

# **Human Trafficking Within Ukraine: A Spiral Model Perspective**

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## **Introduction**

While the problem of human trafficking has existed around the world for centuries, Eastern Europe has particularly been inflicted with high trafficking rates. The slow transition to democracy stemming from the fall of communism has created conditions in which criminal networks of human traffickers can flourish. Human trafficking is an issue that crosses many borders and involves various states. Globally, it has been addressed by major international documents, namely in Article 4 of the United Nations' Universal Declaration of Human Rights and in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, which outlaws slavery in all forms and defines trafficking as “the illegal trade of human beings, through abduction, the use of threat or force, deception, fraud, or ‘sale’ for the purposes that can include sexual exploitation, forced labor, child soldiers, domestic servitude, organ trafficking, and slavery in any form” (UN, 2000). This has been the primary document in driving the fight against human trafficking on a global scale.

One of the countries where this issue has recently come to the forefront of policy formation is Ukraine. According to the International Organization for Migration, Ukraine is at the top of the list of countries in which human trafficking is the most prevalent, and it is increasingly becoming a destination for trafficking victims. While Ukrainian officials have recognized this problem and have taken steps to fight the issue, many laws have been inadequate in dealing with the problem and government corruption has impeded effective policies in combating human trafficking.

This paper focuses on answering some of the key questions relating to the longtime problem of human trafficking within Ukraine, including how the problem has evolved and what future steps can be taken to help alleviate the issue. The timeline in which we work with focuses on the years from which the Soviet Union collapsed until present day. We will analyze the problem using the

Spiral Model developed by Thomas Risse and Kathryn Sikkink in order to explain the current stage of the issue and the steps Ukraine must follow to change their behavior regarding human trafficking. This research will not only look at the progression of anti-human trafficking efforts in Ukraine, but it will also identify areas that, if targeted, will be able to create lasting change to continue to make human rights a priority in this country. Prevention and reduction methods for human trafficking will also have implications for other important human rights issues that affect or are affected by human trafficking, such as market accessibility, gender equality, and rights of migrants. Addressing this issue is an important factor in furthering human rights in Ukraine and Eastern Europe as a whole.

### **Scope Conditions**

The Ukrainian government is fairly new, having only existed since the end of the Soviet Union in 1991. For several years after declaring their independence, the government was slow to change from the authoritarian system and state-run economy. In 1996, the government established a new constitution that officially declared Ukraine a constitutional republic and began to open up the market, beginning with private land ownership. The first decade of independence from Russia proved to be financially devastating for Ukraine, as well as the other former Soviet states. With much of their trade market still reliant on Russia, the Russian financial crisis of 1998 led to major increases in unemployment and drops in economic growth, setting back an otherwise expanding economy. In fact, “in 1999, at the lowest point of the economic crisis, Ukraine's per capita GDP was about half of the per capita GDP it achieved before independence” (Economy of Ukraine, 2013). The financial crisis of 2008 also led to major repercussions within the Ukrainian economy, tripling unemployment and significantly decreasing GDP.

While the Ukrainian market is relatively open in comparison to its status in the early 90s, the economy is still not considered very free, as shown by the 2013 Index of Economic Freedom, which scored the country at 46.3 out of 100, taking into consideration various facets of the economy (The Heritage Foundation, 2013). The government, while it has progressed from the original post-Soviet

system and is not authoritarian, has not quite progressed to an adequate level of democracy. The executive branch, made up of the Cabinet of Ministers of Ukraine (who hold the most authority) and the President, has relatively more power than the other branches of government. Corruption is also a major issue within the Ukrainian government, as it has been since the fall of the Soviet government. In the 2012 Corruption Perception Index, the Ukrainian government scored 26 out of 100 on the corruption scale, meaning that the government is known/perceived to have large amounts of corruption (Transparency International, 2012).

While the executive branch holds much of the Ukrainian government's power, the state is somewhat limited in what steps they can take to eliminate human trafficking within their country because of material vulnerability. The government lacks many resources, particularly money, limiting the funding they can put toward anti-trafficking efforts. While opening the market in Ukraine initially led to market expansion and economic growth, the reliance on trade and foreign investments often leads to large fluctuations within the economy during major financial crises in other countries, which causes increased unemployment, potentially contributing to the trafficking problem (i.e. Russia 1998, US 2008). This inability to prevent significant financial swings also reflects the government's lack of resources in stabilizing institutions and infrastructure within their country. A weakened infrastructure also means that the government lacks the ability to access more rural areas of the country, where many people are targeted by traffickers because of limited economic opportunities and an inaccessible market.

The government in Ukraine now has a moderately consolidated statehood, although it went through several years of limited statehood while its government was in transition. Currently, the government is much more established and has a farther reach of rule of law, although a lack of strong infrastructure limits some of their rule of law in more rural areas. With human trafficking, the government also is limited in their rule over the transnational crime

groups. While they are working to change this, the groups are often hard to target and track down. Within Ukraine, human trafficking is also a decentralized issue, as of now. The government, for the most part, is not a violator. Instead, non-state actors such as mafia groups, trafficking rings, johns, employers, and other individuals are the primary violators. The government is therefore working to target the violators, including those within the government itself.

Ukraine's material vulnerability is mostly in regards to money and the market. The country has struggled economically for years and the lack of monetary resources is most likely a part of why there continues to be market inaccessibility for the poor and for rural communities. While this vulnerability can allow actors such as the EU and the US to provide incentives and resources for implementing anti-trafficking measures, it can also give incentives to those working in the underground economy to continue their work—a part of which is human trafficking. Ukraine is known to have a large number of unregistered workers and underemployed workers (The World Factbook: Ukraine, 2013). The country is not as socially vulnerable as it is materially, but they do seek to keep good relations with other countries, such as the US and EU countries. Russia also seeks to influence Ukraine, often against the EU, in order to uphold the relations the two countries have, however rocky they may be. Many of its efforts to combat human trafficking have been directly influenced by the EU's anti-trafficking programs and the US TIP Report recommendations. While part of this influence is connected to what these groups can provide in terms of materials to Ukraine, it is also due to the fact that the country seeks to maintain a good reputation with global anti-trafficking actors. Although Ukraine was moved to the Tier 2 Watch List on the TIP Report, they were acknowledged in June by US Congressman Chris Smith for their efforts against human trafficking. The drop in tier placement urged the government to continue anti-trafficking efforts, such

as training airline employees and reforming its practices to meet international and EU standards for combating human trafficking (US Congressman, 2013).

### **Stages**

The problem of human trafficking within Ukraine was deep within the repression stage of the Spiral Model of change during the immediate years that followed the collapse of the Soviet Union. Since this time, poverty and unemployment have hit the former Soviet states extremely hard, including Ukraine. This wave created an economic imbalance of post-Soviet states. According to the International Organization for Migration mission in Ukraine, “The degree of economic divergence between Ukraine’s regions is so significant that the per capita income in the Donetsk Region is 20% higher than the average income in Ukraine, while the income of the Chernivtsi Region is 37% less than the average” (International Organization for Migration). These struggling economic conditions have effectively created an environment in which traffickers can have higher success rates in recruiting potential victims, preying on their desire to obtain wealth and lead a more Western lifestyle. For example, many Ukrainian women who engage in prostitution find themselves lured to travel abroad by the promise of jobs that will pay enough to support their often-starving families. These women pounce on the opportunity and soon find themselves in the hands of trafficking network criminals.

In the early 1990s, domestic opposition was too oppressed to present a significant challenge to the problem of human trafficking. Criminal groups controlled much of society and assumed the roles that states used to play, successfully infiltrating the financial and political realms to effectively form what is called a “transnational political criminal nexus.” This term is used to describe a new order within society that is composed of individual criminals, organized crime groups, and corrupt police and government officials, all of whom work collaboratively to profit from trafficking. This

sphere of crime was made possible by the fact that many of the officials from the former Soviet Union maintained power and created alliances with the power establishment. This unregulated shift toward democracy enabled crime organizations to thrive and prosper, because there was no strong checks-and-balances system to prosecute or even catch the violators. Interestingly enough, it was during the Soviet Era that Ukraine saw lower human trafficking rates. This was in part because the Soviets put various social and political controls on the population to, in effect, insulate them from outside crime by limiting outside interaction. (Denisova, 1-9).

These problems with the government resulted in most of the burden to activate change during this period being put on non-governmental organizations (NGOs). NGOs have played an important role from the beginning in raising levels of awareness on the issue of human trafficking and putting pressure on the Ukrainian government to conform to international anti-trafficking standards. This in turn raises the level of habitualization, making the problem a more frequent and normal discussion topic within society. Prior to 1998, much of the fight against trafficking was carried out by NGOs within Ukraine. During this time, the domestic response to trafficking was virtually nonexistent as a result of a weak civil society caused by the fight for independence. International organizations (IOs) were also primary actors during the repression stage, working with the NGOs to gain compliance in international standards on human trafficking from the government. The government's role as an actor during the repression stage remained minimal. To an extent, some of the government acted as violators because of its ties to organized crime during the Soviet regime, and the organized crime groups also continued to act as violators. The government was also not fulfilling its responsibilities as a duty-bearer for human rights, which is why IOs were pushing for social change, particularly in the area of human trafficking.

Ukraine never went through a distinct denial stage in dealing with the issue of human trafficking. At no point did leaders of Ukraine not admit that trafficking was occurring within their

borders and that it was an issue worthy of finding a solution to. Although attention to the issue did grow slowly in the 1990s, there were small, numerous violations by independent actors. There was no single large violation that triggered a shift in the level of attention by Ukraine on the issue.

Ukraine was slow to have a strong domestic response in the 1990s due to a lack of resources and government corruption. Most funding the government received at this time went towards rebuilding the state as an independent one and therefore could not be heavily invested in the problem. However, Ukraine did go through the tactical concessions stage during the mid-1990s. The government signed agreements on anti-trafficking measures, but they did not have much strength to produce significant change. In 1994, Ukraine signed the “Partnership and Cooperation Agreement with the European Union.” Although it did help to facilitate mobilization on the issue, it only simply listed human trafficking as an existing issue and offered no clear measures to take to combat the problem. This lends evidence to the argument that Ukrainian leaders only signed the agreement to help pacify the emerging criticism on the issue by groups like La Strada.

During this stage, IOs and NGOs (such as La Strada) continued to be the dominant actors in the fight against human trafficking. The Ukrainian government also started working toward combating trafficking in the nation, even though it was in small steps. Other actors had pressured them into signing onto the anti-trafficking standards, which eventually became a basis for it to be a prevalent national issue. In 1998, Ukraine became one of the first countries to include human trafficking in its criminal code, pushing the government further toward the prescriptive stage and further away from simple tactical concessions. Transnational crime groups, however, remained as the prominent violators, keeping the issue decentralized and hard to target.

Currently, Ukraine is in the prescriptive status stage of dealing with the problem of human trafficking. Attention to the problem from the global community has increased since the 1990s. Ukraine has responded to pressures from various international actors by devoting resources to investigating human trafficking crimes, protecting victims, and taking mitigation steps. No longer is

the validity of combating trafficking controversial in the priorities of the government and national agenda. Once Ukraine took a position as Chairperson-in-office for the Organization for Security and Cooperation in Europe (OSCE) in 2013, it named trafficking as the main policy area for the state to focus on. The actions taken by the government to deal with the problem are very different from the actions taken by the government during the tactical concession stage. The various reforms put in place in the prescriptive status stage have not only had the proper capacity to bring about change, but also have brought about statistical decreases in the number of violations.

During this stage, the primary actor responsible for driving significant change has been the Ukrainian Government, which has employed several different causal mechanisms to gain compliance. The Ukrainian government, by the United Nations' Universal Declaration of Human Rights (UN UDHR), has an obligation as duty-bearer to protect, respect, and fulfill the human rights of its citizens. Human trafficking falls under Article 4 of the UDHR, as well as Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Articles 34 and 35 of the Convention on the Rights of the Child (CRC), and Annex II of the Convention against Transnational Organized Crime and the Protocols Thereto. Several other UN conventions and treaties include this as an important human rights issue as well. Through the UDHR and the related treaties, the state is required to implement domestic legislation, in this case relating to human trafficking. The proper implementation of the international standards and the domestic laws is also a key piece of the obligations of the state. Trafficking in persons started to become a prevalent issue in Ukraine in 1998. Since then, several domestic laws have been put in place to try to combat the problem through legislation. The Criminal Code is the main body of law in which anti-trafficking legislation is found, but the government has more recently created a council and implemented specific programs targeting trafficking in persons. Unfortunately, the government has also been found and suspected of being complicit in trafficking of persons; and this year, in the annual Department of State's Trafficking in Persons Report that measures governments' compliance to

meeting international anti-trafficking standards and progress in combating human trafficking, they were placed on Tier 2 Watch List (out of 3 Tiers) for decreased efforts and reduced funding toward anti-trafficking measures (Office of Under Secretary, 2013). Government corruption also creates problems for combating the issue of human trafficking. Ukrainian society has a long-time and widespread history of corruption. In 2012, the Transparency International Corruption Perceptions Index ranked Ukraine 144<sup>th</sup> out of 176 countries that were investigated for levels of corruption (<http://www.kyivpost.com/>). In the years after independence, election fraud was widespread in Ukraine. Many of the criminal networks engaged in trafficking are actually working closely with corrupt government officials looking for extensive bribes. In many cases, bribes are given to ensure compliance by the government. Many Ukrainians also engage in bribe-giving because they think it is customary to do so. It has largely become ingrained within the culture. In a 2010 survey, 49 percent of respondents admitted to paying a bribe to a service provider. Since 2011, many government officials, such as the Prosecutor General and Prime Minister have been liable for prosecution for corruption, although Ukraine has failed to vigorously investigate or prosecute government officials complicit in trafficking (Denisova, 1-9). The government has rededicated themselves to the issue of human trafficking though, even with limited resources, confirming that they are still in the prescriptive stage.

Recently Ukrainian legislation has been amended to criminalize all forms of human trafficking, a sure sign that they are taking the issue very seriously. Within the last decade, the Ukrainian government has introduced a plethora of legislative work in attempts of curbing human tracking by the use of coercion. One example of coercion in battling this problem can be seen in a special resolution put forth by The Cabinet of Ministers. This document, formed in 2007, established a temporary advisory body appointed by the Cabinet to take specific steps in dealing with the problem of human trafficking. Every year, this advisory body diligently works to prepare reports to the Ukrainian government that outline the current state of the problem as well as the impact made by

previous efforts. Whenever laws are established that deal with human trafficking, the advisory body meets with the Cabinet of Ministers to discuss in detail the most effective way to coordinate the policies and achieve compliance by the public. The opening of communication that results from this program has a two-prong effect. Firstly, it results in raising public awareness by utilizing mass media, which in turn exposes more citizens to the very real dangers human trafficking poses. This effort is based on the theory that when citizens are educated on the threat, they will be more likely to take preventive action in order to decrease their vulnerability. The other main effect of the resolution is that it aids the cooperation between the various law enforcement agencies that deal with trafficking. By issuing law implementation advice, agencies will be more likely to integrate their efforts in order to achieve a more profound effect in decreasing trafficking crimes. This resolution extends far beyond simply trying to prevent the problem, but also address the aftermath when such crimes do occur. A special division of the advisory body aims to coordinate concrete plans in the search, return and recovery of victims. This is an essential process in the successful reintegration of victims into society after they experience traumatic experiences. Currently, this program has proven effective in better identifying human trafficking crimes when they occur and enhancing state policy in dealing with these criminals.

Another instrument of coercion is embodied by the Migration Policy concept adopted by Presidential decree in 2011. The overarching goal of this legislation was to increase national security by enhancing the regulation and monitoring of migration patterns within Ukraine. Uncontrolled migration across Ukrainian borders has exacerbated the issue of human trafficking for years by allowing traffickers free movement around the region. Regarding international trade in human beings, Ukraine in recent years has increasingly become the country of origin and the country of transit for victims. This fact is supported by the supply and demand of live goods around the area. There is a high demand for East European women by western violators and a large supply of trafficking victims across Europe. Ukrainian legislators have realized that to fight this problem, a

better monitoring system of the entry and exit of foreigners would need to be developed. The 2011 decree attempted to achieve this through an enhanced computer record keeping system for tracking migration patterns. This in turn will allow law enforcement to more accurately predict where these crimes will specifically occur. (Davydovych)

Along with tackling uncontrolled migration, the 2011 decree specifically names human trafficking as a primary policy area the government must focus on, along with listing it as the most pressing problem within the country. Early in the document, a complex yet specific definition of human trafficking is offered which serves as the primary resource officials are instructed to use when distinguishing human trafficking crimes. According to the decree, human trafficking is “the execution of an illegal agreement, the object of which is a human being, as well as recruitment, transportation, harboring, transfer or receipt of a human being, carried out for the purpose of exploitation, including sexual one, using fraud, blackmail, unprotected state of a person or using threat of violence, using job position or material or other dependence of a person, which is a crime under the Criminal Code of Ukraine” (Davydovych). By having such a narrow definition of the problem to draw upon, violations will be much clearer for law enforcement to detect. Along with this, section five of the decree offers a detailed and thorough discussion of the many protections offered to victims of human trafficking. Included in this are the various rights granted to victims, such as the right to medical, psychological and legal assistance if necessary. Section five of the decree also outlines the application process that people must go through to be given official victim status (Davydovych, 1-4).

In present day, the domestic civil society within Ukraine has become more prominent in the battle against human trafficking. While there are several NGOs, women’s shelters, and even individuals working against this problem, they have not played as public of a role, although they still play an important one. La Strada International is one of the main NGOs in Ukraine that is still working with human trafficking, and it is probably the most well known. NGOs have continued to be

a major actor within this stage of progression, employing the causal mechanism of persuasion. Currently Ukraine has networks of over 70 anti-trafficking NGOs that work closely with government officials in collaborating on prosecutions of trafficking crimes. NGOs have also provided services for victims and have held over 5000 information sessions across the country. One of the more notable organizations is La Strada, who has worked with various grass root NGOs in developing counseling hotlines to give advice to the many people who go abroad from Ukraine. Since its establishment, 22,000 people have phoned in for help and advice, showing a distinct concern and a raised level of proactivity in fighting human trafficking (Save the Children). IOs often partner with local NGOs or even women's shelters who take trafficking victims in order to implement programs throughout Ukraine. The OSCE, through their anti-trafficking program in Ukraine, trained doctors, lawyers, teachers, and other people in the community that would be most likely to have contact with trafficking victims. This created a larger domestic civil society network in order to better protect victims, as well as prevent trafficking through education and awareness. Churches are also heavily involved in the domestic civil society efforts to combat trafficking in persons. While some offer shelters for victims, others focus on awareness and advocacy through alliances and groups such as the Colour Sisterhood (and Colour Sisterhood Conference). Unfortunately, the domestic civil society is limited in a lot of their efforts because of lack of financial resources to expand services and a still-growing awareness of the problem within communities.

International organizations (IOs) have also played a major role in combating trafficking in Ukraine during the prescriptive stage. In particular the International Organization for Migration (IOM), the International Labor Organization (ILO), and various United Nations offices (though most prominently the United Nations Office on Drug and Crimes—UNODC) were primarily responsible for combating human trafficking prior to the Ukrainian government's involvement and they have continued their efforts into the present. Their obligations are to respect the human rights of the people of Ukraine while also helping the government in their efforts to fulfill their duties concerning the

issue of human trafficking. These IOs have helped Ukrainian citizens who were victims of trafficking, as well as foreign victims of trafficking who were exploited in Ukraine.

Intergovernmental organizations (IGOs) have played a large part in combating trafficking in Ukraine, particularly by working with the government on state-level measures and providing resources for programs, campaigns, etc. to be carried out. The European Union (EU) previously set up an Action Programme [sic] with Ukraine in order to provide resources and guidance for implementing their National Action Plans against trafficking (European Commission, 2006). While Ukraine is not a part of the EU, it borders EU countries, and the trafficking situation in Ukraine largely impacts many EU nations that are destination countries. The Organization for Security and Co-operation in Europe (OSCE) also has a stake in the trafficking situation in Ukraine. Through the OSCE's Action Plan to Combat Trafficking in Human Beings, the organization works with the Ukrainian government to "implement projects that address the prevention of trafficking in human beings, strengthening prosecution and criminalization, and the facilitation of assistance to victims" (OSCE, 2012). The OSCE works with domestic actors in the communities, as well as non-governmental organizations (NGOs) throughout Ukraine to facilitate capacity-building for confronting this issue and to train community members on how to identify and properly interact with victims of trafficking.

Along with the government and NGOs, various organizations both inside and outside Ukraine have attempted to implement institution building techniques in efforts to formulate change. In recent years, the Ukrainian government has increasingly utilized both education and training in combating human trafficking. Within almost every city, Social Service for Youth centers have been established by the government. The main goal of these centers is to offer many different forms of support to victims and to aim to prevent future crimes through the spreading of communication and knowledge. They focus primarily on disadvantaged children who are often prime targets for sexual exploitation trafficking. For this target population, a wide array of services are offered including training courses, social work, and psychological consultations. In addition, preventative advice is

spread from awareness campaigns that stresses the importance of decreasing one's vulnerability to trafficking. This mitigation tool is able to reach a much larger percentage of the population as a result of broadcasting on national television and radio. These Social Service for Youth centers work closely with NGOs on conducting seminars on some of the awareness raising activities. (Cortemiglia 17-25)

Foreign Governments have applied pressure on Ukraine to better comply with human trafficking norms as well by utilizing capacity building. The "Prevention of Human Trafficking through Social Work and Community Mobilization," was established in January of 2009. This program is the brainchild of the Swiss Confederation, which has vowed to support the prevention of human trafficking within Ukraine. The project itself is financed primarily through the Swiss Agency for Development and Cooperation (SDC), aimed to improve local community development by involving local service workers and teachers. The target for these efforts are young people who are considering migrating abroad or staying in Ukraine. It is this population that the SDC sees as being particularly vulnerable to human trafficking crimes. They argue that young people living in rural areas are in a dire economic situation and lack information on how to effectively protect themselves ([www.swiss-cooperation.com](http://www.swiss-cooperation.com)). Many of these young professionals are out of work and are enticed by lucrative offers to work abroad. According to the SDC, many of these "opportunities" are simply frauds posed by traffickers trying to lure victims. This project will build up communities by providing information, consulting and training services, in order to improve living standards of many rural villages. The inhabitants will then be less vulnerable to such crimes by lowering their desire to search for jobs abroad. To date, more than 400 school students have attended classes based on this program. It has been met with such success that the SDC recently announced extending it for several more years (Cortemigila 3-30).

Other key actors in foreign governments, include the United States, Moldova, Russia, and other countries that surround Ukraine. The European Union could also be included in this, as it is made up of several foreign governments and represents each of these countries. The EU has a

particular interest in Ukraine's trafficking situation because of the connections to EU countries such as Bulgaria and Romania, who are impacted both directly and indirectly by this issue. Moldova and Russia are states that many other actors have pointed out as being crucial to combating trafficking in Ukraine because of border control, complicity and collaboration between government officials in each of these countries with Ukrainian officials, and the large presence of transnational crime networks that link all three of these countries. The United States government, particularly through the Department of State's Office to Monitor and Combat Trafficking in Persons (TIP) and United States Agency for International Development (USAID) anti-trafficking programs, has taken an interest in Ukraine's human trafficking situation. The TIP Office, through its annual report, has evaluated Ukraine's efforts to combat human trafficking since 2001. They have also funded projects through IOs and NGOs in Ukraine and worked through the US Embassy to facilitate diplomacy with key Ukrainian officials involved in the state-level anti-trafficking efforts. Each report lists recommendations for the Ukrainian government to implement in order to further their efforts in combating trafficking in persons (Office of the Under Secretary, 2013). USAID previously gave grants to organizations in Ukraine to implement programs, as well as implemented their own programs through a partnership with IOM. The most recent project that IOM and USAID collaborated on was working with the Ukrainian government to establish a national referral mechanism for victims to provide quicker and more specialized assessments of the victims' situations and services for protection and rehabilitation (Barton, 2013).

The results of the actors' efforts have been promising, as the number of reported cases of human trafficking decreased since 2010 by 25 percent ([www.refworld.org](http://www.refworld.org)). Ukraine has also showed progress in dealing with human trafficking on an international level. They are a party to several major UN binding instruments on the issue, including the Convention against Transnational Organized Crime. Ukraine has also worked on several multilateral agreements with more than 30 countries to better address this issue on a wider scale ([www.refworld.org](http://www.refworld.org)).

For any country battling a human rights problem, the ultimate goal is to reach the “Rule Consistent Behavior” stage of the Spiral Model, in which compliance comes to reflect a new norm within society. Despite making substantial progress in battling human trafficking, Ukraine is not at this stage yet, for several key reasons, one of which is the ineffectiveness of the government in many areas of handling this issue. As of now, Ukraine does not fully comply to minimum world standards on human trafficking. In 2000, the State Department developed a three tier grading system for how well nations are in combating the issue. Tier 1 of their scale is reserved for states of the highest grade, who have strong laws in place to fight the problem. On the other end of the spectrum was Tier 3 states, who are doing very little to address the issue. Ukraine was ranked as a Tier 2 Watch List state, meaning, in the most recent reporting period, they have failed to make substantial efforts to combat the problem, although they are willing to comply to the standards ([www.state.gov](http://www.state.gov)).

Many of these government inefficiencies come from several complex problems inherent to many government agencies within Ukraine. The government tries to implement their anti-trafficking programs by using a web-like system of inter-institutional cooperation. This interaction of agencies with other institutions like the Ministry of Foreign Affairs and Border Service creates confusion and blurred lines of responsibility between policy makers. This inefficiency is demonstrated by the lack of public awareness of many anti-trafficking laws. According to Ukraine Demographic and Health Survey (UDHS), 48 percent of respondents had never heard of human trafficking cases, while 51 percent of respondents could not accurately assess their own vulnerability to human trafficking crimes (Ivaschenko-Stadnik, 1-4). To make matters worse, the government is unpredictable in the funding of many programs. In 2012, the government did not allocate any funds to anti trafficking efforts. This affected many laws by not having the regulations in place to effectively implement them (Ivaschenko-Stadnik, 1-4).

Another obstacle to the full compliance of human rights norms is the sheer skill and ability of the traffickers themselves. Within Ukraine, human trafficking is largely a business for organized

crime groups, who are still achieving tremendous success despite efforts by the state. According to the UN, these crime groups have a profit margin of over 7 billion dollars annually (Mossbarger, 33-34). The methods used by these criminal groups are hindering the ability of the state to stop them. There is no clear blueprint for the state to use. In trying to take down the traffickers, as they tend to operate differently from region to region, implementing frequently changing tactics.

Traffickers within Ukraine employ a wide variety of deceptive tactics toward innocent victims. About 70 percent of women are trafficked through deception. It is often the case that the victim is unable to accurately identify any of the perpetrators who were involved with the crime. Women are most vulnerable to trafficking because they are the most disadvantaged within Ukrainian society. The traffickers often recruit them into a lucrative job offer and send them to a place to work for several weeks. During this initial period, conditions are what the girl expects, although they soon change into a situation where the woman is suddenly beaten and trafficked. The state itself has a very weak witness protection program that is making it easier for the violators to operate without being caught. Most victims are afraid to talk about their experiences and, as a result, do not make reports to the police for fear of retaliation (Davydovych).

### **Recommendations**

In developing policy recommendations for Ukraine, it becomes extremely important to tailor those policy ideas to the specific nature of the problem. In examining the business of human trafficking, it is imperative to realize that the issue is truly transnational in nature. As a result, our policy must welcome a multidimensional approach and encourage open and honest cooperation between various agencies in handling this problem. In order to affect lasting change and move to the final stage of the Spiral Model, rule consistent behavior, actors involved with the issue of human trafficking in Ukraine need to be working to implement long-term focused, sustainable solutions to

this problem. While awareness campaigns and education programs are useful to an extent, many IOs and NGOs state that vulnerable groups such as women, girls, and migrants, know the risk of trafficking that they take in trying to leave Ukraine. They are so desperate to find legitimate work and a better life that they are willing to take the chance of being trafficked. Additionally, while rehabilitation centers and rescue homes are important for victims, those who escape to shelters are often easily replaced. These key problems are two of many that point to the need for a prevention strategy that goes deeper than the current solutions.

One strategy that would not only address the issue of human trafficking but also address general gender inequality issues that exist within Ukraine would be to work toward the development of education and job accessibility for women and girls. Ukraine has the third highest rate of children who do not enroll in school in their region of the world, only behind Turkey and Russia (“Education in Ukraine,” UNICEF). Although over 90 percent of students who enroll in school finish at least primary schooling, and more girls than boys pursue higher education after secondary school, the disparities show in the labor force and economy. Within Ukraine, it is clear that these economic disparities between genders contribute heavily to the problem. There is chronic unemployment within much of the population who are unable to financially support themselves and their families, particular for women and rural communities. This situation of financial instability creates incentives to find work abroad, which makes citizens, particularly poorer women, more vulnerable to trafficking tactics (Saari).

This problem can be lessened with the development of an idea called the “Jobs for Growth” program, in which jobs will be created that will build up the infrastructure of Ukraine and surrounding states. The target population for these jobs will be minorities and women. This program will need heavy monetary investment from sources such as the European Union and Ukrainian government. In order to achieve a greater level of financial stability within Ukraine, the rural populations need to find a way to integrate themselves into the marketplace. Currently, many of these

residents have few resources and no viable outlet in which they can buy or sell goods. Addressing rural unemployment, the “Jobs for Growth” program will not only give them work, but vastly improve the accessibility of the marketplace which, in turn, will aid in stabilizing the region as a whole. By creating more jobs for women, the program will give them a greater economic alternative and lessen the incentive to travel and find work abroad. Enabling women to obtain more jobs will also help to raise their status within society. By increasing women's socio-economic status within society along with implementing gender discrimination programs, women within Ukraine society will be held in higher regard. This in turn will help to decrease the demand for women in the human trafficking industry. Currently, there is a high amount of job discrimination for women within Ukraine. Even with the country as a signatory to several major treaties outlawing job discrimination, the problem still persists on an epidemic scale. The “Jobs for Growth” program would also dedicate resources to training the Ministry of Labor inspectors in finding discriminatory practices, something they currently lack. This program, if effectively implemented, would dramatically decrease the push for a vulnerable sector of the Ukrainian population to migrate, helping to suppress trafficking rates.

Another key recommendation for Ukraine is to improve the way in which they handle victims of trafficking crimes. Although there have been previous programs designed to offer services to trafficking victims, many citizens are still not receiving the proper assistance they need. For example, the Social Service for Youth centers do offer housing for victims, but more often than not, the shelter stay ends up being very short term. Victims of such horrific crimes need to know that they can depend on the state for long-term assistance and protection. For this reason, we recommend that Ukraine implements a mandatory progressive annual tax on citizens based on their income. The revenues generated to the government from this tax would be restricted for use to continuously support victim assistance programs already in place. One of the main barriers to these programs becoming more effective is a lack of reliable funding. Included in the uses for this revenue would be funds set aside specifically to provide a greater level of protection to victims. Currently, many

victims are unwilling to cooperate and report the crime for fear of retaliation. It is essential for the government to make sure these people are safe. If victims are not better protected, Ukraine will see a continuation of the trend of traffickers establishing control over their victims as soon as they have returned to their home countries ([www.theactiongroup.org](http://www.theactiongroup.org)). This proposed tax would give the government the necessary funds to improve their victim assistance and lead it in a more long-term direction thus improving government efficiency in dealing with the issue.

Another major issue to address in order to begin to prevent human trafficking in Ukraine is government complicity and corruption. Many government officials continue to be both directly and indirectly involved with human trafficking in the country. The US Department of State's Trafficking in Persons Report states, "While the government provided no statistics regarding investigations on public officials, NGOs reported that official trafficking-related corruption was a problem, including complicity of prosecutors, judges, and border guards. Local and oblast-level corruption interfered with the investigation and prosecution of trafficking cases" (Office of the Under Secretary, 2012). While government complicity can be difficult to target, finding ways to enforce anti-trafficking laws and emphasize the seriousness of the laws can help to address the issue of corruption. One tactic that could begin to enforce the criminal code against human trafficking could be to form a collaboration of lawyers and law enforcement through IOs and NGOs who will specifically work to investigate and prosecute government officials who are supporting the trafficking industry, johns and pimps, and any other perpetrators fueling the demand for trafficking victims. Organizations such as Lawyers Without Borders, International Justice Mission, and International Organization for Migration all have access to lawyers and investigators who are able to perform this type of work. An alliance of organizations who can provide these people will take pressure off one specific group to take on the cases, and it will also enhance relationships between actors who are dealing with human trafficking in Ukraine. Enhancing prosecution by increasing the consequences if found guilty or complicit in human trafficking crimes, will inevitably enhance law enforcement within Ukraine. If government officials

and other perpetrators are actually punished for complicity, the criminal code will be taken more seriously, which will help eliminate issues of corruption within the government and work to reduce the demand for human trafficking.

Elimination of government complicity and corruption could also help with the problems of organized crime and border security. Once complicity within the government is addressed, officials can begin to reach out to governments of surrounding countries to discuss measures to suppress transnational crime and better monitor borders. The loose migration policies between Russia, Moldova, and Ukraine have significantly contributed to the human trafficking problem because of the ease of movement for organized crime groups and lack of monitoring of migrants who enter and leave the country. Collaboration with surrounding countries and even the EU could help Ukraine with both of these problems. In recent years, “cooperation on the issues of border and migration control has been one of the primary concerns for the EU” (Saari, 2006, pg. 14). Ukraine, Moldova, and Russia have already been targets of border control through the EU’s program. If these governments can continue to work together to not only strengthen borders but also monitor the migrant populations as they cross borders and make it easier for them to travel legally, human trafficking can be directly impacted by these policies. Providing easier ways of legitimate migration can eliminate the need for smuggling groups who provide false documentation for migrants and often lure them into trafficking situations. Monitoring borders and those who are crossing them can help deter organized crime groups from regularly crossing borders, and it can help in identifying victims of human trafficking. If governments know where migrants are coming from or going, they can also help ensure that they reach their destination safely and that the work they have obtained is legitimate. If the EU is involved in these cooperative border policies, it can make certain that the migrants who are entering EU country territories will not be exploited. Many victims are transported through non-EU countries with low border monitoring and loose border control to reach EU countries where they can then travel legally to any other EU country, making access to Western Europe open and easily

available for trafficking rings. Increased coordination between the EU and non-EU countries could help reduce the amount of human trafficking not only in Ukraine, but also in Eastern Europe as a whole.

### **Conclusion**

While Ukraine has progressed all the way to the prescriptive status stage of the spiral model, further action must be taken in order to reach the final rule consistent behavior stage in which compliance stems from the recognition of a new “norm” within society. Currently, several internal barriers including government inefficiency, corruption and trafficker technique are inhibiting Ukraine from obtaining further progress with the issue. The Ukrainian government has been increasingly active in utilizing several forms of causal mechanisms in order to combat human trafficking including coercion through legislation, institution building through awareness campaigns, and persuasion through the work of campaigns and NGOs. By raising the levels of prosecution, economic development and gender equality while simultaneously decreasing demand levels, Ukraine will be able to come close to significantly reducing the problem of human trafficking.

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