.

e. translation and interpretation, where appropriate?

See paragraph 33d.

Moreover, if an interpreter needs to be involved in order to work with a victim of trafficking, cooperation with the embassies of different countries in Ukraine and with teachers and specialists in higher education institutions is used.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

Article 16 of the Law of Ukraine "On Combating Trafficking in Human Beings" defines the rights of a person, including foreigners and stateless persons who are victims of trafficking, to receive various types of assistance.

According to part six of this article, assistance provided to a victim of trafficking does not depend on:

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

Therefore, all victims of trafficking, including foreigners and stateless persons, receiving assistance regardless of their willingness or unwillingness to testify.

Article 55 of the Criminal Procedure Code of Ukraine stipulates that a victim in criminal proceedings may be a natural person to whom a criminal offense has caused moral, physical or material damage or a legal person to which a criminal offense has caused material damage.

The rights and obligations of the victim arise with the submission of a statement on a criminal offense committed against him/her or a statement on his/her involvement in proceedings as a victim.

At the same time, under part 7 of this Article, if the person has not submitted a statement on a criminal offense against him/her or a statement on his/her involvement in proceedings as a victim, the investigator, the prosecutor or the court has the right to recognize the person as a victim only with his/her written consent. In the absence of such consent, the person may be involved in criminal proceedings as a witness, if necessary. However, the provisions of this part do not apply to proceedings that may be instituted only on the basis of a statement by the victim (criminal proceedings in the form of private prosecution).

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

According to the Law of Ukraine "On Combating Trafficking in Human Beings", victims of trafficking can be provided with temporary shelter in the following facilities:

- centres of social services - 667;
- centres for the social and psychological rehabilitation of children - 82;
- shelters for children.

Moreover, Ukraine has centres of social and psychological support (18 are active) that provide assistance, including temporary shelter, to victims of trafficking.

In addition, Ukraine has specialized institutions:

- a) 111 institutions for the homeless, centres for the social adaptation of persons who have served punishment by restraint of liberty or imprisonment for a certain period;
- b) 287 boarding institutions in the system for the social protection of the population, including:
  - 49 children's homes for children and young people with disabilities resulting from physical, mental and intellectual disorders;
  - 145 neuropsychiatric boarding houses for disabled persons with mental illness;
  - 90 boarding houses for the elderly and persons with disabilities, geriatric nursing homes, boarding homes for war and labour veterans;
  - 3 special nursing homes for retired people—the elderly, persons with groups I and II disabilities.

These institutions provide social services to persons in accordance with the approved standards: the Ministry of Social Policy has issued orders, registered in the Ministry of Justice, to approve 19 state standards for the provision of social services:

- day care (No. 452 of 30 July 2013);
- home care (No. 760 of 13 November 2013);
- social reintegration of homeless people (No. 596 of 19 September 2013);
- shelter for homeless persons (No. 495 of 13 August 2013);
- social prevention of trafficking in human beings (No. 458 of 30 July 2013);
- social integration and reintegration of child victims of trafficking (No. 458 of 30 July 2013);
- social integration and reintegration of victims of trafficking (No. 458 of 30 July 2013);
- living support for the homeless (No. 372 of 3 April 2015);

- social adaptation (No. 514 of 18 May 2015); counselling (No. 678 of 2 July 2015);
- social prevention services (No. 912 of 10 September 2015);
- representation of interests (No. 1261 of 30 December 2015);
- palliative care (No. 58 of 29 January 2016);
- in-patient care for persons who have lost the ability of self-service or have not acquired this ability (No. 198 of 29 February 2016);
- social guidance for families (individuals) who are in difficult circumstances (No. 318 of 31 March 2016);
- emergency and crisis intervention (No. 716 of 1 July 2016);
- social services of mediation (No. 892 of 17 August 2016);
- social services of guidance in employment and at the workplace (No. 1044 of 21 September 2016);
- social integration of graduates of boarding institutions (No. 1067 of 26 September 2016).

The standardization of social services continues. The state standards of social services are gradually implemented by both state and non-state actors that provide social services.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

According to Article 14 of the Law of Ukraine "On Combating Trafficking in Human Beings", a victim of trafficking has the right to receive information concerning his/her rights and opportunities in the language he/she understands.

Therefore, all individuals who apply to the competent authorities for assistance are provided information about their rights and types and opportunities of assistance. In the case of foreigners or stateless persons, an interpreter is involved, and in the case of a child information is provided in a language accessible to children.

In addition, a person who wishes to obtain trafficking victim status should submit an application to the local administration, thus giving his/her consent to assistance and services. Moreover, the applicants indicates his/her willingness or unwillingness to cooperate with law enforcement authorities.

Furthermore, according to Order 4/5 of the Ministry of Social Policy and the Ministry of Internal Affairs of 11 January 2016 "On approval of the Instruction for the collection and monitoring of statistical information on victims of trafficking in human beings", the person responsible for the trafficking victim status procedure and a national police agency, in the case where the victim has applied, informs him/her or his/her legal representative about the possibility of receiving assistance, the types and conditions of assistance and the procedure of its provision. To confirm the receipt of this information, the victim signs the respective document. The following reference card is given to the victim:

Reference card for a victim of trafficking\*

1. Working conditions or provision of services do not match what was promised
2. Restrictions of free movement
3. Prohibition to freely communicate with family members
4. Forced to perform work or provide services
5. Use of violence or threats
6. Withholding or non-payment of earnings
7. Withdrawal of passport and other documents
8. Coercion to pay non-existent debts
9. Coercion to beg or engage in unlawful activities

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\* If at least some points apply to you, you are a victim of trafficking.

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**THE STATE PROTECTS YOUR RIGHT TO ASSISTANCE AND PROTECTION**

**THE STATE GUARANTEES ASSISTANCE:**

- medical (examination and treatment)
- asylum
- psychological (counselling, emotional support)
- social and pedagogical (recovery of social connections)
- legal (reissue of lost documents, legal counselling, drafting of claims for the compensation of moral and material damages, representation in court, etc.)
- one-time financial assistance
- with retraining or mastering a new specialty
- with employment or starting an own business
- with education and resumption of training
- return to the country of origin (for foreigners and stateless persons)
- with obtaining a compensation for moral and material damage (in a civil lawsuit in court)

\* If at least some points apply to you, receive information about the possibility of obtaining the status of a victim of trafficking and provision of the necessary assistance.

<p>_____</p> <p>(Phone number of responsible person and location of the structural unit of the local state administration responsible for the trafficking victim status procedure)</p>
<p>_____</p> <p>(Phone number of responsible person and address of criminal police unit)</p>

----- (cut here)

\_\_\_\_\_

(Full name of person (legal representative))      (signature)

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

A victim of trafficking who has been granted trafficking victim status receives the full range of social services according to the rehabilitation plan which is drawn up based on the assessment of the victim's needs. This status is declared for up to two years with the possibility to extension by one year upon a substantiated submission from the local state administration.

Moreover, if the victim needs social assistance, he/she can apply directly to a centre of social services for families, children and youth, which will assess his/her needs and draw up a rehabilitation plan according to which the victim will be provided social guidance and social services regardless of whether proceedings have been completed.

The list of services provided by social centres for families, children and young people:

- legal;
- psychological;
- social and medical;
- social and educational;
- socioeconomic;
- informational.

Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a

recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

The Ministry of Social Policy has prepared the draft Law of Ukraine "On Amending Certain Legislative Acts of Ukraine on Strengthening Combatting Trafficking in Human Beings and the Protection of Victims".

This draft law envisages amendments to the existing normative and legal acts on combating trafficking in human beings, namely the Law of Ukraine "On Combating Trafficking in Human Beings", the Law of Ukraine "On Local State Administrations", the Law of Ukraine "On Local Self-Government in Ukraine", the Law of Ukraine "On the Employment of the Population", the Law of Ukraine "On the Council of Ministers of the Autonomous Republic of Crimea", the Law of Ukraine "On the Legal Status of Foreigners and Stateless Persons" and the Law of Ukraine "On the Freedom of Movement and Free Choice of the Place of Residence in Ukraine".

The passage of this draft law will improve state policy on combatting trafficking in human beings, in particular by authorizing local self-government bodies to implement state policy on combating trafficking in human beings.

Inter alia, the draft law provides for a recovery and reflection period in the following redaction: a foreigner or a stateless person who has applied for the status of a victim of trafficking in Ukraine has the right to make a decision on cooperation with law enforcement authorities which he/she shall communicate to the relevant authority in writing within 30 days.

#### Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

According to the Law of Ukraine "On Combating Trafficking in Human Beings", a foreigner or a stateless person who has been granted trafficking victim status in the territory of Ukraine also has the right to permanent residence in Ukraine in the manner prescribed by law.

Under paragraph 8, part 2, article 4 of the Law of Ukraine "On immigration", persons who have continuously resided in Ukraine for three years from the date of obtaining trafficking victim status have the right to apply and receive an immigration permit, within the immigration quota.

The Ministry of Social Policy has declared trafficking victim status for six foreigners of whom five have received permanent residence permits in Ukraine.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?

A foreigner or a stateless person who has been granted trafficking victim status in the territory of Ukraine also has the right to temporary stay in Ukraine for up to three months with the possibility of extension, if necessary, in particular due to his/her participation in criminal proceedings as a victim or witness and to permanent residence in Ukraine according to the procedure prescribed by law.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

The legislation of Ukraine stipulates that a foreigner who is a victim of trafficking receives the same set of services as citizens of Ukraine and has an additional right to free interpretation services.

When foreigners or stateless persons apply for trafficking victim status to the local administration, they are issued, within two working days, a certificate of status application which is grounds for application for registration to the territorial agencies or units of the State Migration Service.

Upon receipt of a certificate of status declaration by a foreigner or a stateless person, the certificate of status application becomes invalid. The status entitles a foreign citizen to legally stay in Ukraine for the validity period of the status and receive the full range of social services regardless of his/her willingness to act as a witness in criminal proceedings.



## Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;

According to part three of article 29 of the Criminal Procedure Code of Ukraine, an investigating judge, court, prosecutor and investigator give participants in criminal proceedings who have no or insufficient command of the state language the right to testify, file motions and complaints, speak in court in their native or other language they speak and use, if necessary, interpretation services in the manner prescribed by this Code.

In the framework of criminal proceedings, article 56 of the Criminal Procedure Code of Ukraine provides that the victim has the right to give explanations, testify in his/her native or other language he/she speaks fluently and use interpretation services free of charge (at the expense of the state) in case he does not speak the state language or the language of the criminal proceedings.

b. access to free legal assistance and legal aid during investigations and court proceedings;

According to the Law of Ukraine "On Free Legal Assistance", the right to free secondary legal assistance as a form of state guarantee that consists in creating equal opportunities for access to justice is extended to the citizens of countries with which Ukraine has signed relevant international treaties on legal assistance, ratified by the Verkhovna Rada of Ukraine, as well as to foreigners and stateless persons in accordance with international treaties of which Ukraine is a party if such agreements require member states to provide legal assistance free of charge to certain categories of persons.

In addition, foreigners and stateless persons detained for the purpose of identification and forced expulsion enjoy the right to such assistance from the moment of detention.

Other rights established by special laws, other than those specified by the Law of Ukraine "On Combating Trafficking in Human Beings", are as follows:

- the right to free legal assistance;

- the right to security of persons involved in criminal proceedings (right to protection of life, residence, health and property of individuals from unlawful attempts, aimed at creating conditions necessary for the proper administration of justice).

Additional rights for some categories are established by the Laws of Ukraine "On Free Legal Assistance" and "On Ensuring the Safety of Persons Participating in Criminal Proceedings".

The Law of Ukraine "On Free Legal Assistance" determines, according to the Constitution, the content of the right to free legal aid, the procedure for exercising this right, the grounds and procedure for the provision of legal assistance and state guarantees of its provision.

According to the said law, free legal assistance is legal assistance guaranteed by the state and wholly or partly provided with financing from the state budget of Ukraine, local budgets and other sources.

The right to free legal assistance is a constitutionally guaranteed possibility of a Ukrainian citizen, foreigner, stateless person, including refugees or persons in need of subsidiary protection, to receive primary legal assistance in full amount and free of charge and the possibility of a certain category of persons to receive secondary legal assistance free of charge.

Free primary legal assistance is a kind of state guarantee which consists in informing a person about his/her rights and freedoms, the procedure for exercising them, restoring them in case of violation and the procedure for appealing against decisions, actions or omissions of state authorities, local self-government bodies and officials.

Free primary legal assistance includes the following types of legal services:

- 1) provision of legal information;
- 2) provision of counselling and clarification of legal issues;
- 3) drafting applications, complaints and other legal documents (except documents of procedural nature);
- 4) provision of assistance for access to secondary legal assistance and mediation.

Free secondary legal assistance is a kind of state guarantee which consists in creating equal opportunities for access to justice.

Free secondary legal assistance includes the following types of legal services:

- 1) protection;
- 2) representation of the interests of persons entitled to free secondary legal assistance in courts, other government agencies, local self-government bodies and before persons;
- 3) drafting procedural documents.

c. compensation from the perpetrator;

According to part one of article 128 of the Criminal Procedure Code of Ukraine, the person to whom pecuniary and/or non-pecuniary damage has been caused by a criminal offence or another socially dangerous shall have the right to enter a civil action, in the course of criminal proceedings before the trial has commenced, against the suspect, accused or a natural or legal person civilly liable by law for the damage caused by the acts of the suspect, accused or insane person who has committed a socially dangerous act.

d. compensation from the state;

The Law of Ukraine "On the Procedure of Compensating Damages Caused by the Unlawful Actions of the Search and Investigation Bodies, Pre-Trial Investigation Bodies, the Prosecutor's Office and Court" applies to all categories of persons and provides for their right to claim compensation for the unlawful actions of law enforcement officers.

Under Article 96-1 of the Criminal Code of Ukraine, special confiscation is forced uncompensated seizure by a court order and transfer to state ownership of money, valuables and other property in cases stipulated by the Criminal Code in the case of commission of an intentional crime or a socially dangerous act that falls under the description of an offense in the Special Section of the Criminal Code for which the principal penalty is deprivation of liberty or a fine of more than 3,000 tax-free minimum incomes and also provided for by individual articles of the Criminal Code.

When a decision is made on special confiscation, the first question to be resolved is that of restitution of money, valuables and other property to the owner (rightful holder) and/or about compensation of damages caused by the criminal offense (part 10 of article 100 of the Criminal Procedure Code).

At the same time, part two of article 127 of the Criminal Procedure Code provides that damages caused by a criminal offense or other socially dangerous acts may be charged by a judgment based on the hearing of a civil action in criminal proceedings.

The person to whom the criminal offense or other socially dangerous acts has caused pecuniary and/or moral damages has the right to enter a civil action, in the course of criminal proceedings before the trial has commenced, against the suspect, accused or a natural or legal person civilly liable by law for the damage caused by the acts of the suspect, accused or insane person who has committed a socially dangerous act (part one of article 128 of the Criminal Procedure Code).

e. compensation for unpaid wages to victims of trafficking. Please provide examples of compensation awarded and effectively provided to victims of THB.

According to the Law of Ukraine "On Combating Trafficking in Human Beings", a victim of trafficking has the right to receive one-time financial assistance paid from the state budget of Ukraine.

In 2016, amendments were made to Regulation No. 660 of the Cabinet of Ministers of Ukraine of 25 July 2012 "On Approval of the Procedure for Payment of One-Time Financial Assistance to Victims of Trafficking", and the size of one-time financial assistance was increased. Starting from 1 January 2017, this assistance is equal to three times the subsistence rate for the relevant category of citizens:

- children under 6 – UAH 4,278;
- children aged 6-18 – UAH 5,331;
- working persons – UAH 5,052;
- incapacitated persons – UAH 3,936.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

Since trafficking in human beings ranks third in terms of profitability after drugs and arms trafficking, the issue of quality financial investigations in criminal proceedings in this category is part of a successful investigation as a whole, with a view to bringing the perpetrators to justice and complete elimination of the existing channels of trafficking as a matter of top priority.

Over the past two years, the National Police has not detected any criminal offenses under Article 209 (Legalization (laundering) of proceeds from crime) of the Criminal Code of Ukraine in criminal proceedings related to trafficking in human beings.

The last time two such proceedings were opened was in 2014, which reaffirms the need for training in financial investigations among the staff of the National Police.

Article 131 of the Criminal Procedure Code of Ukraine defines seizure of property as one of the measures of ensuring criminal proceedings.

Thus, according to part 1 of article 170 of the Criminal Procedure Code of Ukraine, seizure of property means temporary deprivation, by a ruling of the investigating judge or court, of the possibility to dispose of, manage and/or use certain property regarding which there are reasonable grounds or suspicion to believe that it is evidence of a crime, subject to special confiscation from an accused, indicted or convicted person or third persons, subject to confiscation from a legal person in order to secure a civil claim or recover unlawful benefits from a legal person, or possible confiscation of property, until revocation of such seizure of property, according to the procedure established by this Code.

Pursuant to the requirements of part two of this article, seizure of property is allowed for the following purposes:

- 1) securing evidence;
- 2) special confiscation;
- 3) confiscation of property as punishment or a criminal law measure against a legal person;
- 4) compensation of damages caused as a result of a criminal offense (civil action) or the recovery of an unlawful benefit from a legal person.

In April 2017, the Ministry of Social Policy in cooperation with a representative of the Secretariat of the Council of Europe conducted counter-trafficking training for 60 law enforcement officers, including prosecutors, representatives of the State Financial Monitoring Service and representatives of international organizations regarding financial investigations in criminal proceedings on charges of trafficking in human beings. There is a plan to continue this practice.

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

Article 56 of the Criminal Procedure Code of Ukraine stipulates that in the course of criminal proceedings the victim is entitled to compensation for the damage caused by a criminal offense in the manner prescribed by law.

Article 55 of the Criminal Code of Ukraine clearly stipulates that the rights and obligations of a victim arise with the submission of a statement on a criminal offense committed against him/her or an application to be involved in the proceedings as a victim.

In addition, part six of the same article states that if a criminal offence caused death of a person, or if this person's condition prevents the person from filing an appropriate application, provisions of part three of this article shall apply to close relatives or family members of such a person. One person from among close relatives or family members who has filed an application to be engaged in proceedings as a victim shall be recognized to be a victim, and upon a relevant application several persons may be recognized to be victims.

When the person, whose condition prevented him or her from filing an appropriate application, recovers to be able to exercise the procedural rights, he/she may file an application requesting to be engaged in the proceedings as a victim.

#### Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement principle*)? How is risk assessment carried out when deciding upon return and repatriation

of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

Foreign diplomatic missions of Ukraine maintain constant working contacts with relevant international and non-government organizations, such as the International Organization for Migration (IOM), the National Council of Women of Ukraine, the International Women's Rights Centre "La Strada – Ukraine" and Caritas-Ukraine. These organizations implement programs for victims of trafficking. Based on the results of such cooperation and with the support of foreign diplomatic missions of Ukraine, 16 citizens of Ukraine trafficked in 2015 in foreign countries were returned to Ukraine: five persons from Turkey, five from Lebanon, three from Cyprus, two from Italy and one person from China. In 2016, 32 Ukrainian citizens trafficked in foreign countries were returned to Ukraine. The majority of cases were linked to forced labour and the provision of paid sexual services.

In each such case, the Ministry of Foreign Affairs of Ukraine in cooperation with competent Ukrainian and foreign authorities implements a set of activities to ensure proper response to trafficking crimes committed against our compatriots abroad in order to protect their rights and interests, provide available information for criminal prosecution of the perpetrators and ensure the security of victims during their stay abroad and their unimpeded return to Ukraine.

The Ministry of Foreign Affairs of Ukraine informs on a regular basis law enforcement agencies of Ukraine about Ukrainian citizens detained abroad on charges of trafficking in human beings.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

No cases of return of Ukrainian citizens trafficked against their will have been identified.

#### Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

Grounds for the application of criminal law measures against a legal person are stipulated in article 96-2 of the Criminal Code of Ukraine.

One of the grounds is the commission of crimes under certain articles of the Criminal Code of Ukraine by an authorized person on behalf of and in the interests of a legal person. These article do not include article 149 of the Criminal Code of Ukraine "Trafficking in human beings or other illegal agreement on person".

At the same time, crimes under article [146](#) "Illegal deprivation of liberty or kidnapping" and article [147](#) "Hostage taking" of the Criminal Code of Ukraine are recognized as being committed in the interests of a legal person if they have caused this person to obtain an unlawful benefit, or created conditions for obtaining such benefits, or were aimed at evading liability envisaged by law.

#### Aggravating circumstances (Article 24)

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

The National Police are developing criminal proceedings under part two of article 149 of the Criminal Code of Ukraine over illegal actions by the unidentified officials of a company. Since March 2014, using the vulnerable condition and a difficult financial situation of the victims, they fraudulently recruited them for traveling to the Russian Federation for the purpose of engaging in criminal activity, namely committing acts related to drug trafficking.

### Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

Non-punishment is defined in the Criminal Code of Ukraine.

Under article 74 of the Criminal Code of Ukraine, court is the body authorized to exempt a person from punishment.

Norms contained in section XII of the Criminal Code define non-punishment is defined as:

- exemption from punishment when making a judgment (parts 4-5 of article 74, part 2 of article 84, part one of article 105 of the Criminal Code of Ukraine);

- exemption from serving a sentence imposed by court (part 5 of article 72, articles 75, 79, 104 and 85 of the Criminal Code of Ukraine).

An example of taking into consideration the exceptional circumstances that characterize the personality of the accused is a verdict of the Prymorsky District Court of Odesa of 8 December 2016. Exempting a person from punishment under part two of article 149 of the Criminal Code of Ukraine, the court took into consideration the sincere repentance of the convicted person, active assistance in investigating the crime, no claims for material or moral damages from the victims and the fact that this person was raising two minor children, was positively characterized by others and had numerous letters of acknowledgement for volunteerism.

### Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

The question of bringing to criminal responsibility is decided based on information about the territory of the crime (in Ukraine or abroad), the severity of the crime and the nationality of persons.

Under article 6 of the Criminal Code of Ukraine, persons who committed crimes in the territory of Ukraine shall be criminally liable under this Code, as a general rule.

According to part one of article 7 of the Criminal Code of Ukraine, citizens of Ukraine and stateless persons permanently residing in Ukraine who have committed crimes abroad shall be criminally liable under this Code unless otherwise provided by international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

According to part one of article 8 of the Criminal Code of Ukraine, foreign nationals or stateless persons not residing permanently in Ukraine, who have committed criminal offenses outside Ukraine, shall be criminally liable in Ukraine under this Code in such cases as provided for by the international treaties, or if they have committed grave crimes or crimes of special gravity against the rights and freedoms of Ukrainian citizens or interests of Ukraine as prescribed by this Code.

Moreover, the Criminal Procedure Code of Ukraine provides for the following forms of international cooperation in criminal proceedings as international legal assistance during legal proceedings, extradition of offenders, takeover of criminal proceedings which consists in taking the necessary measures for effective pre-trial investigation, trial and bringing perpetrators to justice.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

a. setting up specialised investigation units and the number of staff involved;

The structure of the National Police includes a specialized unit, namely the Department for Combatting Trafficking Crimes, which is tasked with implementing state policy on combating trafficking in human beings, prevention, detection, suppression and solving of criminal offenses related to illegal immigration and offenses against public morality.

Similar units operate in all oblast centres of Ukraine.

The total number of staff in units for combatting trafficking in human beings in Ukraine is 376 persons.

Of this number, 22 work in the central office (one is not certified) and 354 are employees of regional units (nine are not certified).

Letter No. No. 04/2 /4-484vykh-22okv-15 of the Deputy Prosecutor General of Ukraine of 10 March 2015 ordered heads of regional prosecutor's offices to fix specialization in the distribution of duties for the implementation of procedural oversight in criminal proceedings on charges of trafficking in human beings. In each oblast, a prosecutor has been assigned procedural oversight in such proceedings. In large regions, for example, in the city of Kyiv, up to four officials in the prosecutor's office may have this specialization.

b. exchange of information with, and obtaining evidence from, other parties;

Investigation, exchange of information and gathering of evidence are carried out in line with the requirements of the criminal procedural legislation of Ukraine.

In the course of investigation in criminal proceedings over trafficking crimes, exchange of information on agents and collecting evidence from them are carried out in accordance with law.

c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;

One of the main tasks of the Department for Combatting Trafficking Crimes in the National Police of Ukraine is the prevention, detection, termination and solving of criminal offenses under article 149 of the Criminal Code of Ukraine (Trafficking in human beings or other illegal agreement on person).

According to article 84 of the Criminal Procedure Code, in criminal proceedings evidence is factual knowledge, which has been obtained in a manner prescribed in the present Code on the grounds of which an investigator, public prosecutor, investigating judge and court establish the presence or absence of facts and circumstances which are important for the criminal proceedings and are to be proved.

Procedural sources of evidence are testimonies, objects, documents and expert findings.

Under article 93 of the Criminal Procedure Code, collection of evidence is carried out by parties to criminal proceedings and the victim in accordance with the procedure laid down in by the present Code.

The prosecution collects evidence by way of conducting investigative (search) actions and covert investigative (search) actions, by demanding and obtaining objects, documents, information, expert opinions, audit results and inspection reports from state authorities, local self-government bodies, enterprises, institutions and organizations, officials and natural persons, as well as by conducting other procedural actions specified by the present Code.

Evidence may be obtained in the territory of a foreign state as a result of international cooperation in the course of criminal proceedings.

In the course of a pre-trial investigation, a set of special investigative techniques envisaged by law is used.

Information about the involvement of informants and undercover agents contains classified data.

At the same time, a set of covert investigative (detective) actions is carried out in the course of a pre-trial investigation under Chapter 21 of the Criminal Procedure Code.

Covert investigative (detective) actions are carried out exclusively in criminal proceedings over grave and crimes of special gravity.

Audio and video surveillance of a person (article 260 of the Criminal Procedure Code of Ukraine) is the covert recording and processing of conversations or other sounds, movements, actions related to a person's activity or place of stay, etc. which is carried out without the person's knowledge.

Arrest of correspondence (article 261 of the Criminal Procedure Code of Ukraine) is a prohibition to communications and financial institutions to deliver correspondence to the addressee without an instruction from the investigator or prosecutor.

Inspection and seizure of correspondence (article 262 of the Criminal Procedure Code of Ukraine) is covert opening and examination of arrested correspondence, its seizure, copying or obtaining samples, attachment of special labels to the discovered items and documents, equipping them with

technical means of control, replacement of items and substances that are dangerous to others or prohibited in free circulation.

Collecting information from transport telecommunication networks is covert surveillance, collection and recording, with the use of appropriate technical equipment, of the content of information transmitted by a person, as well as reception, transformation and recording of various types of signals transmitted via communication channels (signs, signals, written text, images, sounds and messages of any kind).

Collecting information from transport telecommunication networks is divided into:

- monitoring of telephone conversations, i.e., covert surveillance, collection and recording of the content of telephone conversations, other information and signals (SMS, MMS, fax, modem communications, etc.), transmitted over a monitored telephone channel, with the use of appropriate technical equipment, including those installed on transport telecommunication networks;

- collecting information from communication channels, which is covert reception, transformation and recording, in the appropriate format and with the use of appropriate technical equipment, including those installed on transport telecommunication networks, of signals transmitted via the communication channels of the Internet and other monitored data networks.

Collecting information from electronic information systems without the knowledge of its owner, possessor or keeper (article 264 of the Criminal Procedure Code of Ukraine) is the reception of information, including with the use of technical equipment contained in electronic computers, automatic systems and computer networks.

Inspecting publicly inaccessible places, residence or any other property of a person (article 267 of the Criminal Procedure Code of Ukraine) is the covert penetration of an investigator or an authorized person, without the knowledge of the owner or possessor, under a pseudonym or using technical equipment, into a building and other property to install technical means of audio and video surveillance of a person or to directly identify and record the traces of a crime, inspect the premises, find documents and items important for pre-trial investigation, to make copies or take samples, identify wanted persons, or for other purposes to achieve the objectives of criminal proceedings.

Surveillance of a person in publicly accessible places (article 269 of the Criminal Procedure Code of Ukraine) is the visual surveillance of a person by an investigator or an authorized person to record the person's movement, contacts, behavior, stay in a certain publicly accessible place, etc. or the use of special surveillance equipment for this purpose.

Audio and video surveillance of a place (article 270 of the Criminal Procedure Code of Ukraine) is the use of technical equipment in a publicly accessible place to record information (conversations, behaviour of persons or other events) that are relevant for criminal proceedings, without the knowledge of the people present.

Covertly obtaining samples necessary for comparative analysis (article 274 of the Criminal Procedure Code of Ukraine) is the actions of the investigator or an authorized person to obtain samples of materials, raw stuff, products, etc., including in publicly inaccessible places, without the knowledge of the owner or possessor.

Surveillance of a thing or place in publicly accessible locations (article 269 of the Criminal Procedure Code of Ukraine) is the visual surveillance of a certain thing or a certain place by the investigator or an authorized person in order to record its movement, contacts made by certain individuals and events in a certain place to verify information during the pre-trial investigation of a grave crime or a crime of special gravity or application of special surveillance equipment for this purpose.

Control of the commission of a crime (article 271 of the Criminal Procedure Code of Ukraine):

- Controlled delivery is the organization and implementation by the investigative and operational units of control over the movement (transportation, transfer, handover, import, export from Ukraine or transit across its territory) of products, objects and substances, including those prohibited from circulation, in order to detect signs of a crime and record evidence of the commission of illegal acts punishable under the Criminal Code of Ukraine.

- Controlled purchase is the simulation of purchase or receipt, including free of charge, from natural and legal persons, regardless of the type of ownership of merchandise, which is in free circulation, in order to expose and document the commission of a crime and the perpetrator.



- Operational purchase is the simulation of purchase or receipt, including free of charge, from natural and legal persons, regardless of the type of ownership of merchandise, which is prohibited from free circulation or allowed limited circulation by current laws, in order to expose and document the commission of a crime and the perpetrator.

- Special investigative experiment is conducted when the investigative and operational units create suitable conditions in a situation maximally close to a real one in order to test the true intentions of a person whose actions have perceived signs of a grave crime or a crime of special gravity and to monitor his/her behaviour and decision making regarding the commission of a crime.

- Simulation of the crime situation is actions taken by the investigator or an authorized person using simulation tools that create an illusion of a real crime being committed among the present with the aim of preventing and detecting a known or unknown person (or persons) who planned or ordered its commission.

A special assignment to expose the criminal activities of an organized group or criminal organization (article 272 of the Criminal Procedure Code of Ukraine) is when the investigative and operational units plant a person, whom they authorize and who is fulfilling a special assignment according to law, into an organized group or a criminal organization with an alias in order to obtain objects and documents, information about its structure, ways and methods of its criminal activity, which are important for the investigation of a crime or crimes committed by these groups.

This assignment is performed on the basis of a resolution of the investigator agreed upon by the head of a pre-trial investigation body or a resolution of a prosecutor, with the true identity of the person kept in secret. This assignment does not require the permission of the investigating judge.

Covert investigative (detective) actions which are carried out regardless of the severity of the crime.

Collecting information from electronic information systems or parts thereof the access to which is not restricted by the system's owner, possessor or keeper, or is not related to circumventing a system of logical protection (part two of article 264 of the Criminal Procedure Code of Ukraine) is collecting information from electronic information systems that contain relevant information, including with the use of technical equipment.

Establishing the location of a radio electronic device (article 268 of the Criminal Procedure Code of Ukraine) involves the use of technological devices to locate a radio electronic device, including a mobile communication terminal, and other radio-emission devices activated in the networks of mobile communication operators, without disclosure of the content of transmitted messages, if such action makes it possible to establish the circumstances that are important for criminal proceedings.

Covert investigative (detective) actions sanctioned only by article 268 (Establishing the location of a radio electronic device) and 269 (Surveillance of a person, thing or place) is permitted in exceptional cases of emergency as defined in article 250 of the Criminal Procedure Code of Ukraine prior to the ruling of the investigating judge.

The procedure, tactics and methods of some covert investigative (detective) actions and interaction between authorized operational units that fulfil the order of the investigator and prosecutor to conduct them with persons (units) involved in such actions are governed by a separate legal act issued by the bodies to which the authorized operational units belong.

An analysis of criminal proceedings in cases of trafficking in human beings has revealed that in most cases the traffickers used the Internet to recruit potential victims.

In particular, traffickers created various groups in social networks where they posted veiled offers of employment abroad with promises of high earnings.

To date, the National Police has developed a mechanism for investigating trafficking crimes committed with the use of high computer technologies.

The training course "Detect, preventing and investigating trafficking crimes committed using information technologies" was developed and implemented in 2015 with support from the Canadian government and the USCE Project Coordinator in Ukraine.

Police units for combatting trafficking crimes, investigators and cyber police officers are successfully taking this training course at present.

Since trafficking in human beings ranks third in terms of profitability after drugs and arms trafficking, the issue of quality financial investigations in criminal proceedings in this category is part of a

successful investigation as a whole, with a view to bringing the perpetrators to justice and complete elimination of the existing channels of trafficking as a matter of top priority.

Over the past two years, the National Police has not detected any criminal offenses under Article 209 (Legalization (laundering) of proceeds from crime) of the Criminal Code of Ukraine in criminal proceedings related to trafficking in human beings.

The last time two such proceedings were opened was in 2014, which reaffirms the need for training in financial investigations among the staff of the National Police.

At the stage of pre-trial investigation of criminal proceedings in trafficking cases, an investigation and operation team involving investigators and operatives and, if necessary, employees of the State Border Guard Service is set up for each proceedings.

d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;

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In particular, traffickers created various groups in social networks where they posted veiled offers of employment abroad with promises of high earnings.

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e. financial investigations to disrupt criminal money flows and ensure asset recovery;

Over the past two years, the National Police has not detected any criminal offenses under Article 209 (Legalization (laundering) of proceeds from crime) of the Criminal Code of Ukraine in criminal proceedings related to trafficking in human beings.

The last time two such proceedings were opened was in 2014, which reaffirms the need for training in financial investigations among the staff of the National Police.

At the stage of pre-trial investigation of criminal proceedings in trafficking cases, an investigation and operation team involving investigators and operatives and, if necessary, employees of the State Border Guard Service is set up for each proceedings.

f. use of joint investigation teams (JITs)

No international joint investigation groups to investigate trafficking crimes have been formed.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

According to the verdict of the Ternopil City District Court in Ternopil Oblast of 2 March 2014, M. was convicted under part 2 of article 149 of the Criminal Code of Ukraine for the recruitment, transportation and transfer of persons committed for the purpose of exploitation (removal of organs) using a vulnerable condition of the victim. The court found that each of the five victims gave consent to the removal of their kidneys for a certain amount of remuneration (USD 10,000). Three of the victims voluntarily, without any coercion, took a flight to another state. To qualify the defendant's actions under article 149 of the Criminal Code Ukraine, the vulnerable condition of the victims was taken into consideration. This condition was caused by financial hardship, lack of property with which to pay off debts, inability to find a job and the presence of dependent minors. M. used this condition of

vulnerability to commit criminal actions against them and was found guilty and sentenced to imprisonment.

#### Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

In cases when the investigation finds evidence of illegal influence on a victim, witness, another suspect, the accused, expert or a specialist in criminal proceedings, the preventive measure of holding in custody may be applied.

Furthermore, security measures stipulated by the Law Ukraine "On Ensuring the Safety of Persons Participating in Criminal Proceedings".

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

In cases when the investigation finds evidence of illegal influence on a victim, witness, another suspect, the accused, expert or a specialist in criminal proceedings, the preventive measure of holding in custody may be applied.

Furthermore, security measures stipulated by the Law Ukraine "On Ensuring the Safety of Persons Participating in Criminal Proceedings".

The status of a victim of trafficking, declared by the Social Policy Ministry, encourages, inter alia, the victims to testify because the person is provided the full range of social guidance and services, as well as one-time financial assistance.

#### Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

The question of bringing to criminal responsibility is decided based on information about the territory of the crime (in Ukraine or abroad), the severity of the crime and the nationality of persons.

Under article 6 of the Criminal Code of Ukraine, persons who committed crimes in the territory of Ukraine shall be criminally liable under this Code, as a general rule.

According to part one of article 7 of the Criminal Code of Ukraine, citizens of Ukraine and stateless persons permanently residing in Ukraine who have committed crimes abroad shall be criminally liable under this Code unless otherwise provided by international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

According to part one of article 8 of the Criminal Code of Ukraine, foreign nationals or stateless persons not residing permanently in Ukraine, who have committed criminal offenses outside Ukraine, shall be criminally liable in Ukraine under this Code in such cases as provided for by the international treaties, or if they have committed grave crimes or crimes of special gravity against the rights and freedoms of Ukrainian citizens or interests of Ukraine as prescribed by this Code.

Moreover, the Criminal Procedure Code of Ukraine provides for the following forms of international cooperation in criminal proceedings as international legal assistance during legal proceedings, extradition of offenders, takeover of criminal proceedings which consists in taking the necessary measures for effective pre-trial investigation, trial and bringing perpetrators to justice.

## International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

In the context of combatting trafficking in human beings, Ukraine is a party to the following multilateral agreements that regulate mutual legal assistance:

- 1) European Convention on Extradition, 1957;
- 2) European Convention on Mutual Assistance in Criminal Matters, 1959;
- 3) European Convention on the Transfer of Proceedings in Criminal Matters, 1972;
- 4) Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, 1993;
- 5) United Nations Convention against Transnational Organized Crime, 2000;
- 6) Council of Europe Convention on Action against Trafficking in Human Beings, 2005;
- 7) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007;
- 8) United Nations Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949.

Ukraine has also signed the following bilateral agreements:

1.	<a href="#">Agreement between Ukraine and the People's Republic of China on Legal Assistance in Civil and Criminal Cases</a> (ratified on 5 February 1993, came into force on 19 January 1994)	31 November 1992
2.	<a href="#">Agreement between Ukraine and the Republic of Poland on Legal Assistance and Legal Relations in Civil and Criminal Cases</a> (ratified on 4 February 1994, came into force on 4 April 1994)	24 April 1993
3.	<a href="#">Agreement between Ukraine and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases</a> (ratified on 17 December 1993, came into force on 19 December 1994)	7 July 1993
4.	<a href="#">Agreement between Ukraine and the Republic of Moldova on Legal Assistance and Legal Relations in Civil and Criminal Cases</a> (ratified on 10 November 1994, came into force on 24 February 1995)	13 December 1993
5.	<a href="#">Agreement between Ukraine and the Republic of Georgia on Legal Assistance and Legal Relations in Civil and Criminal Cases</a> (ratified on 22 November 1995, came into force on 5 December 1996)	9 January 1995
6.	<a href="#">Agreement between Ukraine and the Republic of Estonia on Legal Assistance and Legal Relations in Civil and Criminal Cases</a> (ratified on 22 November 1995, came into force on 17 May 1996)	15 February 1995
7.	<a href="#">Agreement between Ukraine and the Republic of Latvia on Legal Assistance and Legal Relations in Civil, Family, Labor and Criminal Cases</a> (ratified on 22 November 1995, came into force on 12 July 1996)	23 May 1995
8.	<a href="#">Agreement between Ukraine and Mongolia on Legal Assistance in Civil and Criminal Cases</a> (ratified on 1 November 1996, came into force on 1 August 2002)	27 June 1995
9.	<a href="#">Agreement between Ukraine and Canada on Mutual Assistance in Criminal Cases</a> (ratified on 17 December 1997, came into force on 1 March 1999)	23 September 1996
10.	<a href="#">Agreement between Ukraine and the United States of America on Mutual Legal Assistance in Criminal Cases</a> (ratified on 10 February 2000, came into force on 27 February 2001)	22 July 1998
11.	<a href="#">Agreement between Ukraine and the People's Republic of China on Extradition</a> (ratified on 21 October 1999, came into force on 13 July 2000)	10 December 1998

12.	<a href="#">Agreement between Ukraine and the Socialist Republic of Vietnam on Legal Assistance and Legal Relations in Civil and Criminal Cases</a> (ratified on 2 November 2000, came into force on 18 August 2002)	6 April 2000
13.	<a href="#">Agreement between Ukraine and the Federative Republic of Brazil on Mutual Assistance in Criminal Cases</a> (ratified on 6 March 2003, came into force on 24 October 2006)	16 January 2002
14.	<a href="#">Agreement between Ukraine and the Republic of India on Mutual Legal Assistance in Criminal Cases</a> (ratified on 6 March 2003, came into force on 12 September 2003)	3 October 2002
15.	<a href="#">Agreement between Ukraine and the Republic of India on Extradition of Offenders</a> (ratified on 6 March 2003, entered into force on 18 January 2007)	3 October 2002
16.	<a href="#">Agreement between Ukraine and the Republic of Cuba on Legal Relations and Legal Assistance in Civil And Criminal Cases</a> (ratified on 10 December 2003, came into force on 6 January 2004)	27 March 2003
17.	<a href="#">Agreement between Ukraine and Hong Kong, a Special Administrative Region of the People's Republic of China, on Mutual Legal Assistance in Criminal Cases</a> (ratified on 20 November 2003, current)	2 April 2003
18.	<a href="#">Agreement between Ukraine and the Democratic People's Republic of Korea on Legal Assistance in Civil and Criminal Cases</a> (ratified on 4 June 2004, came into force on 17 December 2004)	13 October 2003
19.	<a href="#">Agreement between Ukraine and the Federative Republic of Brazil on Extradition of Offenders</a> (ratified on 1 July 2004, came into force on 7 August 2004)	21 October 2003
20.	<a href="#">Agreement between Ukraine and the Republic of Panama on Mutual Legal Assistance in Criminal Cases</a> (ratified on 12 May 2004, entered into force on 28 August 2004)	4 November 2003
21.	<a href="#">Agreement between Ukraine and the Republic of Panama on Extradition of Offenders</a> (ratified on 12 May 2004, came into force on 28 August 2004)	4 November 2003
22.	<a href="#">Agreement between Ukraine and the Islamic Republic of Iran on Extradition of Offenders</a> (ratified on 06.07.05, entered into force on 17.07.2008)	11.05.2004
23.	<a href="#">Agreement between Ukraine and the Islamic Republic of Iran on Legal Relations and Legal Assistance in Civil and Criminal Cases</a> (ratified on 7 September 2005, came into force on 31 August 2007)	11 May 2004
24.	<a href="#">Agreement between Ukraine and the Arab Republic of Egypt on Extradition of Offenders</a> (ratified on 22 June 2005, came into force on 19 January 2006)	10 October 2004
25.	<a href="#">Agreement between Ukraine and the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Cases</a> (ratified on 22 June 2005, came into force on 19 January 06)	10 October 2004
26.	<a href="#">Agreement between Ukraine and the Great Socialist People's Libyan Arab Jamahiriya on Legal Assistance in Civil and Criminal Cases</a> (ratified on 10 June 2009, came into force on 12 July 2009)	8 April 2008
27.	<a href="#">Agreement between Ukraine and the Syrian Arab Republic on Legal Relations and Mutual Legal Assistance in Civil and Criminal Cases</a> (ratified on 18 November 2009, came into force on 30 January 2011)	9 October 2008
28.	<a href="#">Agreement between Ukraine and the United Arab Emirates on Extradition of Offenders</a> (ratified on 5 June 2013, entered into force on 20 February 2014)	26 November 2012
29.	<a href="#">Agreement between Ukraine and the United Arab Emirates on Mutual Assistance in Criminal Cases</a> (ratified on 19 June 2013, entered into force on 20 February 2014)	26 November 2013

Under the provisions of article 544 of the Criminal Procedure Code of Ukraine in the absence of an international agreement of Ukraine, international legal assistance or other cooperation may be provided on the basis of a request from another state or requested on the basis of reciprocity.

When sending a request to such a state, the authorized (central) authority of Ukraine guarantees in writing to the requested party that it will consider its request for the same kind of international legal assistance in the future.

In the absence of an international agreement with the another state, the authorized (central) authority of Ukraine sends a request for international legal assistance to the Ministry of Foreign Affairs of Ukraine to further transfer to the competent authority in the requested party via diplomatic channels.

#### Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

The National Police of Ukraine carries out international cooperation in accordance with article 4 of the Law of Ukraine "On the National Police", including the following:

Relations in the areas of police activity with the relevant bodies of other countries and international organizations are based on international treaties, as well as the statutory regulations and rules of international organizations of which Ukraine is a member.

Police officers can be sent to international organizations and foreign states as police representatives in order to ensure coordination and cooperation on issues within the competence of the police.

Police officers may be involved in international peacekeeping and security operations.

Considering the transnational nature of trafficking in human beings, successful prosecution of traffickers by Ukrainian law enforcement officers largely depends on the quality of interaction with the law enforcement officers of the states crossed by international channels.

International cooperation in criminal proceedings is carried out in accordance with Chapter IX of the Criminal Procedure Code of Ukraine.

A variation of this type of interaction is also the fulfilment of requests for international legal assistance in criminal cases. Despite the fact that there are "intermediaries"—prosecution bodies (the Ministry of Justice at the stage of trial)—between law enforcement agencies in this case, the former are state authorities. This is not their core type of activity and they, naturally, have nothing to do with international law enforcement organizations.

Cooperation in this area is carried out by the parties within their competence on the following issues:

- delivery of documents;
- execution of certain procedural actions;
- opening criminal prosecution;
- summoning witnesses and temporary discharge of persons held in custody for questioning as a witness;
- extradition of persons subject to criminal prosecution or for serving a sentence according to a court verdict;
- detention and arrest of persons subject to extradition;
- obtaining information about cash flow on bank accounts and imposing an arrest on them;
- handover of items that are important as evidence in a criminal case;
- returning stolen property and illegally acquired objects or valuables;
- obtaining other information related to the investigation of criminal offenses.

Cooperation with the involvement of international governmental and non-governmental organizations takes place primarily in areas that go beyond the competence of government agencies. These include, in particular, work with victims of trafficking. They receive largely law enforcement and civil law assistance from government agencies, while requiring support of a much larger volume. In such circumstances, international governmental and non-governmental organizations assume part of the

functions of protecting the rights and legitimate interests of victims of trafficking, providing them with reintegration, rehabilitation, financial, psychological and medical assistance.

INTERPOL is a leading international organization which, due to its unique structure, legal framework and technical equipment, provides effective and rational coordination of international police cooperation.

According to the laws of Ukraine, the activities of INTERPOL consist in organizing informational support for criminal proceedings and operational and search cases in which proceedings are held in law enforcement agencies and in foreign countries.

To this end, INTERPOL carries out the following:

- exchange of information between the law enforcement agencies of Ukraine and foreign countries in the course of proceedings in criminal and operational search cases in order to organize the necessary checks and operational and search activities;

- organizes international search for the accused and defendants that are in hiding from law enforcement agencies in order to evade criminal liability and are on a national or international wanted list; organizes the extradition of such persons to Ukraine;

- searching for missing persons, children adopted by foreign nationals in Ukraine when Ukraine receives no information about their location and living conditions, victims of trafficking, searching for stolen vehicles, cultural valuables and antiques, identification of individuals and unidentified corpses, etc.

Analytical projects on human trafficking are implemented by the General Secretariat with the participation of Interpol member countries concerned. For example, the Red Routes project has analyzed information from all countries of Europe, Central and Southeast Asia and the Middle East. The purpose of the project is to monitor the situation regarding the trafficking of women from Eastern Europe and the former Soviet countries of Asia. In particular, the specified project contains statistical information on the countries of origin and countries of destination of victims, trafficking routes, the characteristics of organized crime groups involved in this type of criminal business, distribution by age and other characteristics of victims and suspects. In addition, the project created a database of victims and suspects of trafficking crime.

Under article 16 of the Law of Ukraine "On Combating Trafficking in Human Beings", if the agents for combating trafficking in human beings have motivated grounds to believe that the life, physical or mental health or freedom and integrity of the victim, who is a foreigner or a stateless person, will be threatened in case of such person's return to the country of his/her origin after the expiration of the term of such person's stay, his/her victim's status may be extended in accordance with due procedure, which shall constitute grounds for receiving a permit for staying in the territory of Ukraine until the above circumstances end.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

The National Police of Ukraine operates the Integrated Information Retrieval System "Rozshuk". Data on missing citizens, including children whose disappearance has been reported to the police, are entered into this system around the clock.

International cooperation to search for missing persons is carried out according to the current legislation.

Ukraine has the Missing Children Search Service. This is a department [NGO "Magnolia"](#) set up in order to provide assistance to missing children and their families. According to international conventions, we define "missing child" as any child under 18 whose whereabouts are unknown to her parents or guardians. For large-scale public information, the Missing Children Search Service creates information materials (about the missing child with an appeal to call 116 000 or 102 if the child has been seen). These materials are then published by the Ukrainian mass media that care about missing children: 32 TV channels, 20 printed periodicals and eight outdoor advertising and indoor TV agencies. The results of

search for missing children are promptly published on [missingchildren.org.ua](http://missingchildren.org.ua) and the NGO's pages in social networks.

As of 1 January 2016, 1,134 missing children have been found thanks to cooperation of the public, the mass media, the police and the Missing Children Search Service.

#### Co-operation with civil society (Article 35)

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

The Ministry of Social Policy signed an agreement with the All-Ukrainian NGO Coalition for Combating Trafficking in Human Beings. The 32 Coalition member organizations operate in all regions of Ukraine and cooperate with the local government structures.

Cooperation in combating trafficking in human beings between state authorities and civil society organizations at the local level consists in the involvement of the latter in coordination, interdepartmental and tripartite socioeconomic councils attached to oblast administrations. In particular, examples of such cooperation can be seen in Ivano-Frankivsk, Sumy, Kharkiv, Chernivtsi, Mykolaiv, Kyiv, Zakarpattia and Donetsk oblasts. The meetings of these councils consider issues in forming counter-trafficking policy and monitoring its implementation. Also, a number of oblasts have signed memoranda or cooperation agreements for joint measures to combat trafficking in human beings. Such agreements have been signed in all oblasts listed above.

#### Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

In the context of combatting trafficking in human beings, Ukraine is a party to the following multilateral agreements that regulate mutual legal assistance:

- 1) European Convention on Extradition, 1957;
- 2) European Convention on Mutual Assistance in Criminal Matters, 1959;
- 3) European Convention on the Transfer of Proceedings in Criminal Matters, 1972;
- 4) Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, 1993;
- 5) United Nations Convention against Transnational Organized Crime, 2000;
- 6) Council of Europe Convention on Action against Trafficking in Human Beings, 2005;
- 7) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007;
- 8) United Nations Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949.

Ukraine has also signed the following bilateral agreements:

1	<a href="#">Agreement between Ukraine and the People's Republic of China on Legal Assistance in Civil and Criminal Cases</a> (ratified on 5 February 1993, came into force on 19 January 1994)	31 November 1992
2.	<a href="#">Agreement between Ukraine and the Republic of Poland on Legal Assistance and Legal Relations in Civil and Criminal Cases</a> (ratified on 4 February 1994, came into force on 4 April 1994)	24 April 1993
3.	<a href="#">Agreement between Ukraine and the Republic of Lithuania on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases</a> (ratified on 17 December 1993, came into force on 19 December 1994)	7 July 1993



4.	<a href="#">Agreement between Ukraine and the Republic of Moldova on Legal Assistance and Legal Relations in Civil and Criminal Cases</a> (ratified on 10 November 1994, came into force on 24 February 1995)	13 December 1993
5.	<a href="#">Agreement between Ukraine and the Republic of Georgia on Legal Assistance and Legal Relations in Civil and Criminal Cases</a> (ratified on 22 November 1995, came into force on 5 December 1996)	9 January 1995
6.	<a href="#">Agreement between Ukraine and the Republic of Estonia on Legal Assistance and Legal Relations in Civil and Criminal Cases</a> (ratified on 22 November 1995, came into force on 17 May 1996)	15 February 1995
7.	<a href="#">Agreement between Ukraine and the Republic of Latvia on Legal Assistance and Legal Relations in Civil, Family, Labor and Criminal Cases</a> (ratified on 22 November 1995, came into force on 12 July 1996)	23 May 1995
8.	<a href="#">Agreement between Ukraine and Mongolia on Legal Assistance in Civil and Criminal Cases</a> (ratified on 1 November 1996, came into force on 1 August 2002)	27 June 1995
9.	<a href="#">Agreement between Ukraine and Canada on Mutual Assistance in Criminal Cases</a> (ratified on 17 December 1997, came into force on 1 March 1999)	23 September 1996
10.	<a href="#">Agreement between Ukraine and the United States of America on Mutual Legal Assistance in Criminal Cases</a> (ratified on 10 February 2000, came into force on 27 February 2001)	22 July 1998
11.	<a href="#">Agreement between Ukraine and the People's Republic of China on Extradition</a> (ratified on 21 October 1999, came into force on 13 July 2000)	10 December 1998
12.	<a href="#">Agreement between Ukraine and the Socialist Republic of Vietnam on Legal Assistance and Legal Relations in Civil and Criminal Cases</a> (ratified on 2 November 2000, came into force on 18 August 2002)	6 April 2000
13.	<a href="#">Agreement between Ukraine and the Federative Republic of Brazil on Mutual Assistance in Criminal Cases</a> (ratified on 6 March 2003, came into force on 24 October 2006)	16 January 2002
14.	<a href="#">Agreement between Ukraine and the Republic of India on Mutual Legal Assistance in Criminal Cases</a> (ratified on 6 March 2003, came into force on 12 September 2003)	3 October 2002
15.	<a href="#">Agreement between Ukraine and the Republic of India on Extradition of Offenders</a> (ratified on 6 March 2003, entered into force on 18 January 2007)	3 October 2002
16.	<a href="#">Agreement between Ukraine and the Republic of Cuba on Legal Relations and Legal Assistance in Civil And Criminal Cases</a> (ratified on 10 December 2003, came into force on 6 January 2004)	27 March 2003
17.	<a href="#">Agreement between Ukraine and Hong Kong, a Special Administrative Region of the People's Republic of China, on Mutual Legal Assistance in Criminal Cases</a> (ratified on 20 November 2003, current)	2 April 2003
18.	<a href="#">Agreement between Ukraine and the Democratic People's Republic of Korea on Legal Assistance in Civil and Criminal Cases</a> (ratified on 4 June 2004, came into force on 17 December 2004)	13 October 2003
19.	<a href="#">Agreement between Ukraine and the Federative Republic of Brazil on Extradition of Offenders</a> (ratified on 1 July 2004, came into force on 7 August 2004)	21 October 2003
20.	<a href="#">Agreement between Ukraine and the Republic of Panama on Mutual Legal Assistance in Criminal Cases</a> (ratified on 12 May 2004, entered into force on 28 August 2004)	4 November 2003
21.	<a href="#">Agreement between Ukraine and the Republic of Panama on Extradition of Offenders</a> (ratified on 12 May 2004, came into force on 28 August 2004)	4 November 2003
22.	<a href="#">Agreement between Ukraine and the Islamic Republic of Iran on Extradition of Offenders</a> (ratified on 06.07.05, entered into force on 17.07.2008)	11.05.2004
23.	<a href="#">Agreement between Ukraine and the Islamic Republic of Iran on Legal Relations and</a>	11 May 2004

	<a href="#">Legal Assistance in Civil and Criminal Cases</a> (ratified on 7 September 2005, came into force on 31 August 2007)	
24.	<a href="#">Agreement between Ukraine and the Arab Republic of Egypt on Extradition of Offenders</a> (ratified on 22 June 2005, came into force on 19 January 2006)	10 October 2004
25.	<a href="#">Agreement between Ukraine and the Arab Republic of Egypt on Mutual Legal Assistance in Criminal Cases</a> (ratified on 22 June 2005, came into force on 19 January 06)	10 October 2004
26.	<a href="#">Agreement between Ukraine and the Great Socialist People's Libyan Arab Jamahiriya on Legal Assistance in Civil and Criminal Cases</a> (ratified on 10 June 2009, came into force on 12 July 2009)	8 April 2008
27.	<a href="#">Agreement between Ukraine and the Syrian Arab Republic on Legal Relations and Mutual Legal Assistance in Civil and Criminal Cases</a> (ratified on 18 November 2009, came into force on 30 January 2011)	9 October 2008
28.	<a href="#">Agreement between Ukraine and the United Arab Emirates on Extradition of Offenders</a> (ratified on 5 June 2013, entered into force on 20 February 2014)	26 November 2012
29.	<a href="#">Agreement between Ukraine and the United Arab Emirates on Mutual Assistance in Criminal Cases</a> (ratified on 19 June 2013, entered into force on 20 February 2014)	26 November 2013

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

No victims of trafficking have been identified among persons recognized as refugees or persons in need of subsidiary/complementary protection.

Furthermore, all persons who were granted the status of a victim of trafficking have received assistance and protection as victims of trafficking.

## D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

The Ministry of Social Affairs, the Ministry of Internal Affairs, the National Police of Ukraine, the Ministry of Justice of Ukraine, the Ministry of Foreign Affairs, the Prosecutor General's Office of Ukraine, the Ministry of Public Health, the Ministry of Education and Science of Ukraine, the Ministry of Information Policy, the Ministry of Economic Development and Trade of Ukraine, the Ministry of Infrastructure of Ukraine, the Administration of the State Border Guard Service, the State Migration Service, the State Court Administration of Ukraine, the State Employment Service, the State Television and Radio Broadcasting Committee of Ukraine, regional local administrations, IOM Ukraine, the OSCE Project Coordinator in Ukraine and the All-Ukrainian NGO Coalition for Combatting Trafficking in human beings.

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

The Ministry of Social Affairs as the national coordinating body has collected data from all agents of the National Mechanism for Interaction of Agents for Combatting Trafficking in human beings, summarized the information and generated the report.

## E. Statistics on THB (per year, starting with 2010)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

Between 2012 and 21 June 2017, the Ministry of Social Policy declared the status of a victim of trafficking for 367 citizens, including 157 women, 171 man, 13 boys and 26 girls.

361 citizens of Ukraine, 6 foreigners.

By type of exploitation:

- 
- labour exploitation - 227 persons
  - sexual exploitation - 75 persons
  - begging - 45 persons
  - mixed exploitation - 6 persons
  - removal of organs - 9 persons
  - sale of a child - 4 persons
  - surrogate motherhood - 1 person.

In 2012, trafficking victim status was declared for 13 persons, including 6 women, 5 men and 2 girls. 9 citizens of Ukraine and 4 foreigners.

By type of exploitation:

- labour exploitation - 6 persons
- sexual exploitation - 5 persons
- begging - 1 person
- mixed exploitation - 1 person.

In 2013, trafficking victim status was declared for 41 persons, including 13 women, 20 men and 8 girls. 39 citizens of Ukraine and 2 foreigners.

By type of exploitation:

- labour exploitation - 19 persons
- sexual exploitation - 9 persons
- begging - 6 persons
- mixed exploitation - 3 persons
- removal of organs - 3 persons
- sale of a child - 1 person.

In 2014, trafficking victim status was declared for 27 persons, including 10 women, 12 men, 2 girls and 3 boys.

27 citizens of Ukraine.

By type of exploitation:

- labour exploitation - 14 persons
- sexual exploitation - 3 persons
- begging - 9 persons
- sale of a child - 1 person.

In 2015, trafficking victim status was declared for 83 citizens, including 41 women, 31 men, 5 boys and 6 girls.

83 citizens of Ukraine.

By type of exploitation:

- labour exploitation - 52 persons
- sexual exploitation - 13 persons
- begging - 16 persons
- removal of organs - 1 person
- surrogate motherhood - 1 person

In 2016, trafficking victim status was declared for 110 citizens, including 46 women, 56 men, 3 boys and 5 girls.

110 citizens of Ukraine.

By type of exploitation:

- labour exploitation - 71 person
- sexual exploitation - 25 persons
- begging - 6 persons
- mixed exploitation - 1 person
- removal of organs - 5 persons

- sale of a child - 2 persons.

From 1 January to 21 June 2017, trafficking victim status was declared for 93 citizens, including 41 women, 47 men, 2 boys and 3 girls.

93 citizens of Ukraine.

By type of exploitation:

- labour exploitation - 65 persons
- sexual exploitation - 20 persons
- begging - 7 persons
- mixed exploitation - 1 person

#### Statistics of the law enforcement block

Year	Number of trafficking cases detected	Number of victims identified				
		Total	Including		Minors	
			women	men		
2014	109	86	68	18	2	2.3%
2015	111	102	62	40	6	5.9%
2016	115	86	66	16	4	4.7%
as of 22 May 2017	123	95	62	30	3	3.2%
Total	458	369	258	104	15	4.1%

Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

According to official statistics for the first four months of 2017, 84 victims of trafficking were identified, including 53 women, 3 minors (aged under 18) and one child (aged under 14). In 2016, 86 victims of trafficking were identified, including 66 women, two minors (aged under 18) and two children (aged under 14). Other requested types of information are not envisaged in statistical data. These persons are victims in criminal proceedings under article 149 of the Criminal Code of Ukraine.

From 2012 to 21 June 2017, the Ministry of Social Policy declared the status of a victim of trafficking for 367 citizens, including 157 women, 171 men, 13 boys and 26 girls. Of this number, 361 are citizens of Ukraine and six are foreigners.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Six foreigners who have applied for the status of a victim of trafficking had a period of 30 working days (the duration of the procedure for declaring victim status) for reflection and making a decision on further cooperation with the competent authorities.

The Government of Ukraine has developed the Draft Law of Ukraine “On Amending Certain Legislative Acts for Combating Trafficking in Human Beings” in which paragraph 5 of article 14 of the Law of Ukraine “On Combating Trafficking in Human Beings” is set out in the following redaction: a foreigner or a stateless person, who has applied for declaration of his/her status of a victim of trafficking in the territory of Ukraine, shall have the right to make a decision on cooperation with law enforcement agencies which he/she shall communicate in writing to the appropriate body within 30 calendar days. Thus, once this law is adopted, it will enable applicants for trafficking victim status to exercise their right to a period of reflection.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

Assistance has been provided, according to the individual needs of victims, to all of 367 persons who were granted the status of a victim of trafficking (see above for disaggregated by sex, etc.).

After trafficking victim status is declared, a representative of the services for families, children and youth assesses the needs of the victim and draws up a rehabilitation plan based on these needs. If the victim is a child, an individual rehabilitation plan is drawn up.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Five foreigners (one woman and four men) who are victims of trafficking in Ukraine received a permanent residence permit in Ukraine.

Number of victims given refugee status and subsidiary/complementary protection.

There have been no victims of trafficking who received refugee status in Ukraine.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

Under Regulation No. 833 of the Cabinet of Ministers of Ukraine of 25 July 2012 (as amended on 16 November 2016) "On Approval of the Procedure for Payment of One-Time Financial Assistance to Victims of Trafficking", every victim of trafficking has the right to one-time financial assistance.

Starting from 1 January 2017, this assistance is equal to three times the subsistence rate for the relevant category of citizens:

- children under 6 – UAH 4,278;
- children aged 6-18 – UAH 5,331;
- working persons – UAH 5,052;
- incapacitated persons – UAH 3,936.

According to the laws of Ukraine, compensation for incurred damages can only be obtained in court.

The number of persons who have applied for and received one-time financial assistance as victims of trafficking:

2012 - 11 persons;  
2013 - 35 persons;  
2014 - 27 persons;  
2015 - 74 persons;  
2016 - 87 persons;  
2017 - 26 persons.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

In the course of 2016, 15 Ukrainian citizens who are victims of trafficking were returned to Ukraine: eight persons from Kuwait, two persons from Lebanon, two persons from Cyprus, one person from Jordan, one person from Malaysia and one person from Poland.

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

There have been no cases of repatriation of victims of trafficking from Ukraine to other countries. However, one person (a woman) was forcibly returned to Moldova because she violated the laws of Ukraine, in particular forged a certificate on trafficking victim status declaration (see point 10e above).

Number of investigations into THB cases. Number of prosecutions of THB cases.

2015

The National Police identified 111 criminal offenses under article 149 (Trafficking in human beings) of the Criminal Code of Ukraine. Data on these cases have been entered into the Unified Register of Pre-Trial Investigations, and the proceedings have not been closed.

The number of identified criminal offenses related to trafficking in human beings increased by 1.8% (109) as compared to the previous year.

Assistance was determined and provided to 102 (+18.6%, 86 in 2014) victims of trafficking (62 women and 40 men), including six minors.

During the pre-trial investigation in criminal proceedings, 47 (+11.9%) perpetrators were informed of suspicion.

During the reporting period, pre-trial investigation was completed in 90 (+5.9%) criminal cases, which were sent to court with indictments.

Considering that a criminal offense under article 149 of the Criminal Code of Ukraine belongs to grave crimes and crimes of special gravity, 24 perpetrators (51% of the total number of suspects) were arrested.

2016

The National Police identified 115 criminal offenses under article 149 (Trafficking in human beings) of the Criminal Code of Ukraine. Data on these cases have been entered into the Unified Register of Pre-Trial Investigations.

The number of identified criminal offenses related to trafficking in human beings increased by 2.7% (111) as compared to the previous year.

Assistance was determined and provided to 69 victims of trafficking (53 women and 16 men), including three minors and one child (aged under 14).

During the pre-trial investigation in criminal proceedings, 66 perpetrators were informed of suspicion.

A preventive measure in the form of holding in custody was applied to 22 offenders.

Pre-trial investigation was completed in 61 criminal cases, which were sent to court with indictments.

2017

The most recent steps taken by the Government of Ukraine invigorated combating trafficking in human beings: the State Social Program to Combat Trafficking in Human Beings for the Period until 2010 was adopted in 2016; one-time financial assistance provided to victims of trafficking was increased on 1 January 2017. In late 2016, the Minister of Internal Affairs announced the concept for the development of a service to combat trafficking crimes.

An order of the Ministry of Internal Affairs of Ukraine announced 2017 a year of combatting trafficking in human beings. In this connection, the National Police drafted a Plan of additional measures to strengthen combatting trafficking crimes in 2017.

On 24 February 2017, the Prosecutor General's Office of Ukraine hosted an interdepartmental meeting of the heads of law enforcement bodies and government agencies. The meeting was chaired by Prosecutor General Yuriy Lutsenko and focused on the situation with preventing and combating human trafficking. A resolution was adopted on 24 February 2017 setting the main objectives and directions for coordinating the activities of central executive authorities and representatives of NGOs and IOs involved in the implementation of the state policy in this area until the end of 2017.

As a result, as of 22 May 2017, National Police bodies identified 123 criminal offenses (*compared to 55 in May 2016*) under article 149 (Trafficking in human beings) of the Criminal Code of Ukraine. Data on these cases have been entered into the Unified Register of Pre-Trial Investigations. It should be noted that only 115 such criminal offenses were identified in the course of 2016.

In 75 cases in this category (*compared to 25 in May 2016*), 47 persons were informed of suspicion (*16 in May 2016*) in criminal proceedings.

Pre-trial investigation was completed in 49 criminal cases in this category (*23 in May 2016*).

Currently, 95 victims of trafficking (62 women, 30 men, 2 minors and one child under 14) have been identified in the course of pre-trial investigation.

Criminal proceedings against members of an organized criminal group who recruited, and transferred Ukrainian citizens to the Russian Federation where they were forced to engage in the sale of narcotics were sent to court (based on information from the Department for Combatting Trafficking in Human Beings in Dnipropetrovsk Oblast).

In the course of 2016, the prosecutor's offices dealt with 222 criminal offenses, which included cases of trafficking in human beings opened in the past years. A total of 256 such offenses were identified in the first four months of 2017.

In 2016, indictments for 45 criminal offenses in human trafficking cases identified in 2016 were filed to court based on the results of pre-trial investigation. Indictments for 25 such offenses recorded in the first four months of 2017 have been filed to court.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

In 2015, under Article 149 of the Criminal Code of Ukraine:

- persons whose sentence entered into force in the reporting period - 32 (including 11 women; 29 citizens of Ukraine and 3 foreigners);
- convicted persons punished by deprivation of liberty - 12, including:
  - 1 person - from 1 to 2 years;
  - 1 person - from 2 to 3 years;
  - 7 persons - from 3 to 5 years;
  - 3 persons - from 5 to 10 years.
- convicted persons who have been released from punishment and put on probation - 20.

In 2016, under article 149 of the Criminal Code of Ukraine:

- persons whose sentence entered into force in the reporting period - 26 (including 13 women; 25 citizens of Ukraine and one foreigner);
- convicted persons punished by deprivation of liberty - 5, including:
  - 1 person - from 2 to 3 years;
  - 1 person - from 3 to 5 years;
  - 3 persons - from 5 to 10 years.
- convicted persons who have been released from punishment and put on probation - 20.

Number of judgments resulting in the confiscation of assets.

Six judgments with confiscation of assets in 2015.

Two judgments with confiscation of assets in 2016.

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

No judgments resulting in the closure of a business or an establishment which was being used to carry out THB have been made in Ukraine.

Number of convictions for the use of services of a victim of THB.

The use of services of victims of trafficking is not criminalized in Ukraine.