



Ukraine

- Population: 44.9 million
 - GDP per capita (in US dollars): 3,082
 - Semi-presidential regime
 - Human development index (HDI): 0.747 (81st rank among 187 countries)
 - Gender inequality index (GII): 0.286 (57th rank among 147 countries)
 - Corruption Perceptions Index (CPI): Score of 27 on a scale from 0 (highly corrupt) to 100 (very clean)
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- A 2010 estimation showed that between 65,000 and 93,000 people are sexually exploited in Ukraine, 16% of which are minors.
 - Prohibitionist regime: prostitution is illegal and all actors (prostituted persons, clients, and procurers) can be punished. Article 303 of the Penal Code criminalizes procuring and running a brothel. These offenses are punishable by three to five years of imprisonment. Prostitution was decriminalized in 2005 and is now an administrative offense punishable by a fine of 866 US\$ (800 €) or community service.
 - Article 149 of the Penal Code criminalizes human trafficking, which is punishable by 3 to 15 years in prison.
 - There has been a significant reduction in prosecutions and convictions for human trafficking because of the government priority to counter Russian aggression: 57 convictions for trafficking in 2014 compared to 109 in 2013.
 - There are between 82,000 and 200,000 children in orphanages who are particularly vulnerable to trafficking.
 - As a result of the conflict with the Russian Federation, over 1.4 million people have been displaced and are vulnerable to violence, sexual exploitation, and prostitution for survival.
 - Mainly a country of origin for victims of trafficking for sexual exploitation. Ukrainian victims were identified in 57 countries. Domestic trafficking of young women from rural areas to cities and tourist resorts.

Prostitution in Ukraine: Poverty, Violence, Drugs, HIV/AIDS, and Exploitation

Poverty is a major cause of these situations of exploitation: over 16% of Ukrainian women aged 15 to 24 are unemployed (World Bank 2012 estimation) and almost 25% of the population lives below the poverty line (2010 estimate). The most vulnerable groups are rural populations affected by unemployment. Today, a growing number of citizens are seeking work abroad. In 2013, Ukrainian victims of trafficking were found in 57 countries including the Russian Federation, Poland, Turkey, USA, other European countries (Spain, Cyprus, Portugal, Spain, Italy, UK...), Iraq, Israel, UAE, Kazakhstan, and Tunisia. Even within the country, sexual exploitation generates migratory movement of women (about 21% of prostituted persons in 2007) from rural areas to cities or to holiday resorts in the summer. Children in orphanages and homes are particularly at risk for domestic trafficking.

Violence

Prostitution is prohibited and all the actors are criminalized. The act of prostitution is now considered only to be an administrative offense punishable by only a fine. Prostituted persons, however, continue to be abused and face perpetual violence. In a survey of prostituted persons conducted in 2013, 92% of responders said that they had experienced violence (economic, psychological, or physical) in the last 12 months (*TAMPEP*, October 2013). The violence is committed by clients (89%) and law enforcement (66%). 85% of surveyed prostituted persons said that they had experienced physical aggression from the police in the last 12 months, 45% have suffered sexual violence from police (including abduction and gang rape). These practices are considered normal in police jargon. This is called “subbotnik” where the police have sex with prostituted persons without paying them so that they will not be reported. Prostituted persons have no way to file a complaint against this violence. Their problems go unheard and the women are made to be responsible for the abuses they have suffered. In light of these violences, prostituted persons have no options: they are not able to file a report and are made out to be responsible for the violence they have endured. The majority of complaints against police officials are rarely, if ever, investigated. Thus, according to the annual report by Amnesty International in 2013, out of 114,474 complaints against police officials, only 1,750 were investigated.

Racketeering and Exploitation

Ukrainian police also profits financially from prostitution. Outdoor prostituted persons (in the streets, roads, parking lots, train stations,...) have to buy protection from the police for 150 UAH (5,85 US\$/5,35 €) each night (*Newsweek*, April 30th, 2015). Indoor prostituted persons (in hotels, bars, apartments, strip clubs,...) are not exempt from this rule either. Women must pay their procurers 4,007 US\$ (3,700 €) for protection every month to ensure that the police squad in charge of the fight against human trafficking (Department for Crimes Relating to Human Trafficking – DBZTL) look away from their activity. Only luxury escorts, protected by bodyguards, doctors, and procurers, seem to not have problems with the police (*Newsweek*, April 30th, 2015).

HIV/AIDS and Drugs

Ukraine has one of the highest prevalence rates of HIV/AIDS in Europe¹. UNAIDS estimates that approximately 7.3% of prostituted persons are carriers of the virus (study period: 2009-2013) (*UNAIDS*, September 2014). Sustained violence and the taking of drugs increases the risk of disease transmission. 42.5% of prostituted persons with drug addictions are HIV positive compared to the 8.5% of prostituted persons that are not using drugs. The numbers are still significant, but a slight decrease has been observed compared to previous years. This is a sign that awareness campaigns on the risks of spreading HIV/AIDS have affected the world of prostitution. According to the Ukrainian Institute of Social Sciences, the statistics for unprotected sex among prostituted persons decreased from 62% in 2008 to 40% in 2011 (*Global Post/AFP*, June 10th, 2013). According to a 2010 survey from the Ministry of Health, 80% of sex workers use condoms (*The World Bank*, 2013).

2013: The Pivotal Year

Ukraine has been slow to react to the magnitude of its trafficking problem. Only since 2000 has the country demonstrated its willingness to engage in the fight when the government signed the UN Convention against Transnational Organized Crime. In 2011 the country passed a law and a national program against trafficking in human beings. A National Referral Mechanism (NRM) was established as well. The methods of identification and assistance to victim were standardized.

Ukraine as the Chair of OSCE

The accession of Ukraine to the presidency of the Organization for Security and Cooperation in Europe (OSCE) in 2013 gave the country the opportunity to demonstrate its commitment to the priorities advocated by the OSCE, including stopping human trafficking. During 2013 the Ukrainian government also announced that the fight against human trafficking was a priority. As Ukraine was chairman of the OSCE, several events were organized around this theme, including a roundtable at the Ukrainian Embassy to the United States (“Combating human trafficking as a priority of Ukraine’s OSCE Chairmanship in 2013”) and a two-day conference in Kiev (“Strengthening the OSCE Response to Trafficking in Human Beings”) in the presence of the Foreign Minister, along with experts and officials from throughout the OSCE territory.

New Measures Against the Trafficking of Human Beings

There were high hopes for the presidency of 2013. This year also marked the beginning of the first round of the assessment from the Group of Experts on Action against Trafficking in Human Beings (GRETA) from 25th to the 30th of October 2013. On the blog *Beyond the EU*, Olexsandra Zub wrote “we hope that the activities under the influential position of chairmanship of the OSCE will provide the impetus to change the situation” (*Beyond the EU-blog*, June 12th, 2013). The 2010 administrative reform supported by President Yanukovich

¹ 2014 UNAIDS estimations: Number of people living with HIV: 260,000-340,000 / prevalence rate among adults ages 15-49: 1.0% - 1.3% / children ages 0-14 living with HIV: 5,900-7,200 / AIDS deaths: 12,000-23,000.

largely weakened the institutions against trafficking. International organizations and NGOs called for new reorganization to make a more efficient structure against trafficking. During this period, several important measures supplementing the 2011 reforms were adopted. During 2013, several presidential decrees defined the competences and powers of the Minister of Social Policy that takes the role of national coordinator. As part of the reorganization, the anti-trafficking department, which was dissolved in 2011 following the reform of the Interior Ministry, was restored. Increasing the number of officers to 500 (instead of 270) for the whole country, made this now an autonomous department. In March 2013, a working group was created to prepare for the establishment of a program to fight against trafficking and to consider improving the legislature on this issue. In August, a specialist-training program for victim assistance was set up. In the first six months of 2014, 1,716 people participated in this program. The 2011-2015 national plan of action against trafficking, adopted in 2012, entered into force in 2013. This plan aims to prevent trafficking, protect victims' rights, develop the system of assistance to victims, and develop prosecutions against traffickers. The Interior Ministry has launched several awareness campaigns for the general public that seem to have reached their targets. According to a survey that took place between September and October 2013, in a sample of 2,500 people aged 14 to 65 in 6 oblasts of Ukraine, 9% of respondents reported being aware of the problem and the risks of human trafficking (compared to 7% in 2011). The survey also shows that the public has a better understanding of the existence of hotlines and national and international NGOs to help victims (*Ukrainian Helsinki Human Rights Union*, 2014).

Progress, but Insufficient Results

Ukraine has made significant progress in the fight against trafficking, but the changes are still modest, or even insufficient. The 2013 U.S. Department of State Report on Trafficking in Persons listed Ukraine on the Tier 2 Watch List to recognize their efforts while also highlighting their lack of effectiveness. This downgrading was disputed by some Ukrainian NGOs and researchers. The system for identifying and protecting victims is one of the areas that needs improvement. In 2012-2013, 54 people received the official status of victim, while from only December 2012 to March 2013, the International Organization (IOM) assisted 1,060 people (*Melnik*, October 2014). Despite the establishment of a procedure for the identification of victims by the government in 2012, there is no coordination between the authorities responsible so it is almost impossible to give victims the necessary assistance. As a result of the failures of the state, NGOs must take charge in victim assistance. Observers highlight the lack of global resources dedicated to this fight. In 2013, a national plan came into effect, but the budget for its implementation is virtually nonexistent. It is estimated that the overall budget for three years should be about 736,576 US\$ (680,000 €), of which 303,296 US\$ (280,000 €) is charged by the state; the budget allocated by the state in 2013 was 54,160 US\$ (50,000 €) and 5,416 US\$ (5,000 €) in 2014 (*Melnik*, October 2014). The numerical results for the fight against human trafficking has diminished each year as a result (*U.S. Department of State*, July 2015):

	2010	2011	2012	2013	2014
Investigations	257	197	162	130	109
Prosecutions	111	135	122	91	42
Convictions	120	158	115	109	57

Furthermore, the government has not launched investigations or prosecutions against officials suspected of complicity in acts of trafficking and corruption.

A Weakened Society: Ukraine in Crisis (2013-2015)

At the end of 2013, the international momentum brought by the OSCE chairmanship to Ukraine was broken by the fall of President Yanukovich. In late November, his refusal to sign the Association Agreement with the European Union triggered intense protests across the country. The Ukrainian Parliament (Rada) voted for the return of the 2004 constitution, ending the dictatorial powers of President Yanykovych. On May 25th, 2014, Petro Poroschenko was elected President of Ukraine and a few months later a coalition government was formed. These changes provoked pro-Russian demonstrations in Crimea and southeastern Ukraine. This disorder led to the annexation of Crimea to the Russian Federation, the secession of the territories of Donetsk and Lugansk, proclaiming themselves popular Republics, and the beginning of the war in Ukraine. As months passed, living conditions for Ukrainian people have deteriorated in all countries and particularly in occupied areas. Some data define the extent of this turmoil: wages have plummeted, food prices have increased by more than 40%, and about 1.3 million people in the conflict zone have little to no access to safe drinking water because of cuts and restrictions. These difficulties generated increasing precariousness for an already fragile population. Surveys show that the desire to flee Ukraine has increased. Currently 8% of the population (nearly 3 million people) have plans to work abroad in the near future. In 2015, 21% of respondents said that were willing to accept “risky” working conditions (illegal work, having to leave their passports with their employer, being detained on the working place) to go abroad (compared to 14% in 2011) (*IOM Ukraine*, June 2015).

Displaced Persons and Risk of Exploitation

According to the Office for the Coordination of Humanitarian Affairs (OCHA), in August 2015, Ukraine already had 1.4 million displaced persons in areas controlled by pro-Russian separatists, 13% of whom are children. This group of people is particularly vulnerable to exploitation. During his visit in eastern Ukraine in May 2015, the Special Representative and Coordinator of the fight against trafficking in the OSCE focused on increasing exploitation risks among displaced persons. Without work or housing, separated from their loved ones, entire families, among those displaced, including particularly fragile minorities (Roma population, Crimean Tatars...), are vulnerable to the risks of human trafficking. Training sessions were organized by the Special Representative for members of the OSCE participating in the Special Monitoring Mission to Ukraine (SMM), with the objective to raise awareness especially to the risks of exploitation and the identification and forms of cases of potential

trafficking. 292 victims of trafficking were identified by IOM between January and June 2015, of which 26 (9%) for the purpose of sexual exploitation. Considering the military-political situation of the country and the social difficulties experienced by the population, it is likely that the real numbers are much higher.

Women in the Front Line

The war in Ukraine also created a climate of constant violence. In 2014, Ukraine registered a significant increase in crime (theft, kidnappings,..), particularly with armed robbery. “The tolerance of violence has increased,” says sociologist Irina Bekechkina, “*people see violence every day on television. Every day people are killed, and it is now a statistical element. The dead have become statistics*” (Courrier International, June 12th, 2015). In this context, women are affected first (OHCHR, 2015). The NGO La Strada, which operates a national hotline, observed an increase in the number of calls from women victims of violence over the recent months: there were 7,725 calls in 2014 and 2,600 calls were recorded in only the first months of 2015, a 30% increase over the same period in the last year. 80% of these calls were related to domestic violence. In occupied areas, there have been much more serious developments: women from Mariupol, the port city of Azov, have been raped by Ukrainian armed forces, a woman was raped and killed in Kramatorsk, and two young girls from Lugansk were abducted from their homes by Russian or Caucasian men and raped (Women’s Media Center, January 15th, 2015). According to information from NGOs, sexual violence (rape, sexual slavery,...) has been committed by the armed forces in the Donbass region. The separatists, as forces loyal to Kiev, have been challenged. There are still no official figures, and the government side tends to minimize the facts. Because of shame and guilt, most victims prefer to remain silent. When they actually have the courage to testify, the current climate in Ukraine makes their words go unheard.

Calls for Decriminalization

To respond to these critical situations, many differing arguments have been proposed; several voices have called for the legalization of prostitution. For some, this would mean informing and protecting populations who have escaped the war and, and who in order to survive, have had no choice but to prostitute themselves. Natalia Isayeva, President of the NGO Legalife Ukraine that assists prostituted persons in Kirovograd, said “*this is not a business, it is not a trade. It is a matter of survival. We have to stop penalizing (prostitution)*”. In the same discourse, Elena Tsukerman, delegate general of the NGO All-Ukrainian League Legalife Kiev which campaigns for the rights of sex workers, said “*it is difficult for migrants from Donbass² to find a job in a city where they have taken temporary refuge; it is likely that these people will end up in the sex trafficking*”. She also added, “*these people rarely know the risks of sex work. We must inform them so that they make this decision responsibly*” (Kyiv Post, August 29th, 2015). Others, mostly politicians, cite the safety of prostituted persons as well as the financial interests of the state. In May 2015, deputy Mykhailo Havriliuk argued this case. He claimed that the revenue from the sex industry would go directly into the funds of the state and prostituted persons would be able to receive medical care and be protected

² Region in Southeast of Ukraine, located in the center of the armed conflict.

from sexually transmitted infections (STIs). The head of the Kiev police took the same position. A petition was addressed to President Poroshenko demanding “changes to the Law of Ukraine to legalize prostitution, to increase the revenue of the state budget and protect citizens” (SWAN, September 1st, 2015).

Denouncing Corruption

This wave of stances was triggered by a message issued by the Interior Minister on his blog, questioning the corruption of the Kiev police and its involvement in the world of prostitution. An investigation revealed that the Department for Crimes relating to Human trafficking (DBZTL) in Kiev received 352,000 US\$ (325,000 €) a month to protect brothels and illegal salons. The national and local DBZTL officials in charge were dismissed, two brigade commanders were arrested, and an investigation is now underway. This case generated much discussion. Though the arrests among the DBZTL seem to have remained without legal action, the debate on prostitution led to the filing of a bill in Parliament on September 17th, 2015. The text “*On the Regulation of Prostitution and Sex Establishment*” aimed to strengthen the social situation of prostituted persons, better protect minors and vulnerable groups at risk for sexual exploitation, reduce unemployment, provide additional income to the state budget, and align Ukraine with European states such as Netherlands or Greece. There is now a plan to create prostitution zones, establish social guarantees for prostituted persons, and fix the legal status of prostitution establishments.

The Ukrainian government is showing an apparent determination to tackle the problem, at least in terms of their pronouncements. In reality, nothing has changed: the beginning of the fight against corruption is short-winded and the prosecutions against police in Kiev appear to have been abandoned; the results of the fight against trafficking, slowed by the political-military context, are increasingly poorer; the violence against prostituted persons continues and the bill tabled in Parliament aimed less at protecting prostituted persons than benefitting the market. There is concern about whether anything will change. “Currently, prostitution is the 25th issue of concern in Ukrainian society”, declared the spokeswoman for the prosecutor’s office in Kiev. “There is war, the fall of the exchange rate... the last thing I am worried about is prostitutes.” (*Newsweek*, April 20th, 2015).

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