

Trafficking in children for sexual purposes

Country report Ukraine

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Prevention of trafficking in minors for sexual purposes: Analysis of the situation in Ukraine

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The Joint East West research project on trafficking in children for sexual purposes in Europe: the sending countries, has been co-financed by the European Commission STOP II programme and the OAK Foundation.

1. Introduction

This research seeks to study and discuss the phenomenon of trafficking in minors from Ukraine for the purposes of sexual exploitation. It should be mentioned that during the last years this relatively new problem of Ukrainian society has been growing. Trafficking in human beings, their smuggling, physical and sexual exploitation and kidnapping, as well as the economic exploitation of children in its worst forms, is an everyday reality for children in all regions of the world, and this is the case also in Ukraine. Under the totalitarian communist regime, when Ukraine was a part of the Soviet Union, the issue of sexual exploitation was not officially acknowledged; however, prostitution was latent, with mostly adult women engaged in it. These women were mainly those who had divorced after unsuccessful marriages, young widows, or women from marginalized groups. But prostitution was a domestic phenomenon, and remained within the country borders; there was no trafficking involved. Women who engaged in prostitution did so consciously, for the purpose of supporting themselves or of earning additional income. Since Ukraine got its independence in 1991, the transition to a democratic system and free market economy coincided with an outburst of previously hidden social “vices and diseases”. These included poverty, begging, homelessness, alcoholism, and drug addiction. Prostitution, including the prostitution of minors, became a highly lucrative industry of the black economy and has extended beyond the national borders.

The All-Ukrainian Committee for Children’s Rights (AUCCR) has been monitoring children’s rights in Ukraine for ten years now. Numerous studies and research on child rights violations have been conducted in various fields: public health, education, property rights, etc. The experiences gained allow us to affirm that sexual violence against children is the subtlest, the most hidden and the least public issue of all the violations of children’s rights. For example, in 1996 AUCCR, while conducting (in cooperation with the Supreme Court of Ukraine) a study on sexual abuse of children and young people, faced significant problems in obtaining relevant information and experienced the lack of appropriate sources of information. The issue of trafficking in minors is equally complicated and hidden and seems to be the new phenomenon in Ukrainian society. What is the reason for such a destructive social tendency?

Economic crisis and its negative consequences - poverty, high unemployment, forced labor migration – these problems have turned children into the most vulnerable group in society. Deprived of care, neglected, hungry, and unprotected, children from such backgrounds become vulnerable to involvement in shadowy businesses such as prostitution, child labor exploitation, trafficking, being sold to brothels, and being used for organ donation. The scale of this phenomenon in Ukraine presumes the existence of a broad global criminal network equipped with modern technologies and techniques.

This study has been undertaken in the context of the Joint East West Research Project on Trafficking in Children for Sexual Purposes in Europe: the Sending countries (Trafficking II). The target subjects are Ukrainian children and minors from various ‘at risk’ groups. (Ukrainian legislation distinguishes between ‘children’ who are human beings aged 0 – 14 years, and ‘minors’ who are boys and girls aged of 14 – 18 years.)

The study aims to clarify and publicise the problem of trafficking in minors for sexual purposes, to show the methods and routes of trafficking, to identify the 'at risk' groups, as well as to analyse the applicable legislation and identify the state bodies responsible for combating this phenomenon. The study also seeks to identify potential preventive mechanisms against sexual and other criminal abuse of children.

Research methodology

The study is based on the results of interviews with responsible officials, public activists, and other persons engaged in the prevention of the problem, on the conclusions of several workshops and round tables on prevention of trafficking in minors for sexual purposes, on an analysis of printed materials, as well as on a comprehensive analysis of Ukrainian legislation.

- Representatives of both state bodies and of NGOs were invited to be interviewed. They included, in particular, judges, the staff of law enforcement bodies and of the state social services, members of Parliament, staff personnel from the relevant ministries (Ministry of Foreign Affairs, Interpol, Security Service of Ukraine, State Committee on Family and Youth, Ministry of Justice), lawyers, and representatives of different NGOs (International Women's Centre La Strada-Ukraine, International Organization for Migration (IOM), Ukrainian Centre for Conciliation etc.) We should stress that the attitude of respondents to the issues raised was not uniform. A total of 84 persons known to be familiar with the problem were contacted for interview. Only 34 of them, after preliminary study of the questionnaire, agreed to provide the information. 28 persons refused, on the basis that they had no information on trafficking in minors. 12 respondents stated that such a crime does not exist in Ukraine, and that only women above the age of 18 and who are full-time prostitutes in Ukraine are the subjects of trafficking for sexual purposes. And 10 persons refused to be interviewed because of a presumed risk to their career, which can be explained by the unstable social and political situation in Ukraine. As we have already mentioned, Ukraine is undergoing a transition of its political and social system, which could end up as either democracy or authoritarianism. Thus, the majority of the officials (public servants) are waiting for the results of the next presidential and parliamentary elections, and the good will of the respondents greatly depended on their political perspectives. Consequently, only 20 respondents provided full and valuable data, whereas 14 did not provide relevant information. Each interview was preceded by a preparatory stage, including telephone calls and private conversations, in order to clarify with the respondent the goal of the interview and to prepare the conditions for honest communication. Interviews lasted from half an hour to three hours. Some data used in the study was provided confidentially, on condition that the source of the information, position or occupation of the respondent would not be disclosed.

Apart from the interviews, the information provided in this paper, including case studies, statistics, trends, is based exclusively on court trials and articles in appearing in the print media. In general, the researchers had to contend with an absence of systematic information on the issue. The data that the researchers considered relevant for the study was gleaned, seed by seed, from a huge amount of incomplete information.

2. Legislation and Policy

Absence of special legislation on minors

It should be emphasized that Ukraine has no systematic legislation on child rights protection. Provisions are scattered through various laws in different areas (Criminal Code of Ukraine, Family Code of Ukraine, Civil Code of Ukraine, etc.).

As for sexual exploitation of minors (including trafficking for sexual purposes), which, in our opinion, can be equated with torture, because of the severe moral and physical damage it causes, it is among the most severe violations of children's rights. In the USSR, the sexual abuse of children was almost totally neglected by the state. An analysis of the jurisprudence on the issue has discovered only the tip of the iceberg. In Ukraine, such studies were not available to the general public. The main reasons are:

- There is no interest on the part of officials in publicising this issue;
- Victims mostly refuse to apply for legal protection;
- The structure of the underworld business is complicated and feared.

In current Ukrainian legislation the crimes related to trafficking in minors for sexual purposes are not separately categorized, and are prosecuted in the general context of combating trafficking in human beings. During recent years, sexual exploitation – trafficking in women and minors, and forced prostitution – have reached serious dimensions. This business makes millions of profit, alongside the sale of weapons and drug pushing. For this reason, the state has to develop new ways for the prevention and elimination of this devastating phenomenon.

Both the legislative and the executive are aware of the problem of trafficking in human beings. Thus, the Ukrainian Government adopted, in September 1999, the first Programme for the Prevention of Trafficking in Women and Minors for the period 1999-2001. On March 24, 2001, a taskforce was established under the International Organization for Migration's project on the "Fight Against Trafficking in Women, Ukraine" (developed by the Government of Ukraine and supported by the European Commission).

The Cabinet of Ministers of Ukraine, by a Decree of 5 June 2002, adopted the Comprehensive Programme for Combating Trafficking in Human Beings for 2002-2005. A new Criminal Code (in force since September 2001) has been an important step in enhancing the fight against this crime.

Criminal law of Ukraine

The current legislation of Ukraine, adopted after the declaration of independence and the Constitution (1992), has, as its primary goal, the "protection of human and citizen's rights and liberties, the protection of property, public order, and public security..." (Art. 1 of the Criminal Code (CC) of Ukraine). Proceeding from this primary goal, great attention is paid to the

protection of child’s rights and liberties in the Main Part of the CC. In particular, responsibility for illegal actions and behavior towards children is made clear.

Concerning the infringement of a child’s rights and liberties, and his/her selling or exploitation for the purpose of use in sexual services, there is a special provision in the legislation, namely Article 149 of the CC entitled “Trade in human beings or other illegal contract on the transfer of a person”. This provision provides that a sale, or other action for remuneration, concerning the transfer of a human being, or the carrying out of any illegal contract connected with a legal or illegal transfer concerning that person, with or without his/her consent, across the border of Ukraine, for subsequent sale or for handing over to another person (persons) for the purpose of sexual exploitation, use in pornography, use for criminal purposes, payment of debt, adoption for commercial purposes, use in armed conflicts, or labor exploitation, are punished by imprisonment for a three to eight-year term.

The same actions, if directed against a minor or against several persons, or carried out by a group of persons acting together, or by abuse of position or status, or by a person on whom the victim was materially or in other way dependent, is punishable by imprisonment for a five to twelve-year term, with or without forfeiture of property. Paragraph 3 of the article stipulates that the penalty is increased to a five to fifteen term of imprisonment, with forfeiture of property, if the actions specified in paragraphs 1 or 2 are committed by an organized group or relate to trafficking in minors, or are for the purpose of extracting organs or tissues from a victim for transplantation or forced donation, or if severe injury is caused.

The distinction between the protection of minors and of adults can be seen in the following table:

Protection of adults	Protection of minors	Distinction
Infringement of human rights and liberties is punished with imprisonment for a three to eight-year term.	Infringement of children’s rights and liberties, his/her use in sexual exploitation, is punished with imprisonment for a five to twelve-year term, with forfeiture of property.	Responsibility towards children is reinforced: starting with five years imprisonment, and not three, and extended from eight to twelve years. Additional penalty: forfeiture of property.
If committed by a person on whom the victim is dependent.	Punished with imprisonment for up to twelve years, with forfeiture of property.	Punished with imprisonment for up to twelve years, with forfeiture of property.
No stipulation concerning the transfer of an adult person abroad.	If committed by an organized group that is trafficking minors abroad, the penalty is	If committed by an organized group that is trafficking minors abroad, the penalty is

	imprisonment for eight to fifteen years, with forfeiture of property.	imprisonment for eight to fifteen years, with forfeiture of property.
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It should be underlined that there is no special law in Ukraine dealing with the illegal transportation of human beings for sexual or other purposes. Such a crime is regulated exclusively under the CC of Ukraine. The Code itself does not differentiate between the penalties in so far as the purpose of the trafficking is concerned, whether it is for sexual or labor exploitation or for other purposes. Regardless of the motivation or purposes of trafficking, there is a common standard of penalty, namely three to eight years of imprisonment. As for Ukrainian legal terminology, there is no such term as “trafficking”. Instead, the terms “trade in human beings”, “illegal transfer”, “illegal contract for the transfer of a person” are used.

The legislation puts particular emphasis on the protection of children against exploitation for the purpose of profit (Art. 150 of the CC). If such actions have been committed against several minors or if such actions caused harm to a child’s health, development, or educational attainment, then the penalty is imprisonment for two to five years with a prohibition on holding certain posts for the same period.

Sexual violence towards minors is provided for in Articles 152 (rape), 153 (buggery), 155 (sexual intercourse with a person under the age of puberty), and 156 (corruption of minors).

A number of provisions establish responsibility as a kind of preventive measure, such as Article 304 of the CC “Criminalization of minors”. The article states that a person will be punished with imprisonment for up to five years if he/she induces minors into alcoholism, begging, or gambling.

Art. 303, which deals with prostitution or forced involvement in prostitution, is an important provision of the CC. Prostitution is defined as the systematic provision of sexual services for the purpose of profit. Paragraph 1 of the said article stipulates the penalty for prostituting, which is a fine of the equivalent of EUR140 to 1400, or 120 hours of community service. If such actions involve the prostitution of a minor, the penalty is increased according to the general policy on crime, and the offender is punished with imprisonment for a three to five year term. As for a minor forced into prostitution, the law does not explicitly state whether he is a criminal or a victim. However, the law enforcement bodies and the courts treat children/minors as victims who are not considered responsible for prostituting themselves.

Apart from the CC, Ukraine has no specific legislation on prostitution. Nor is there a special law or an article in the Code on responsibility for trafficking in minors for sexual purposes. Nevertheless, the existing provisions should be sufficient to deter trafficking of children if the state established substantial preventive systems. The most important thing is that the problem and its threat to society, be officially recognized.

Administrative law

The administrative law pays particular attention to the protection of human rights and liberties, and especially to those of minors. For instance, preventive measures are stipulated, such as the provision that establishes responsibility for prostituting, namely Art. 181-1 of the Code on Administrative Crimes of Ukraine (CoAR), which provides a penalty of a fine of EUR14 to 28. There are also other special provisions, such as the avoidance of examination and preventive treatment for persons suffering from venereal disease (Art. 45 of CoAR) and inducing a minor into alcoholic intoxication (Art. 180 of CoAR). These provisions are not directly related to the topic of our study, but they are still concerned with the prevention of the involvement of minors in prostitution and, therefore indirectly in the prevention of trafficking in minors for sexual purposes, as a part of the national legislation.

Law on marriage and the family

The Code on Marriage and the Family of Ukraine provides that parents and children must provide mutual moral support and material assistance (Art. 59).

Anonymous high ranking sources have claimed that adoption of Ukrainian children by foreigners is among the most frequent ways in which minors are trafficked for sexual purposes. After the collapse of the USSR, a huge number of foreigners wishing to adopt a child came to Ukraine. At that time, the procedure was too simple: after filling out the forms, foreigners could adopt a child from a regional (oblast¹) adoption centre. As there was practically no relevant legislation, a large number of minors were taken abroad. The national and regional Ukrainian newspapers contained numerous stories about “the sale of children to brothels and as donors of organs and tissues”. On the initiative of the Verkhovna Rada (Parliament of Ukraine) a temporary moratorium on the adoption of Ukrainian children by foreigners operated until 1996. A number of laws on international adoption were enacted. The State Centre for the Adoption of Children attached to the Ministry of Education and Science of Ukraine was established, and is now the only body responsible for international adoptions and through which they can be arranged.

Adoptions of children by foreign citizens are formalised in the consular missions, with a licence from the Ukrainian State Adoption Centre, and in accordance with international agreements concluded by Ukraine with the country of the citizens who wish to adopt the child (Arts. 194 – 203, Section VI. Application of the legislation of Ukraine relating to marriage and the family to foreign citizens and persons without citizenship. Application of the laws on marriage and the family of foreign states and international agreements). “The Procedures for the Adoption of Children by Citizens of Ukraine and by Foreign Citizens and Controlling the Conditions under which they are Placed in Adoptive Families” were introduced by Decree ? 775 of 20.07.1996 of the Cabinet of Ministers. First of all it makes the procedure for adoption more complicated and more transparent. Furthermore, the role of the courts and consulates has been increased, which, on the one hand, places barriers in the way of illegal dealers, and on the other hand, has developed a proper monitoring mechanism over the adopted child’s life abroad until he/she becomes an adult.

¹ ‘Oblast’ is the word for an administrative area in Ukraine.

The majority of professionals stress that the new legal procedures on adoption have had a positive influence in decreasing abuses, and in particular in decreasing the level of trafficking in minors for sexual purposes through false adoption.

Legislation on procedures for exit from and entry to Ukraine of citizens of Ukraine

According to the current legislation, and compatible with international norms on the right of free movement, entry to and exit from Ukraine is free. Minors, being legally incapable, are only permitted to leave in accordance with the rule under Art. 10 of the Law “On procedures for entry to Ukraine and exit from Ukraine of citizens of Ukraine” which provides that the exit may only be permitted with a notarized consent from the child’s legal representatives or on foot of a court order.

According to Art. 6 of the Law “Reasons for temporary restrictions on the right of citizens of Ukraine to exit abroad”, only men of conscription age(18) are restricted in exercising their right of exit, because of their Constitutional obligations. As for minor girls, the general rule will apply: they may leave Ukraine independently with a permit from their legal guardians or with a court order. However, we should not forget that there are many cases where notarized consents, and even court orders, have been obtained through bribery, so that in fact the provisions are not enough to prevent trafficking in minors for sexual purposes.

Laws on public health

Ukraine has no special legislation on the protection of minor victims from sexual violence. But there are state controls over the health of children and teenagers in the Law “On public health”. Art. 59 assures the health of children and teenagers and strengthens their protection. Art. 60 ensures the provision of medical aid to all children. Art. 62 provides controls over the health of children in educational institutions.

Need to reform Ukrainian legislation on children

Many Ukrainian lawyers, representatives of NGOs, and some officials consider that the Ukrainian legislation requires substantial reform in order to comply with international standards. Ukraine ratified the UN Convention on the Rights of the Child in 1991. However, during the 12 years since ratification no special legislative provisions for children were introduced. The existing legislation on children does not comply with many provisions of the Convention. And even if the laws were amended, their application in practice, in particular in respect of court decisions, does not adopt the spirit of the Convention. In this context, the All-Ukrainian Committee for Children’s Rights, with support from UNICEF, has initiated a project on “Establishing a system of juvenile justice in Ukraine”, in cooperation with the Supreme Court of Ukraine. The project goal was to introduce the Ukrainian judiciary to specific legal approaches towards children, in the spirit of the Convention. At the same time, it is considered crucial to amend the criminal law in order to reinforce responsibility for the actions related to trafficking in children, in particular where the trafficking is for sexual purposes.

3. Overview of child prostitution in Ukraine

The ratio of prostitutes among persons of anti-social behavior

Civil society in Ukraine has advanced in terms of development and openness, but at the same time a great deal of anti-social behavior has been generated, which affects the moral development of the whole society. Crime, as a general phenomenon, and prostitution, in particular, are part of this problem.

Among the total number of persons who have breached the laws dealing with anti-social behavior, that is, who commit public order offences, the number of prostitutes (according to information from the law enforcement bodies) is not high in comparison with other categories of persons, such as alcoholics or drug addicts. The ratio of prostitution crimes among the total number of such crimes is 12 - 15%. As for the drug addiction, the ratio is higher, at 28-32%, and alcoholism makes up the remainder, at 58 - 62%. These percentages are represented in the following table:

Fig. 1



(Data from the Ministry of Internal Affairs of Ukraine, 2002)

Problems in obtaining statistics

There are no official statistics on women involved into prostitution in Ukraine. If the Ministry of Interior has such information, it is not made public, because this would reflect unfavorably on the efficiency of the militia.² So, we face a vicious circle: Proof is needed to identify a person as a prostitute. If such proof exists, a delinquent must be punished. Thus, public opinion in Ukraine is convinced that the militia often protect prostitutes and even brothels, and obtain money in return. Sociological studies in the field are limited, and only allow us to describe:

- General tendencies of the phenomenon (increase or decrease);
- Very approximate percentages of the social, educational, and age groups involved;

² The militia is the police force in Ukraine.

c) The state of public opinion on the phenomenon.

Given the circumstances, it is almost impossible to figure out the number of minors who are prostituting. For this reason, most of the data provided in this study is based on sociological polls and statements made by the respondents. Because it was impossible to obtain reliable figures from official sources, the study mainly provides approximate percentages derived from random sociological questionnaires from professionals and other persons concerned with the issue, including representatives of different regional, professional and social groups.

Geographic areas of prostitution in Ukraine

The number of persons prostituting themselves is the lowest compared with other anti-social behavior, but from our examination of the problem, we understand that it has grown in quantity, and has diversified, so that there are increasing numbers of minors. The growth in the number of prostitutes can be ascertained only indirectly, and can only be identified as a trend, since there are no precise figures. We can identify the growth from the questionnaire responses of persons concerned with the issue. They explain the tendency on the basis of the following factors:

- increase in unemployment,
- growth in number of single-parent families and single mothers,
- increase of HIV/AIDS,
- increasing number of advertisements in the mass media about sexual services, camouflaged as offers for “tutors”, “massage”, “escorts” etc.

A cause for anxiety is that respondents who were judges stressed the fact that it is prostitution that feeds the criminal world. For example, most of those who are prostituting maintain relations with criminal groups under a so-called “protection system”.

In most cases, prostitution has spread in cities where there is a broad network of restaurants, casinos, and other places of entertainment. Prostitutes mainly originate from rural areas and small towns where there is substantial unemployment. Such towns are the “suppliers” of prostitutes to the big cities and to the system of trafficking in human beings. Some data shows that small towns – rayon³ centres with populations under 150,000 – in the southern and eastern regions of Ukraine, are the biggest suppliers of prostitutes. Central and particularly Western Ukraine are not identified as “supply” regions because of specific socio-cultural and religious factors applicable to them. Historically, the Western Ukraine belonged to Poland and the Austro-Hungarian Empire for a long period of time. Thus, the spirit of the Greek-Catholic faith has a strong influence on the outlook of western Ukrainians. The biggest receiving cities for prostitutes are the big oblast centres with highly developed structures, namely such Ukrainian cities as Kyiv, Donetsk, Odessa, Kharkiv, Simferopol, and Lviv.

Statistics of trafficking in Ukrainian women

The Ukrainian Ombudsman (under the Constitution of Ukraine this is the state official whose main function is to protect human rights in Ukraine) states (these figures correspond to data provided by IOM) that between 1991 and 1998 about half a million Ukrainian women were

³ Districts.

trafficked to the West. About 100,000 of these were involved in the sex-industry. Organized crime receives from \$2,000 to \$10,000 for every woman. The final destination points for Ukrainian women are mainly Turkey, Greece, Cyprus, Canada, Italy, the United States of America, Germany, the Arab Emirates, and Japan. For instance, in Israel a Ukrainian earns for her pimp \$50,000 – \$100,000 per year, while she herself receives almost nothing. As our respondents stress, the women receive not more than 10% of the total earned.

Ukraine is a supplier of prostitutes as a result of harsh economic conditions, high unemployment (11% or 5.28 million people according to state statistics), and the widespread phenomenon of homeless children (more than 100,000 persons, according to data from the Ministry of Interior). The official poverty rate is 27 % (12.96 million people). As a rule, it is children who were already engaged in prostitution in Ukraine that are sold to brothels, and they represent some 3 - 5% of the total number recruited (according to the police). This is a very rough estimate, as it is based on the approximate rate of minors compared to adult prostitutes who have been detained by the militia in several districts. The minors are mainly girls aged between 16 and 18. Another estimate is that broadcast by Reuters Information Agency which published the estimates of IOM on Ukrainian women trafficked abroad for sexual purposes. IOM reports that there are about 100,000 of such women, including a significant number of minors. But there is no specific or approximate numbers regarding the minors.

Social risk pre-conditions for child prostitution

The problem is complex because of its variety, status, and the geographical concentration of its centres, and locations. The researchers could not obtain any official statistics on the number of minors involved into prostitution.

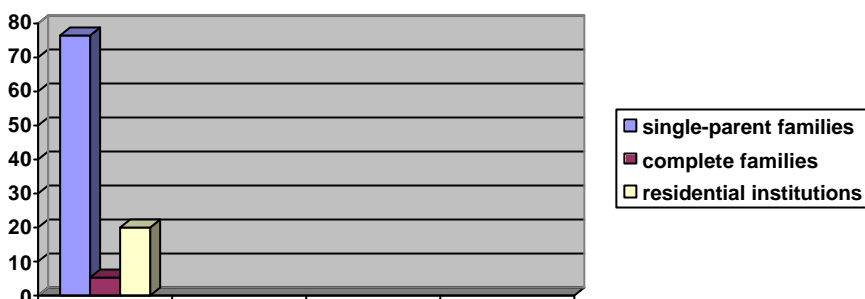
In the first place, the social status and origin of the minors who take the path of prostitution has to be taken into consideration. In most cases these are children from single-parent families, from families where mothers are not committed to bringing up their child, and they are also children without parents, from orphanages and residential institutions.

The statistics kept by the Administration for the prevention of crimes against morality of the Ministry of Interior are selective, given the inherent nature of the phenomenon of “child prostitution” itself. The problem is conditioned by the fact that the category is in a state of constant change, being replaced by new participants in the age category. Based on the data from the above-mentioned Administration, we have the following situation:

- girls from single-parent families make up 74.2%;
- girls from complete families - 5.6%;
- girls from residential institutions - 20.2%.

Graphically the situation can be described in the following way:

Fig. 2:



The research and interviews with teenagers from institutions show that in the case of children from institutions, **one in five girls over the age of 14 had sexual intercourse with teenagers and adults for remuneration.** As a rule, they chose prostitution in order to satisfy their material needs, to buy various things, clothes, accessories, to get spending money, etc. Prostitution is widespread among children who are homeless or who left their home. Almost all girls in this category prostitute themselves, **claiming that their behavior does not harm society; they say they earn money, not steal it.**

“Labor” conditions of minor prostitutes

Minor prostitutes in Ukraine (particularly those working on the highways) serve their clients in precarious sanitary conditions without using protection methods – in cars, in bushes, in cellars or attics. For this reason, most prostituted children suffer from various venereal diseases, which in turn are passed on to the consumers of child prostitution. Thus, according to data from medical institutions, 82.3% suffer from gonorrhea, 16.4% have syphilis, and the remainder suffers from other diseases.

Special attention must be paid to the fact that most of the girls took the path of prostitution being aware that this activity is not a prestigious one, and can present considerable risk to health, including the risk of permanent disability. In the opinion of respondents, it is very difficult for minors to find decent ways to survive.

One should also pay attention to the geography of teenage prostitution. As a rule, only a few of them operate from hotels, casinos, or restaurants; the majority of them offer their services at stations, on highways, at marketplaces.

Hence, on the whole, there are qualitative differences between adult and minor prostitution, both in their attitudes and behavior, and in the geographical features of location and participation in the sex-industry.

As for trafficking in minors for sexual purposes, the situation in Ukraine is as follows: society recognizes the existence of the problem, but very few people can provide precise information. State bodies, including the Ministry in Interior, do not recognize that the problem is large scale, and treat it as occurring only in isolated instances. Some of these are described below.

4. Results of interviews

General characteristics

The state of trafficking in minors from Ukraine for sexual purposes was considered to be complicated, and characterized by factors that encourage the expansion of prostitution and trafficking in human beings in general. The industrial regions in the East and South of Ukraine (Donbas, Dnipropetrovsk, Zaporizzia, Kharkiv, Mykolayiv) are of particular concern.

Currently, there are 11 court cases on trafficking in human beings being processed in Kharkiv, Dnipropetrovsk, Mykolayiv. The cases are before the courts of these regions: Dnipropetrovsk (4), Kharkiv (3), Donetsk (1), Lviv (1), Mykolaiv (1), and Kherson (1).

Respondents interviewed generally characterized the situation in Kyiv as relatively stable with regard to trafficking in minors for sexual purposes, because the city of Kyiv is not affected to a great extent by unemployment, and has no large migration flows. Unfortunately, there is no unified state system for monitoring the level of such crimes in Ukraine, because there are not enough cases to make monitoring a priority. This allows the conclusion to be drawn that very few trafficking cases are brought to court. The number of such cases concerning minors is even smaller. The majority of respondents stated that this problem is very hidden.

Among the respondents, officials and representatives of NGOs appeared to be the most competent on the issue. Every respondent expressed anxiety about the problem.

In order to examine the state of public opinion with regard to trafficking in minors for sexual purposes, the questionnaires were distributed among lawyers and educators during workshops on child rights protection. Trafficking in minors for sexual purposes was included on the list of the most common violations of children's rights in Ukraine. The participants were requested to outline the three most urgent problems for the region they represented. Among educators (40 persons in total), the representatives of the southern and western regions recognized this problem as the most urgent (23 persons). Other participants (from central and eastern regions) did not list the issue. Among lawyers (120 persons) the distribution of the answers was as follows:

- Extremely urgent problem – 11 persons;
- Urgent problem – 85 persons;
- Such problem does not exist – 18 persons;
- Artificial problem – 6 persons.

In relation to the mass media, the result of the interviews, questionnaires, and content surveys, was that the problem of trafficking in human beings is almost entirely associated with trafficking in women.

This problem is of great concern as well to NGOs. The well-known international organizations concerned with women's rights, including Winrock International, IOM, and La Strada, have been working in Ukraine for a long time. For years, these organizations have been conducting substantial prevention and awareness-raising activities, as well as monitoring the problem in close cooperation with the law enforcement bodies. A broad network of institutions for the rehabilitation of female victims of sexual violence has been established.

On the question of minors, we have concluded that:

- There is no institution in Ukraine that monitors the trafficking of minors;
- The state is not paying attention to this problem;
- There are no statistics on minors trafficked abroad for sexual purposes.

Despite the fact that information on the issue should be publicly available, it is not in fact available, and thus, in the public mind, it appears not to be a problem.

A: children/adolescents

The responses to the questionnaires show that very young children (0-15) are not trafficked for sexual purposes. It is girls in the 16-18 year age group that are at risk, because they already look mature and sexual. For this reason, the police find it difficult to identify a girl as a minor, without checking her papers.

How do children leave the country?

All the respondents agreed that the majority of girls are deceived and trafficked under the guise of:

- a. Employment (because of their poverty and the country's high unemployment);
- b. Marriage (due to myths about 'paradise' abroad);
- c. Adoption;
- d. Prostitution.

A small number claim that girls who are already prostituting themselves in Ukraine consciously leave Ukraine in search of better money. Two respondents considered that kidnapping was one of the ways that trafficking happened.

A police man gave an example of a trafficking operation: In May 2003, a group of 200 girls, 15 of them minors, was detained at Kyiv railway station. They were to be illegally transported to Germany by German and Ukrainian dealers and put into a brothel. The girls were recruited in Kyiv bars by "German businessmen". As for the 15 minors, none of them had a written permit from their parents or guardians to leave the country.

How are children/teenagers recruited?

People who are involved in the sex industry in big cities will recruit youngsters by pretending to employ them or promising them a Hollywood life-style as the lover of married men. In the Ukrainian mass media (particularly in newspaper employment advertisements) and on the Internet, dubious advertisements about highly paid jobs abroad appear frequently. The following types of vacancies are usually offered: singers and dancers in casinos, models, tutors and baby sitters, nurses, housemaids, farming (collecting exotic fruit). Another common way of trafficking minors and forcing them into prostitution are “lonely hearts” announcements and marriage agencies. This way is quite efficient for traffickers, because a lot of young Ukrainian girls dream of marrying a foreigner and living in a western paradise. A less usual way of recruiting minors is for them to meet with a dealer in a bar, night club, supermarket or even in the street. The dealers operate in two ways, either by arrangement or spontaneously.

The dealer system for recruiting minors for trafficking for sexual purposes goes almost undetected. Different anonymous sources claim that a large number of them work under the protection of the law enforcement bodies (illegally, of course). Checks on companies that post the dubious advertisements referred to above are hardly ever conducted. Too often the militia does not have sufficient legal grounds for doing a check. Information in the print media claims that trafficking of minors for sexual slavery is a highly lucrative business (comparable with the trade in weapon and drugs), so only extremely strong and technically equipped international organized criminal gangs are able to control it.

Pre-conditions for trafficking in minors: general situation

Ukraine is a country in a state of transition from communism to a market economy; therefore there are a number of factors influencing the development of the illegal trade in minors and the subsequent involvement of trafficked minors in prostitution or pornographic production. The majority of our respondents stated that there are a number of factors peculiar to our country, namely its important geopolitical location (geographically Ukraine is located between Western Europe and Asia), political instability around the future directions for the development of the country, a concentration of attention on the very difficult economic problems, and insufficient attention to the social problems in society, especially the problems affecting minors. Such conditions encourage adults and teenagers to leave the country to look for employment. In 2003, 450,000 children will graduate from school. The educational institutions can take on only about 250,000 of them for higher education. Under the Law “On higher education”, 51% will be educated at the state’s expense, and the other 49% by private means. In other words, the state will make provision for 127,500 minors, and the remaining 122,500 minors will have to pay for their education, which will cost about \$1000 per educational year. And as over one million persons are unemployed, this will be the first factor pushing school graduates to look for work, including work abroad. All the respondents were of the opinion that the impossibility of achieving in life is the single most important condition forcing girls into prostitution. Among children who choose the path of prostitution, the majority is made up of girls who had sexual intercourse during the time they were in school.

Ways of transporting minors abroad

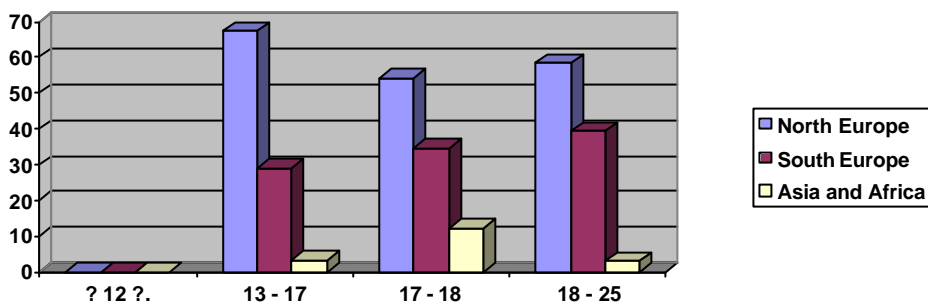
Going abroad is considered a way to change one’s destiny and to find happiness in another country. Currently, young people have three main destinations:

1. To Western Europe, including: Germany, Netherlands, Belgium
2. To southern countries: Italy, Greece, Turkey, France, Spain, and others
3. To the countries of Asia and Africa.

The victims' choice of destination, according to the respondents (social workers and militia), depends on the extent of information available about the countries and their economy. Various sources influence the choice of route and destination

Graphically the geography of departure looks like this :

Fig. 3:

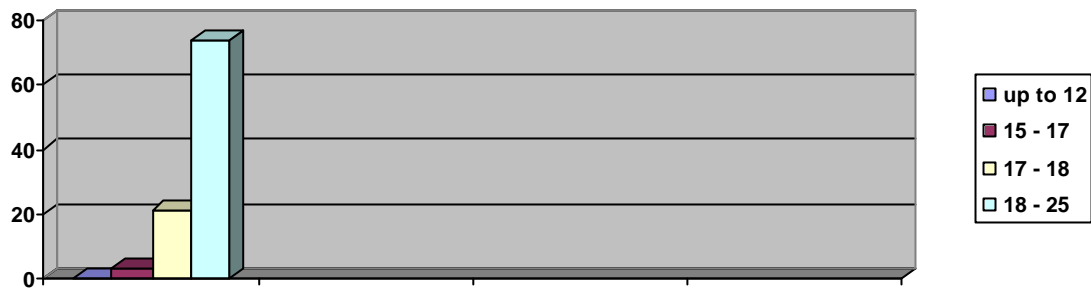


(Data from the Ministry of Internal Affairs of Ukraine, 2002)

Ratio of migrating children/adolescents to adults

The proportion is: minors (children) - 24%, adults - 76%.

Fig. 4:



(Data from the Ministry of Internal Affairs of Ukraine, 2002)

Obviously, there are no minors under 15 among the victims. But starting from 15 and up to 17 the risk group amounts to 3%. It is particularly worrying that the category of persons in the age group of 17 – 18 is so high at 21%.

Migration and transit of minors through Ukraine

Special attention needs to be paid to the migration of children to the CIS countries for exploitation. This migration is definitely not as high as the migration to the European Union countries, but it still exists. Trafficking in minors from CIS countries to Ukraine with the object of involving them in prostitution mainly happens during the summer months, and the main pattern of such trafficking is to the Crimea and the Azovseacoast. At the same time, return trafficking from Ukraine to Russia with the object of involvement in child prostitution happens in spring and autumn, and the destination tends to be Moscow and the Moscow region.

It is important to note that Ukraine is a transit country through which different categories of persons pass (especially during migration from Asian countries to Western Europe). Among the migrants, as one policeman reports, there are a large number (he refused to be specific) of children used occasionally by their parents for prostitution, including in Ukraine. An example of this is a minor Vietnamese girl who was detained as an illegal immigrant and was being prostituted in Kyiv on the Kiltseva Road.

A similar case happened in Kharkiv. In this city the law enforcement bodies detected criminal activity by a Greek citizen, Zorbu, who recruited Ukrainians for work outside Ukraine, namely in Italy, Greece, Portugal, Serbia, Montenegro, and other countries. After he had been expelled from Ukraine, this type of criminal activity in the city ceased to some extent. From analysis of the illegal activity in the city of Kharkiv, it is noted that in most cases the recruited girls had been promised that they would work in cafes and bars and earn \$2,500-3,000 per month. From 235 persons recruited to go abroad, only 24 women (whose average age was 24) received accurate information about their real work as prostitutes. The rest were deceived. When ascertaining why some of them were told the truth, it was revealed that these persons were already engaged in prostitution in CIS countries (in most cases in Ukraine itself). Minors were an insignificant number among them, being 19 girls, who, unfortunately, were already prostituting in the city and region of Kharkiv.

B: National legislation and the law enforcement system

All respondents considered the national legislation to be imperfect. Juvenile justice is still not developed. The problem of trafficking in human beings is a relatively new one for Ukrainian society and, consequently, is insufficiently regulated by law. In fact, there are no special legal provisions for the prevention of trafficking in minors for sexual purposes.

In order to prevent and eliminate trafficking in human beings, the Cabinet of Ministers of Ukraine adopted on 5 June 2002 The Comprehensive Programme for Combating Trafficking in Human Beings, 2002 – 2005. The majority of respondents pointed out the following positive achievements of the Programme:

- The establishment of a Taskforce for Combating Trafficking in Human Beings;
- The conduct of sociological and criminological research on trafficking in human beings;
- Carrying out systematic advisory and awareness-raising work among the risk groups.

At the same time, this comprehensive programme does not anticipate the establishment of a common and effective mechanism for its implementation. It is not possible to consider this Programme as successful because of the unsatisfactory level of coordination between the Ministry of Interior, the Security Services, the Prosecutor General, Interpol and the other competent intergovernmental institutions, the lack of cooperation with human rights NGOs, and insufficient awareness-raising with the wider public about how the Programme will be implemented.

Some respondents considered that the establishment of an Administrative section on the Prevention of Trafficking in Human Beings within the Ministry of Interior was a positive step. The Administration has 27 regional departments. During last year, its staff conducted 169 investigations and laid 41 criminal charges for trafficking in human beings. 28 traffickers were convicted, 17 of them were sentenced to terms of imprisonment. 202 victims received rehabilitative support.

The respondents also consider as an achievement the ratification of the Council of Europe Convention on legal protection and legal relationships in civil, family and criminal cases by Ukraine. This resulted in fruitful cooperation and mutual assistance between the embassies of Ukraine and the diplomatic representations of foreign governments in our country. Information provided by the Centre “Woman for Woman” about the request to the Centre by a woman whose daughter was missing in Poland is a good example. Due to cooperation between the embassy of Ukraine in Poland and the Polish NGOs, La Strada-Poland and Centrum Praw Kobiet, the minor girl was located and brought back home.

C: Protection of children

In the opinion of our respondents, the above-mentioned Comprehensive Programme for Combating Trafficking in Human Beings, 2002 – 2005 (adopted by Decree of the Cabinet of Ministers of Ukraine) is a core prevention programme, involving the following state institutions: The State Committee on Family and Youth, the Ministry of Interior, the Ministry

of Foreign Affairs, the Security Services of Ukraine, the Ministry of Justice, the Ministry of Public Health, the Ministry of Education and Science, the State Committee on Nationalities and Migration, and the State Committee on the Protection of the State Border.

As for rehabilitation programmes for the victims of trafficking, the respondents stressed the lack of a common public rehabilitation programme. However, they recognized the important contribution of international and national non-governmental organizations such as La Strada-Ukraine, the World of Women (Svit Zhinok), Hope (Nadiya) Crisis Centre, IOM, and Winrock International in establishing rehabilitation centres for victims of sexual violence and exploitation.

The protection of victims and their re-integration forms a separate part of the Comprehensive Programme for Combating Trafficking in Human Beings. The respondents listed as primary steps in this field:

- Assistance in repatriation of Ukrainian citizens who are the victims of trafficking in human beings;
- Providing necessary medical, psychological and legal assistance to victims of crimes related to trafficking in human beings;
- Establishing a network of re-integration and crisis centres for victims.

In order to prosecute traffickers, Ukraine is preparing to ratify the following key international instruments:

- UN Convention against Transnational Organized Crime;
- Protocol against the Smuggling of Migrants by Land, Sea and Air;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children;

Ukraine is also preparing to bring Ukrainian legislation into line with the above-listed instruments.

Our respondents consider that for successful implementation of programmes on prevention, rehabilitation and repatriation, the three following conditions must be fulfilled:

- Division of power between and allocation of responsibility to each institution mentioned in the Programme;
- Clear coordination and cooperation mechanisms among them;
- Clear coordination between the Ukrainian law enforcement bodies and Interpol, Europol, and the Regional South-East Initiative Centre on Cooperation in Preventing Trafficking in Human Beings.

D: General observations

Our respondents believe that trafficking in minors is caused by several factors:

- High demand abroad – both in Western Europe and in Southern and Eastern Asia;
- Huge profits from this business;
- Enduring economic crisis in the country;
- Gaps in legislation, in particular, in relation to juvenile justice;
- Lack of attention to children's rights as a specific area of human rights;

- Low level of legal awareness among children: they do not know their rights and, therefore, they are oblivious to the consequences of an illegal stay in a foreign country. Minors can be easily recruited because they believe the traffickers and their stories about loaves and fishes abroad.

The respondents have reported that a dealer receives \$2,000 – \$10,000 for each girl. For instance, in Israel, a minor Ukrainian can earn \$50,000 – 100,000 per year for her pimp, and receives a miserable sum herself in return. Because of a lack of information, the respondents could not say whether the price depended on sex or age. All respondent were positive in stating that there is a close relation between sex-tourism, child pornography and the local sex-industry. One of them told about a visit to Kyiv by an official of Interpol in June 2003, when during the press conference he showed an English-speaking pornographic magazine. Its cover showed a minor porno-model from Ukraine. The Interpol official requested the Ukrainian law enforcement bodies to find out any information they could about the girl: who she is, and how she was taken abroad by porno-business exploiters. Other respondents, while speculating about the problem of child pornography, pointed to popular publications that often publish on their last page the pictures of naked 16-17 year old girls – participants in the “Miss Boobs” contest. Apart from the legal and moral aspects of publishing this kind of material, the respondents considered that the pictures operated as ads for dealers.

The State and NGOs: their role in the fight against trafficking in human beings

a) Militia

- The respondents claimed that the militia play an insufficient role in the prevention of trafficking in minors;
- They stressed the unsatisfactory quality of the training available to militia staff in the prevention of trafficking in minors, in prosecuting offenders and in the protection of victims and witnesses;
- A lot of militiamen were said to lacking in care and sensitivity towards victims of trafficking;
- At the same time, good communication between the militia district inspectors and civil society, and in particular with risk groups, was recognized as an indispensable preventive measure against trafficking in human beings.

The researchers were shocked by the fact that some militia respondents treated 16-17 year old girls in the same way as adult prostitutes.

b) NGOs

Civil organizations, particularly those active in the field of human rights, can provide significant help to law enforcement bodies. The main activities of NGOs in the prevention of trafficking in minors are:

- Prevention work with at-risk groups in order to make them aware of the risk of becoming the victims of trafficking;
- Addressing the economic and social factors that make girls leave the country;

- Assistance to repatriated Ukrainian minor victims of trafficking;
- Promotion of psychological, social and medical rehabilitation of repatriated Ukrainian minor victims of trafficking;
- Cooperation with law enforcement bodies and the courts in order to increase the efficiency of prevention mechanisms.

c) Cooperation of NGOs with state bodies

Based on the results of the interviews, the researchers summarized the main ways in which NGOs can cooperate with state institutions on the question of the re-integration of trafficked victims:

- Sharing information and coordinating activities between NGOs and state institutions on prevention;
- Cooperation with youth centres in providing psychological and social support to victims;
- Cooperation with employment centres in educating and employing the victims;
- Cooperation with medical institutions in providing medical aid to the victims;
- Cooperation with educational and juvenile institutions, and the law enforcement bodies, on the re-integration of minor victims of trafficking including the search for parents, renewal of documents, placing in shelters and orphanages, psychological and medical assistance, and education.

E: Organized crime or how traffickers operate

This question was the most difficult one in the questionnaire. Practically all the respondents recognized that networks for trafficking in minors exist in Ukraine and are closely linked to international criminal networks. The majority of them were convinced that traffickers are protected by corrupt senior officials both in Ukraine and abroad. Trafficking in minors is the most difficult area in which to access information and statistics. As for organization, methods, structure, itineraries and connections of this crime, only the accomplices of these groups or police investigators can provide such information. The respondents recommended using in this study only those cases (see the section below on **Case studies**) where criminal charges were already brought and court sentences have been handed down. Other comment in this field can be dangerous for reputations, careers and lives. Journalists who responded to the questionnaire, and who had tried to conduct investigations into trafficking, had faced direct pressure and threats.

5. Case studies

(All cases were kindly provided by our respondents: judges, lawyers, social workers and policemen)

Case 1.

Olena: She was 17 years and 8 months old when she agreed to work in a bar abroad (having finished school). During 2001 she stayed abroad for 5 months.

Olena studied at a secondary school in the town of Irpin and followed English courses in Kyiv. During the time she was attending the courses, she saw an advertisement in a newspaper about the recruitment of young girls for bar work in Great Britain. An intermediary agent's phone number and address was given in the advertisement. Olena came into contact with this person, who presented himself as in the business of job placement, and gave him her data; she also paid \$200 for the registration of documents and as an advance for securing her future work. The agent was a citizen of Ukraine. He promised her parents that the girl would be given a job and that he would be responsible for her. Being confident that the girl would earn money for herself, the parents gave their written permission for Olena's trip abroad. In July, she set out for Great Britain in a tourist coach. Until her journey had already started, Olena paid no attention to the passport and the ticket given to her. The ticket was in fact valid for a journey to Germany (to the state of Bavaria). It was only in the coach that she noticed these details. But she was promised that from Germany she would continue to her destination, and that this change had been made in order to save money.

Upon her arrival to Germany, she, together with a girl named Tetiana, were introduced to a bar owner as girls who would do unskilled labor. Olena's passport, with a six-month visa, was given to the owner. During the first week the girls worked together with the bar cleaners, and washed dishes, for which the owner paid them 180 marks. In doing so, he discussed with them the possibility of earning money on the "first floor" on their days off. When the girls refused this possibility of earning additional income, the owner threatened them with dismissal. Having been put in a position in which they did not have a choice, the girls agreed to prostitute. For three months, Olena remained on her own, because Tetiana had stolen her documents and run away home. Olena had to work as a bar cleaner for another two months and to prostitute in the evening. One evening she heard Russian being spoken at the bar. She approached the persons who were speaking, introduced herself, and asked for help. Three men from the town of Lutsk asked the bar owner about her. He answered that Olena worked voluntarily and that she has the right to prostitute, which is legal and recognized in Germany as a proper employment. The owner agreed to their request to pay her 1780 marks, having even thanked her for the work, and expressed his hope that if Olena needed money, she might rely upon his help. In this way Olena found herself back with her family via Lutsk. The law enforcement bodies were unable to find the person who had recruited Olena and Tetiana; there were no similar advertisements published, and the flat where Olena had met the agent had been let to persons who themselves went to work in other countries. Now Olena, having taken a course in psychotherapy, has got a job, and works in Kyiv.

Case 2.

Marina: A pupil from the 9th Form of a secondary school, in the town of Mariupol in the Donetsk oblast. In 2002 she stayed in the Russian Federation, and was prostituted for 2 months.

Marina's parents, believing that the ecological situation in the Donetsk region was dangerous for the child health, because of the ecologically harmful activity of the metallurgical plant there, sent her to their relatives in the Moscow region. There, Marina met a girl of her own age, Svitlana, who had already been prostituting. The latter offered Marina the chance to earn some money by means of such kind of activity and Marina agreed. In the evening, they pretended to go for a walk on the Moscow – Kaluga highway, but in fact they were prostituting themselves. In August the girls were detained by militia officers and charged with a petty offence. As Marina was a citizen of Ukraine, she was returned to her parents.

Case 3.

Natalia M. and Natalia S.: Both were 17. They finished school in the town of Khorol of Poltava oblast. They entered Turkey with a tourist group. Detained by police on charges of prostitution, they were deported to Ukraine. In total, they stayed in Turkey for 3 months in 2002.

Natalia M. and Natalia S., having finished school together, agreed to go abroad with money they had already earned from prostituting themselves at the station. These girls had started prostituting in the town of Poltava at the age of 15. Both their families were of single-parents; their mothers did not concern themselves with their education from the time the girls were 12. After the girls learnt that one can earn better money abroad (they saw a TV programme on trafficking women abroad where they are forced into prostitution), they decided to go on a tourist trip to Turkey where they would be able to earn more money. They applied for visas through a tourist agency, bought a two-week inclusive trip, and went to Antalia. Within two days, they had found an acquaintance, a girl called Zhanna from Ukraine, who was already engaged in prostitution. On condition that they would give Zhanna 10% of their profits, they started prostituting themselves. After 2 months, they were detected by the Turkish police, detained, and then deported to Ukraine. Because of the gaps in old legislation which was then in operation in Ukraine, they were only charged with petty offences.

Case 4.

Inna: Aged 15, found in the town of Mladovnets in the Republic of Serbia. Engaged in prostitution for 3 months in 2003.

During her school holidays, Inna, together with her mother, went off to earn some money in Greece where she first worked at picking oranges. As the work was tiring and Inna had no interest in manual work, she had a row with her mother and ran away from the place in which they were staying. Later she met an acquaintance from the Russian Federation who was

touring in Greece and wanted to cross the border into Serbia. They took a train to Serbia together. There her acquaintance suggested that she would prostitute herself and earn money for getting back home. Inna agreed. First, they prostituted together, but then they quarreled over “clients” and money. They separated and each of them began prostituting by themselves. Inna, who was being searched for as a missing child, was identified by the Serbian police and handed over to the authorities in Ukraine. The other girl was also detained by the police and deported to the Russian Federation.

Case 5.

Larysa: Aged 34, resident of the city of Lutsk, the mother of two girls (15 and 4 years of age) was let go from her job because the business she had worked for closed down. Larysa had divorced and received no assistance from her former husband. As she had absolutely no means or way of making a living, Larysa was happy when she met someone who offered her work as a housemaid in Poland and the chance to earn \$ 200 per month.

The supposed master seemed not to object to her daughters living with her. When Larysa arrived in Poland, her documents were taken from her (on the pretence of registration) and she was told that, instead of the promised work, her younger daughter and herself would beg near to banks, shopping centres and cathedrals. The older daughter was to work in a nightclub as a strip tease- girl. As Larysa refused and asked to be sent back home, she was pressurised morally and physically: she was beaten, her younger daughter had leg injuries inflicted in front of her, and the older daughter was raped.

Larysa remained begging in Poland for a year. She carried her younger daughter in a wheel chair and had no information about her older daughter. Maryna, the 15-year old daughter of Larysa, was made to work in a strip -bar and to prostitute herself daily, being forced to earn \$350 per day for her master. When she could not earn that much, she was beaten physically and psychologically tortured.

Once, when she was really desperate, Larysa spoke to a policeman in the street, and told him her story. She asked for help to find her older daughter. The policeman took Larysa and her younger daughter to the police station and launched a search for Maryna. When she was found, the police deported the family to Ukraine and paid the trip to the Ukrainian border. Larysa came back to Lutsk partly by local train, and partly on foot. Being terrified, she did not turn to the Ukrainian law enforcement bodies. Neither Larysa nor Maryna went to the rehabilitation centres and prefer to forget everything as a terrible nightmare.

Case 6.

Maria: A 17-year old from Kharkiv, was brought up in a single-parent poor family.

Together with her mother, they carefully studied the ads of marriage agencies and dreamed about a happy marriage for Maria with a rich foreigner. A good friend advised Maria to go to an agency which was located in a private flat, equipped as an office, in the center of Kharkiv. Maria was worried that there was no notice or company name on the door, but she still entered. First, she was asked to have pictures taken of her in her underwear. Some time later,

she was called by the agency and asked to come and have the photos taken again because the previous pictures were said to be bad. She went. She was brought into a room in which there were a lot of computers. Several naked girls were waiting there. Maria was offered \$100 for posing for nude photos. Maria refused because she noticed that pornographic pictures were immediately sent via Internet to the customers. The clients indicated what position a girl had to take and what she had to do. Maria said: "I don't know how I would have escaped if my friends were not waiting for me at the door of the agency. I managed to overhear that they wanted to sell me as a slave to a brothel abroad. They were promised \$10,000 for each girl." Maria and her friends immediately informed the law enforcement authorities. The dealers were arrested. During the investigation, the work of the "agency" was revealed. They were careful. The girls were recruited from other towns or from poor families. And they were easy targets; the girls needed money, and had no one to care for or protect them. They were introduced to foreigners, married, granted a visa. The girls left the country expecting to find a palace with a handsome prince, but instead they were put into brothels and controlled by pimps.

Case 7.

Poor Roma family from the Transcarpathian region.

In order to earn money for the family, the parents decided to send their two minor children (5 and 7 years of age) to the local orphanage. In their search for work, the parents left for another city and could not see their children often. Without their consent and without even informing the parents, the director of the orphanage moved the children to another town. When the parents wanted to see their children, they were told that the children were in another orphanage, 100 kilometers away. Because of the long distance, the parents were unable to see their children. After their work contract expired, the parents came to take their children from the orphanage. The director told them that, following a court decision, their children had been adopted by citizens of Italy and Spain. The director explained that such a decision was taken because the parents had not visited their children for a long time, which the visitor registration book confirmed. The local court pronounced the children orphans. The parents complained to the law enforcement authorities and to the court. Criminal charges were brought. The investigation revealed numerous breaches of the law in relation to the adoption papers. The procedure for adoption itself lasted only 30 minutes. The children are now the subjects of an international search. The criminal charges were justified. The facts show that the children were trafficked abroad.

Conclusion:

The examples listed allow for the conclusion that the economic crisis in the country, lack of awareness, ignorance of one's rights, naivety, poor information and the social vulnerability of minors, create favorable conditions for traffickers. As we have seen, the victims are mainly children from single-parent and vulnerable families, residents of rural areas, or members of marginalized groups. These minors make up the so-called 'risk' group.

Some victims have taken the path of prostitution with help from an outside person or by collusion with another. In most cases, the conditions that incited them to prostitute were

poverty and the desire for a better life by increasing their income through prostituting themselves abroad.

We can also state that only a minority of victims of trafficking for sexual purposes dare to approach the law enforcement bodies or social institutions. This is one more reason to recognize this phenomenon as a hidden one. In fact, the trend of trafficking is much more widespread in Ukraine than the figures indicate. As for quantitative indicators, all the respondents could only guess at percentages, because of the impossibility of figuring out the real number of trafficked children.

6. Recommendations and conclusions

International agreements on prevention of trafficking in minors

The current legislative system in Ukraine is an integral complex of laws and subordinate legislation directed at combating trafficking in human beings and the involvement of minors in prostitution. International norms become a part of the national legislation if Parliament (Verkhovna Rada) consents to the obligatory character of those norms (Art. 9 of the Constitution of Ukraine and Art. 17 of the Law “On international agreements of Ukraine”).

In accordance with such Parliamentary consent, multilateral agreements concluded with international organizations operate in Ukraine, as well as bilateral agreements on mutual legal assistance with more than 30 countries, and 84 consular conventions concluded on a bilateral basis between Ukraine and other countries of the world. Most countries of Europe have such consular conventions with Ukraine. In accordance with these conventions, legal assistance is provided to citizens of Ukraine who live in other countries with which such agreements have been concluded. One such example is the collaboration between the consulate of Ukraine and The Netherlands’ government when several victims were discovered in The Netherlands. The Netherlands’ police handed over these persons to the consulate of Ukraine. And the consulate, in fulfilling its function of rendering assistance to citizens of Ukraine, provided assistance to the victims, and returned them to the Ukrainian authorities.

Ukrainian legislation on trafficking in minors for sexual purposes

The Criminal Code of Ukraine attaches criminal responsibility for the trafficking in minors for sexual purposes. One should not presume that legislation can solve all problems, but it is the basis for the actions of the law enforcement authorities and others in the fight against these crimes.

The first shortcoming is the lack of correct application of the current legislation. There is a gap in the legislation in relation to procedures. Though we have a new Criminal Code of Ukraine that stipulates responsibility for trafficking in human beings and in minors (increased penalties), at the same time the procedures and sentences are outdated, having been adopted as far back as the communist era of 1963. The amendments and additions do not solve the

judiciary's numerous current problems with regard to the collection of evidence, and the participation and protection of witnesses.

Also, there is no separate legislation regulating the rehabilitation measures for victims. The adoption of such special legislation is necessary for the establishment of special state institutions that could rehabilitate victims, especially victims who have been deceived and forcibly involved in the sex business. Such a law would also pave the way for the establishment of non-governmental rehabilitation centres, and would regulate the responsibilities of those providing rehabilitation services.

Role of law enforcement bodies in prevention of trafficking in minors

Special attention should be paid to the activities of the law enforcement bodies, such as the public prosecutor's office, the militia, frontier troops, the customs service. An analysis shows that it is mainly the militia who uncover the crimes and take prevention measures where victims of trafficking are concerned. The second most involved category of authority is the frontier troops who detain illegal migrants and handle those cases. Unfortunately, the least contribution into prevention of trafficking in human beings is made by the public prosecutor's office, which since it has been given responsibility for trafficking in human beings has not carried out any analysis of how the legislation is working, or on the actions of those institutions that combat this illegal phenomenon.

Another important issue is the inadequacies in the operational structures of the law enforcement authorities. The poor level of preparedness of the militia for such important work should be especially stressed. The militia, as the maintainers of law and order in society, are the first source of protection against trafficking in human beings, but its members do not have sufficient training to deal with the issue. This view is confirmed by an analysis of court cases. The militia should have a number of specialized departments, with clear goals, and which are provided with the necessary technical resources. But they do not have the necessary expertise, as can be seen from a court trial in Lviv concerning over 200 minors who had been sold, but only 50 of the cases could be proved. Therefore, there were 150 cases of trafficking in minors in which the offences were not proved, and in which the proceedings failed. These cases demonstrate the professional incompetence of the militia and the officials from the public prosecutor's office.

Another serious shortcoming is the lack of training of the law enforcement authorities. This is amply demonstrated by the Lviv case, described above, in which the evidence-gathering and the implementation of procedures were inadequate. Most of the law enforcement officers do not get sufficient training. That's why the implementation of a juvenile justice system in Ukraine is strongly recommended by our respondents. There should be a proper coordination mechanism between all the law enforcement bodies. The juvenile court has to be a core element of this system.

Weaknesses in the existing prevention strategies

In Ukraine there is an anti-crime programme that contains special protections for children against violence. However, its measures are not sufficient to combat the transnational crimes

of trafficking in human beings. The peculiarity of this crime is that in most cases the recruited persons keep their trip abroad a secret, and the purpose of such a trip is, as a rule, camouflaged as “a job in a bar, cafe, for child-minding, for domestic service, etc.” The rehabilitation programmes exist only on a semi-formal basis; they are available mainly in large cities where psychologists are available, but their number is small, and the victims rarely apply for help.

Public awareness

All the respondents agreed that in order to prevent an increase in the trafficking of minors for sexual purposes, tight cooperation on practical matters between the state authorities and NGOs is needed. The need for public awareness and educational campaigns, and prevention and advisory services were underlined.

Almost all the respondents considered that the Comprehensive Programme for Combating Trafficking in Human Beings, 2002 – 2005, is a positive step. This programme oversees a number of activities and is responsible for their implementation in several state institutions. At the same time, in order to ensure that the Programme is not limited to making declarations and reporting, the coordination of efforts of all these institutions is needed, with specific time-lines for every part of the Programme, and strict delineation of responsibilities for every actor in it.

Need for sharing information internationally

Cooperation between the various institutions at interstate level is quite complex. There is a system of information exchange between the police in the European countries, and those of Asia, and America, due to the fact that the Government of Ukraine in 1993 joined Interpol, an organization with a membership of 179 countries, through which police authorities can exchange information. However, information exchange between the social services of countries is limited.

Recommendations

A balanced state approach to the elimination of trafficking in minors for sexual purposes should be introduced, together with improved mechanisms: coordination between the different agencies, cooperation between assistance services and the judiciary, the provision of state social services. As it is sometimes impossible to prevent women and girls from traveling abroad, the role of protection and timely preventive measures against possible negative consequences needs to increase. Such activities should be conducted among pupils, students and young people through youth social centres. Social assistance to victimised girls is particularly complicated.

A number of regions of Ukraine already have special services, centres and shelters. Their network should be improved and extended to small towns and to rural areas. Social centres for young people have strong potential for providing such support. They have the necessary resources for work in the field. The Administration for Family and Youth has its own capacity for establishing or developing institutions providing social assistance to minors. But we should stress that the existing system of social and psychological assistance in Ukraine does not correspond to modern requirements and cannot satisfy all potential clients. We mean that not

only is there insufficient funding for institutions that provide such social assistance, but also there is lack of experience among social workers for dealing with this new category of client. So, it is extremely important to provide the necessary education and to cooperate with the NGOs that already have experience in the field.

To summarize the results of the interviews and the obstacles faced during this study, the researchers conclude that it is very necessary to have on-going research and awareness-raising about trafficking in minors. Strong information campaigns on the international and national instruments on the issue, booklets and leaflets, TV and radio programmes, in-depth discussions of the problem in the mass media, including the involvement of state bodies in awareness raising campaigns, are equally needed.

The researchers are convinced that the problem cannot be solved without increasing the public understanding about trafficking in minors. This requires awareness-raising and educational campaigns that can change values, attitudes and behavior in favor of active prevention of trafficking in minors.

Specific measures for the prevention of trafficking in minors

- Systematically supervise the tourist companies, marriage agencies and firms that are licensed to operate as agencies for employment and recruitment abroad;
- Control implementation of and ensure compliance with the law during the organization of holidays and treatment of children abroad;
- Provide systematic advice and information among the at-risk group;
- Develop a methodology to detect and follow-up the kind of young persons that are potential victims of trafficking;
- Involve the mass media in advice and information work among the wider public;
- Conduct on-going open-door regional workshops for the personnel of “hot lines” and volunteers in order to provide them with methodological and practical support;
- Ratify the UN Convention Against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children;
- Establish a mechanism for the permanent exchange of information about trafficking in human beings, especially about trafficking of minors, between the law enforcement bodies of Ukraine and those of other countries;
- Reinforce border control, particularly concerning the exit of minors abroad.

7. Appendixes

Data about interviewees

Respondents:

1. Representatives of authorities

Judges

Judges of the local courts of the city of Kyiv (7)

Militia

- Head of the Department of Criminal Investigation on Crimes against the Person;
- Head of the Administration on Combating Prostitution of the Chief Administration of the Ministry of Interior of Ukraine in the city of Kyiv;
- Operational representative of criminal investigations involving minors of Vatutinskyi district board of militia of the Ministry of Interior of Ukraine;
- Head of Administration on Combating Trafficking in Human Beings of the Ministry of Interior of Ukraine

2. Representatives of justice institutions

- Authorized agent for the implementation of the Convention on Protection of Human Rights and Fundamental Freedoms;
- Deputy Minister of Justice of Ukraine;
- Deputy Head of Ivano-Frankivsk oblast Department of Justice

3. Social service workers

- Sociologist, Holosiivskyi district administration of the city of Kyiv;
- Head of the department of education of Pecherskyi district of the city of Kyiv;
- Principal of gymnasium of Pecherskyi district of the city of Kyiv;
- Principal of general secondary school of the city of Kyiv;
- Teacher of residential gymnasium No. 13 of the city of Kyiv;
- Department for the Family and Youth

4. Representatives of public associations and lawyers

- Lawyer for minors;
- Lawyer, public association “Pravnyk”;
- Journalist of National TV channel;
- First assistant to the Bishop of Andriy Pervozvannyi Cathedral;
- Representative of the student administration of the Interregional Academy of Personnel Management

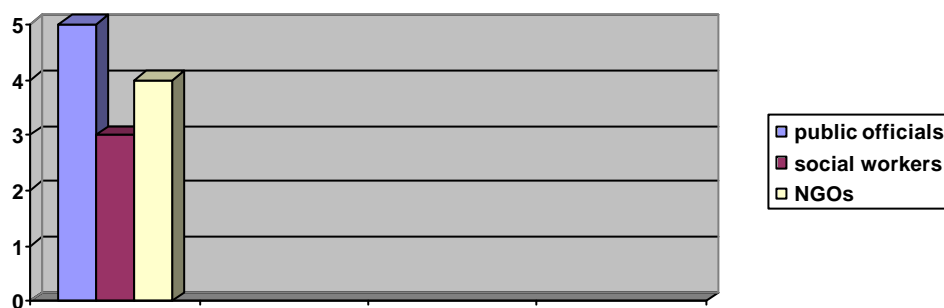
5. NGOs

- Social Centre “Woman for Woman”, Director
- Ukrainian Centre for Human Rights, Social worker
- Women’s Centre for Information and Coordination against Trafficking, Psychologist.

Among the respondent, 12 persons were personally engaged in the problem of trafficking in human beings because of their official or public status; 4 persons know about this problem and believe that they will be engaged in it.

Among those who were personally engaged in this problem, 3 persons are militia officers. The judges were engaged in the sense that they studied the cases that happened in other courts and took decisions in cases when charges were brought against persons engaged in prostitution. Among the social workers, all 3 persons were engaged in the rehabilitation of victims who had suffered and needed such assistance. Four persons, representatives of the public, had directly helped the victims of trafficking for sexual purposes. The division of the persons engaged in the present problem is presented graphically below:

Fig. 5:



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