

PROBLEMS OF NATIONAL PUBLIC AND PRIVATE LAW

DOI: 10.46340/eppd.2023.10.3.1

Dmytro Yagunov, D.Sc. in Political Science, Ph.D. in Public Administration, MSSc in Criminal Justice, Merited Lawyer of Ukraine

ORCID ID: <https://orcid.org/0000-0002-2822-2268>

Eberhard Karls University of Tübingen, Tübingen, Germany

Yurii Kuryliuk, D.Sc. in Law, Merited Lawyer of Ukraine

ORCID ID: <https://orcid.org/0000-0002-4035-4431>

National Academy of Management, Kyiv, Ukraine

Andrii Chernousov, Lawyer, PhD in Sociology, Member of the Board at Voices of Children Charity

ORCID ID: <https://orcid.org/0000-0002-1930-5950>

Kharkiv Institute for Social Research, Ukraine

Rita Haverkamp, D.Sc. in Law, Endowed Professorship for Crime Prevention and Risk Management

ORCID ID: <https://orcid.org/0000-0002-7620-0151>

Eberhard Karls University of Tübingen, Tübingen, Germany

HUMAN TRAFFICKING IN UKRAINE AND SATELLITE CRIMES: TRANSFORMATION OF CRIMINOLOGICAL INDICATORS (JANUARY 2006 – APRIL 2023)

Дмитро Ягунов, д. політ. н., к. н. держ. упр., MSSc in Criminal Justice, Заслужений юрист України

Тюбінгенський університет імені Еберхарда і Карла, м. Тюбінген, Німеччина

Юрій Курилюк, д. ю. н., Заслужений юрист України

Національна академія управління, м. Київ, Україна

Андрій Черноусов, юрист, к. соц. наук, член правління Благодійного фонду «Голоси дітей»

Харківський інститут соціальних досліджень, Україна

Ріта Хаверкамп, д. ю. н.

Тюбінгенський університет імені Еберхарда і Карла, м. Тюбінген, Німеччина

ТОРГІВЛЯ ЛЮДЬМИ В УКРАЇНІ ТА САТЕЛІТНІ ЗЛОЧИНИ: ТРАНСФОРМАЦІЯ КРИМІНОЛОГІЧНИХ ПОКАЗНИКІВ (СІЧЕНЬ 2006 – КВІТЕНЬ 2023)

This paper aims at research of crime trends in Ukraine in the period from 2013 to 2023 where the focus is made on the impact of the 2022 Russian military aggression against Ukraine (*the War*) on human trafficking and ‘satellite’ crimes, as well as on prevention of human trafficking and ‘satellite’ crimes.

In addition to the previously developed and published authors’ research, the paper is focused on the issues of the personal characteristics of offenders and victims of trafficking of human beings (*THB*) crimes and ‘satellite’ crimes.

The authors’ conclusions reflect a decrease in registered crimes due to reduce of statistical indicators. It is obvious that the police and the court statistics were impacted by the Russian invasion of Ukraine in 2014 when they “lost” data from occupied territories.

In this paper, we also show that Ukrainian criminology and crime statistics are mostly based on stories in the media about “an ideal victim” of human trafficking.

In this paper, we describe the current crime trends in Ukraine based on two main indicators of the Ukrainian criminal justice system: 1) the *general* number of criminal proceedings (criminal cases) opened and registered by the Ukrainian law enforcement agencies; 2) the number of criminal proceedings (criminal cases) where *concrete suspects* were given the notifications (notes) of suspicion. In corresponding tables and diagrams, we use the term '*notifications*', which reflects numbers of criminal proceedings *with suspects* (numbers of notifications of suspicion).

We would also like to make a stress on '*satellite*' crimes, which in our terminological context mean crimes which could be seen as a hidden form of human trafficking or a basis for further THB crimes. For the period of twelve months of 2022, the Ukrainian law enforcement agencies registered 362636 crimes with corresponding criminal proceedings, where the above-mentioned numbers reflect both criminal proceedings *with suspects* and so-called '*factual*' criminal proceedings (without suspects). The number of registered crimes even for the period of ten months of 2022 almost reached the level of 2021 (a whole year). Consequently, the number of crimes committed in Ukraine for the whole period of 2022 exceeded the number of crimes committed in 2021 (321443 crimes) and in 2020 (360662 crimes). The above-mentioned numbers seem to be of big importance due to the general presumption that numerous negative social and economic consequences of the War would lead to increasing crime trends in Ukraine.

It is difficult to define precisely how human trafficking was affected by the War. On the one hand, the number of registered THB crimes decreased to *zero point* immediately after the Russian military forces crossed the Ukrainian border. On the other one, serious concerns arise because THB cases continue to be registered in the light of supposedly totally closed borders, police checks, curfews and hundreds of military and police roadblocks. At the same time, 133 registered THB crimes in 2022 are more than insufficient in light of millions Ukrainian refugees, which could lead to the conclusion that something is wrong with the police intelligence in the sphere of THB prevention as well as with supervision of the Ukrainian border service.

Crime trends in Ukraine for the last ten years are a good example to prove the *common social nature* of THB crimes, '*satellite*' crimes and smuggling (especially since 2017); trends of all the mentioned crimes have been changing almost the same way.

The absence of public-funded compensations schemes stimulates secondary victimization of victims of human trafficking.

A broad use of Article 69 of the Criminal Code of Ukraine (Imposition of a lesser penalty than provided by law) by Ukrainian courts harms the crime prevention policy relating to THB crimes.

An increase in crimes of pimping or engaging a person in prostitution is additional evidence to which extent this type of criminality is under the direct control of the police. In the paper, we show that the mentioned above is *not* a presumption; it is a part of everyday police routine in Ukraine.

In contrast to the assumed nature of human trafficking, for the period of the last 15 years, there were *no* THB crimes committed by *criminal organisations*. As the court statistics show, all THB crimes were committed by individuals, criminal groups or organised criminal groups.

If we summarise the crimes committed by *criminal groups* and *organised criminal groups* in one general indicator (67%), 33% of THB crimes are committed by *individuals*. In our opinion, such conclusion contradicts the nature of THB crimes, which demand at least both *suppliers* and *recipients* (not even talking about '*middlepersons*' or '*brokers*').

Considering transnational difficulties crossing the state borders and the necessity to organise the logistics and to corrupt officials of *at least* two national States, the police and court statistics can only reveal a small section of the phenomenon but cannot reflect the reality of human trafficking.

The court statistics are further away from the police statistics which are the nearest to the offence and also far away from reality due to the assumed huge dark figure. Therefore, police statistics incorporate the highest numbers of offences, which lessens during the whole criminal proceedings. Both police and court statistics show the workload of the institutions, and their data serve as an indicator to get at least some officially registered information.

Keywords: crime, crime prevention, crime trends, police statistics, court statistics, criminology, the 2022 Russian aggression against Ukraine, War against Ukraine, aggression against Ukraine, the police, policing, law enforcement agencies, THB crimes, THB, human trafficking, victims of human trafficking, illegal migration, prostitution, organised crime, Ukraine, State border, Russian aggression against Ukraine, smuggling, smuggling of drugs, smuggling of timber.

Introduction

This paper aims at research of crime trends in Ukraine in the period of 2013 – 2023 where the focus is made on the impact of the 2022 Russian military aggression against Ukraine (*the War*) on human trafficking and ‘satellite’ crimes, as well as on prevention of human trafficking and ‘satellite’ crimes.

In addition to the previously developed and published authors’ research, the paper is focused on the issues of the personal characteristics of offenders and victims of THB crimes, on crime trends in Ukraine in different periods of 2022 – 2023, as well as on prevention of THB crimes, ‘satellite’ crimes, irregular migration, and smuggling¹.

We also show that Ukrainian criminology and crime statistics are mostly based on stories in the media about ‘*an ideal victim*’ of human trafficking². Therefore, we support the thesis that every trafficking situation is *unique* and self-identification as a trafficking victim or survivor happens *along a continuum*. Fear, isolation, guilt, shame, misplaced loyalty and expert manipulation are among the many factors that may keep a person from seeking help or identifying as a victim even if they are, in fact, being actively trafficked³.

The authors consider the occupation of the Ukrainian territories in the East of Ukraine, as well as the occupation of the Autonomous Republic of Crimea in 2014.

We also refer to statistics of refugee waves from Ukraine after February 2022; we base our conclusions on the UNHCR records of more than 8 million refugees from Ukraine and more than 5 million refugees who have registered for temporary protection in Europe⁴.

Therefore, our conclusions reflect a decrease in registered crimes due to the reduction of statistical indicators. It is obvious that the court statistics are impacted by the Russian invasion of Ukraine in 2014 when crime and court statistics “*lost*” data from the occupied territories.

We took data from two main sources, which are *the police statistics* accumulated by the Office of the General Prosecutor (hereafter – the police statistics) and *the court statistics* accumulated by the Supreme Court (hereafter – the court statistics)⁵.

¹ Kuryliuk, Y., Khalymon, S. (2020). Criminal profile of migrants’ smuggler across the State Border of Ukraine. *Amazonia Investiga*, 9, 27, 195-208; Yagunov, D. (2022). Crime prevention policy in Ukraine in the light of crime statistics for the period of eight months of 2022. *Bulletin of the Vasyl’ Stus Donetsk National University. Series Political sciences*, 4, 28-45; Yagunov, D. (2022). Criminal justice system of Ukraine in the wartime: impacts and challenges. *European Political and Law Discourse*, 9(4), 33-51; Yagunov, D. (2022). Impact of the 2022 Russian military aggression on crime trends in Ukraine (analysis of crime prevention policy in the light of crime statistics for ten months of 2022). *European Political and Law Discourse*, 9(6), 35-80.

² The stereotypical ‘*ideal victim*’ is *innocent, helpless, not complicit in the offence and has no personal direct or indirect connections to the crime or its perpetrators*. As developed by Christie, the stereotype has the following six attributes: the victim is (1) weak (female, sick, old or young); (2) reputable; (3) blameless; (4) controlled by an evil perpetrator; (5) not acquainted with nor related to perpetrator; and (6) self-identified as a victim. In sum, ideal victim needs to be innocent and as vulnerable as possible (Christie, N. (1986). *The Ideal Victim*. In: Fattah, E.A. (eds.) *From Crime Policy to Victim Policy: Reorienting the Justice System*. New York: St Martin’s Press, 17-30; Walklate, S. (2007). *Imagining the Victim of Crime*. Maidenhead: Open University Press, 28; Smolej, M. (2010). Constructing Ideal Victims? Violence Narratives in Finnish Crime-Appeal Programming. *Crime. Media. Culture*, 6, 69-70; *quoted in* Haverkamp, R. (2019). Victims of Human Trafficking: Consideration from a Crime Prevention Perspective. In: Haverkamp, R., Herlin-Karnell, E., Lernerstedt, C. (eds.). *What is Wrong with Human Trafficking? Critical Perspectives on the Law*. London: Hart, 55.

³ Haverkamp, R. (2019). Victims of Human Trafficking: Consideration from a Crime Prevention Perspective. In: Haverkamp, R., Herlin-Karnell, E., Lernerstedt, C. (eds.). *What is Wrong with Human Trafficking? Critical Perspectives on the Law*. London: Hart, 53-55.

⁴ UNHCR (2023). *Ukraine Emergency* <<https://www.unhcr.org/emergencies/ukraine-emergency>> (2023, April, 14); CReAM (2023). *Current migration flows from Ukraine* <<https://cream-migration.org/ukraine-detail.htm?article=3573>> (2023, April, 14).

⁵ Офіс Генерального прокурора (2023). *Статистика* <www.new.gp.gov.ua/ua/posts/statistika> (2023, April, 14); Верховний Суд (2023). *Судова статистика* <www.supreme.court.gov.ua/supreme/pokazniki-diyalnosti/sud_statistika> (2023, April, 14).

The court statistics are further away from police statistics, which are the nearest to the offence and also do not reflect reality due to the dark figure. Therefore, the police statistics incorporate the highest number of offences, which lessens during the whole criminal proceedings. Due to the assumed huge dark figure the data does not reflect the reality of human trafficking. Both statistics show the workload and serve as an indicator which is not able to reflect the reality of human trafficking.

Terminology

According to Article 276 of the Code of Criminal Procedure of Ukraine, notification of suspicion shall be necessarily issued in the following cases: 1) apprehension of an individual at the scene of a criminal offence or immediately after the commission of a criminal offence; 2) enforcement of a measure of restraint against an individual as prescribed by this Code; 3) availability of sufficient evidence to suspect a person of having committed a criminal offence.

Therefore, we describe the current crime trends in Ukraine based on two main indicators of the Ukrainian criminal justice system: 1) the general number of criminal proceedings opened and registered by the Ukrainian law enforcement agencies; 2) the number of criminal proceedings where concrete suspects were given the notifications (notes) of suspicion.

In corresponding tables and diagrams, we use the term ‘*notifications*’, which reflects *the number of criminal proceedings with suspects* (the number of notifications of suspicion).

Human trafficking is sketched in the Ukrainian Criminal Code.

Part one of Article 149 of the Criminal Code establishes criminal liability for trafficking in human beings that means recruitment, transportation, harbouring, transfer or receipt of a human being committed for the purpose of exploitation, with the use of coercion, abduction, fraud, blackmail, material or other dependence of the victim, his/her vulnerable condition or bribery of a third party controlling victim, to obtain consent for his/her exploitation.

Pursuant to Article 1 of the Law of Ukraine “On combating human trafficking”, human trafficking is defined as *an illegal transaction* involving a human being, as well as recruitment, transportation, harbouring, transfer or receipt of a human being committed for the purpose of exploitation, including sexual exploitation, with the use of deception, fraud, blackmail, or a vulnerable state of a person, or with the use or threat of violence, abuse of office or material or other dependence on another person, which are recognised as a crime under the Criminal Code of Ukraine.

We also include ‘*satellite crimes*’; in our terminological context satellite crimes could be seen as a *hidden form* of human trafficking or the basis for further THB crimes.

Crime rates

According to the police statistics, in 2022, the Ukrainian law enforcement agencies (*hereafter – LEA*) registered 362636 crimes with corresponding criminal proceedings where the above-mentioned numbers reflect both criminal proceedings *with suspects* and so-called ‘*factual*’ criminal proceedings (*without suspects*) (*Figure 1*).

The number of crimes committed in Ukraine for the whole period of 2022 exceeded the number of crimes committed in 2021 (321443 crimes) and in 2020 (360662 crimes) (*Figure 1*).

According to the police statistics, the number of criminal proceedings *with suspects* dropped 1,3 times as compared with 2021, which serves as an indicator of the decreasing effectiveness of the national criminal justice system.

As far as the period of January-April 2023 is concerned, a total of 172267 crimes was already registered with suspects in a total of 59514 related criminal proceedings (*Figure 2*). Provided the numbers continue to rise at this rate, they will exceed 2022.

The above-mentioned numbers seem to be of big importance due to the general presumption that numerous negative social and economic consequences of the War would lead to *increasing* crime trends in Ukraine.

The first four months of 2023 have demonstrated one of the highest ratios between crimes (registered criminal proceedings) and notifications (*Figure 3*).

In 2022, the ratio between the general numbers of registered criminal proceedings (crimes) and the numbers of criminal proceedings with concrete suspects reached the point of 2,74.

Moreover, in the period of January-April 2023, the ratio increased more and reached the point of 2,89 (*Figure 3*), which reached the second-highest ratio after 2016. This development could also be seen as evidence of the reducing of effectiveness of the criminal justice system during the War.

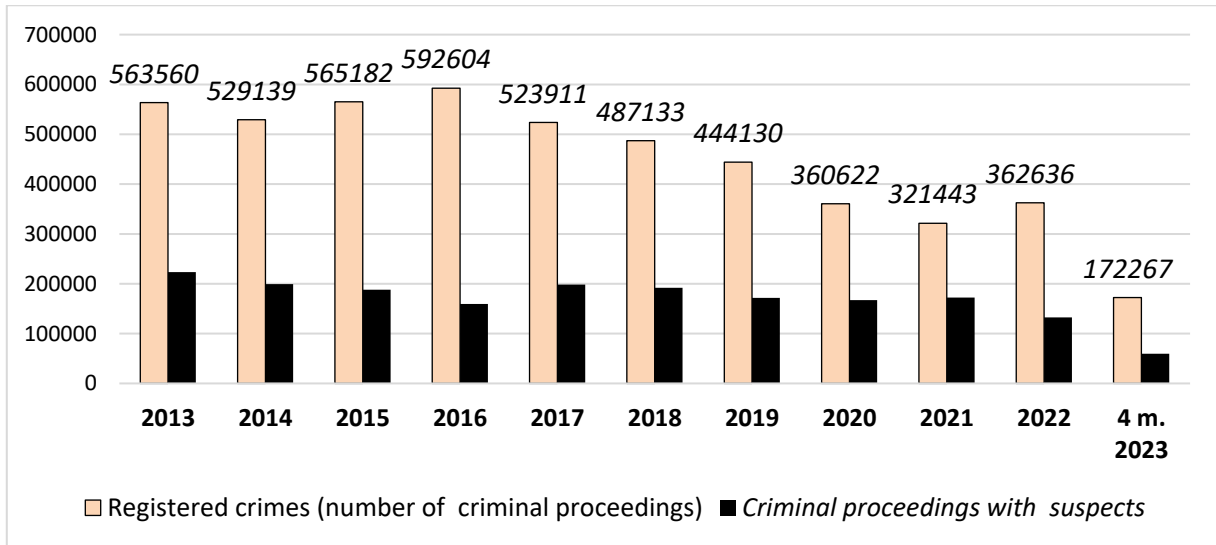


Figure 1. Registered crimes (2013 – 4 months 2023)

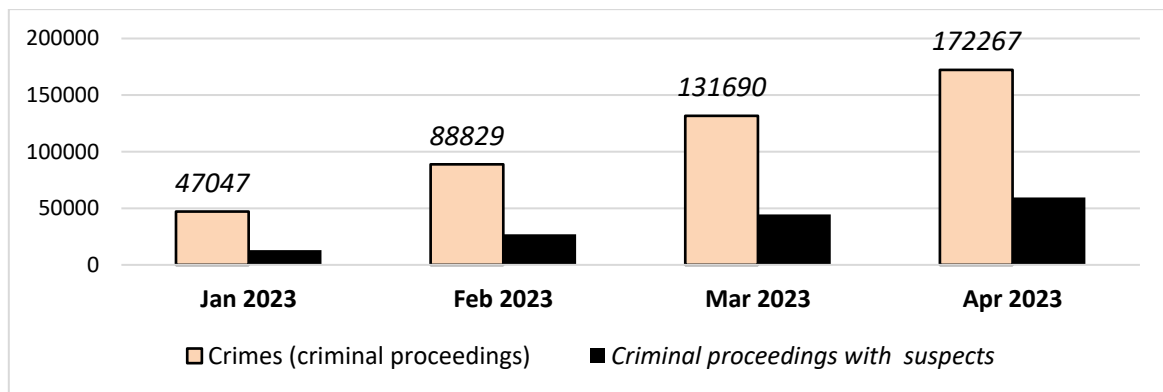


Figure 2. Registered crimes (January – April 2023)

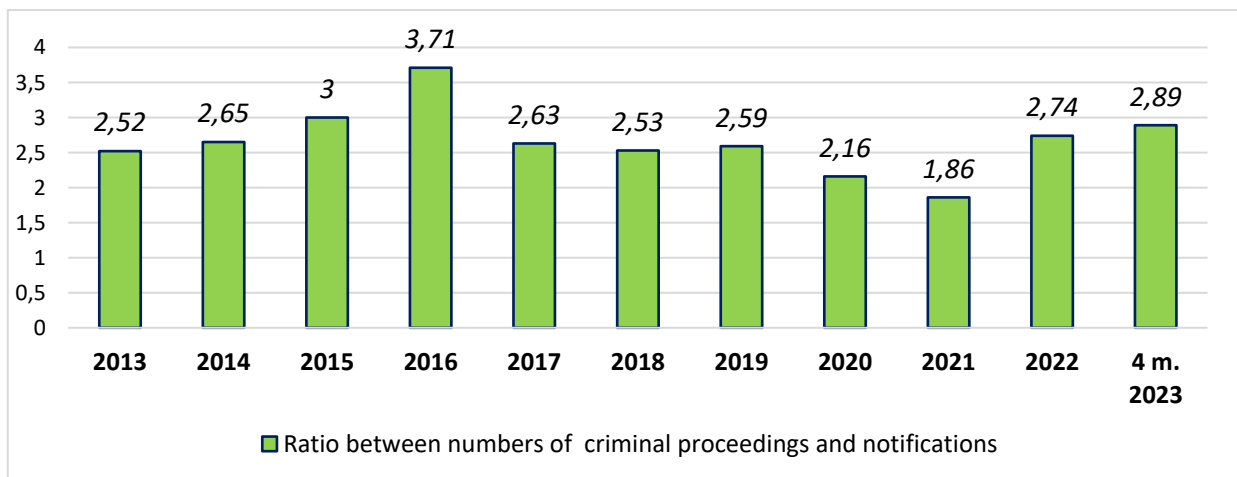


Figure 3. Ratio between criminal proceedings and notifications (2013 – 4 months 2023)

International View on Human Trafficking

Trafficking in human beings as a global phenomenon has increased significantly in recent years¹.

In Europe, its growth has been facilitated in part by the collapse of former Communist blocs². The conclusion of the Palermo Protocol in 2000 and the Anti-Trafficking Convention in 2005 demonstrate the increasing recognition at international level of the prevalence of trafficking and the need for measures to combat it³.

According to the United Nations Office on Drugs and Crime (UNODC), in 2020, a 27% reduction in the number of convictions for THB crimes was recorded globally compared to 2019; the number of convictions has been decreasing since 2017⁴.

In 2020, the number of victims detected decreased by 11% compared to 2019, largely driven by low- and medium-income countries⁵. UNODC also declared 24% reduction compared to 2019 in the detection of trafficking victims for sexual exploitation.

Considering regional developments, UNDOC pointed out a continued increase in the detection of trafficking victims in *Central and South-Eastern Europe*.

Eastern Europe and Central Asia demonstrated 41% increase in male victims detected and 24% decrease in female victims detected, there seems to be a limited impact of the pandemic on the detection of trafficking victims and a severe slowdown of the criminal justice response to trafficking recorded in 2020.

In 2020, *Western and Southern Europe* indicated 22% increase in male victims detected compared to 2019, detection of domestic trafficking increased but prosecutions and convictions decreased⁶.

According to UNODC, a direct relationship exists between Ukrainian asylum application and detection of Ukrainian trafficking victims in Western and Central Europe: “*The 2014 conflict in Ukraine quadrupled the number of Ukrainian victims detected in Western Europe in 2016*”⁷.

Consequently, many other international actors predicted a serious increase in human trafficking following the Russian military invasion of Ukraine in February 2022 when around 5 million Ukrainians registered under the EU’s Temporary Protection scheme or similar schemes in different European countries.

Prior to the “*escalation of conflict*” in 2022⁸, Ukraine was already a significant *origin* of human trafficking. Between 2017 and 2021 victims trafficked outside Ukraine were detected in 40 countries in Central Europe, Southern Europe, and Eastern Europe. Victims were also trafficked to the Middle East and to a minor extent, to the Americas and East Asia⁹.

Human Trafficking in Ukraine: ‘New Old Markets’

Ukraine has traditionally been used as a *transit country* for the aims of human trafficking. In «*V.C.L. and A.N. v. the United Kingdom*», the European Court of Human Rights pointed at the similarities in the route to the United Kingdom taken by the victims of human trafficking where Ukraine was defined as a *transit country* to Poland, the Czech Republic, Germany and France¹⁰.

Moreover, Ukraine is also known as a *country of origin* of human trafficking¹¹.

According to the 2018 GRETA Report, Ukraine remains primarily a country of *origin* of THB victims exploited both abroad and within the country. In the period 2014 – 2017, a total of 418 victims of trafficking were identified by the Ministry of Social Policy (27 in 2014, 83 in 2015, 110 in 2016 and 198 in 2017), including 209 men, 169 women and 40 children (25 girls and 15 boys)¹².

¹ UNODC (2022). *Global Report on Trafficking in Persons 2022*. New York: United Nations publication.

² *Rantsev v. Cyprus and Russia*, № 25965/04, judgment 07.01.2010, final 10.05.2010.

³ Ibid.

⁴ UNODC (2022). *Global Report on Trafficking in Persons 2022*. New York: United Nations publication.

⁵ Trends in the number of detected victims, comparison from 2019 to 2020.

⁶ UNODC (2022). *Global Report on Trafficking in Persons 2022*. New York: United Nations publication.

⁷ In this paper, the authors consider events of 2014 as a new stage of a full scaled planned Russian military invasion to Ukraine (undeclared war of Russia against Ukraine).

⁸ In this paper, the authors consider events of 2014 as a new stage of a full scaled planned Russian military invasion to Ukraine (undeclared war of Russia against Ukraine).

⁹ UNODC (2022). *Global Report on Trafficking in Persons 2022*. New York: United Nations publication, 56.

¹⁰ *V.C.L. and A.N. v. the United Kingdom*, applications №№ 77587/12, 74603, judgment 16.02.2021.

¹¹ UNODC (2022). *Global Report on Trafficking in Persons 2022*. New York: United Nations publication, 56.

¹² GRETA (2018). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine. Second evaluation round*. Adopted 13 July 2018. Published 22 November 2018.

Most of the victims were trafficked for the purpose of labour exploitation (256), followed by sexual exploitation (87) and exploitation of begging (42). Further, 17 victims of THB for the purpose of forced criminality were identified in 2017, as well as six victims of trafficking for the purpose of the removal of organs (one in 2015 and five in 2016)¹.

All of the identified victims were Ukrainian nationals. The main countries of destination of Ukrainian trafficking victims were the Russian Federation, Poland, Turkey, Ukraine, Germany, Israel, Greece, and the United Arab Emirates. No foreign THB victims were identified from 2014 to 2017².

Over the last ten years, various analytical estimates have continually placed the number of illegal migrants present on the territory of Ukraine at 800 thousand to 1,6 million illegal migrants, patiently waiting for their chance to enter an EU country³.

Therefore, Ukraine, having a good geographical location and lacking effective mechanisms for combating illegal migration and trafficking in human beings, has significant opportunities for human trafficking⁴.

A huge number of Ukrainian people were displaced in 2022 – more than 5 million in temporary protection across Europe, compared to the peak of 16,000 recorded in 2015. The statistical model inferred on the base of the numbers recorded between 2007 and 2020 would suggest such a number of displaced populations would theoretically result in more than 100000 victims from Ukraine to Europe only⁵.

The U.S. Department of State stated in its TIP report that Russia's full-scale invasion of Ukraine forced more than 4 million people to flee Ukraine in *the first five weeks* of the War and displaced almost 6,5 million more within its borders, a total of almost one quarter of Ukraine's population⁶. Experts estimate as many as 90% of refugees abroad are women and children, and that more than half of Ukraine's children – 4,3 million out of 7 million – have been displaced. These refugee and displaced populations are *especially vulnerable* to human trafficking⁷.

The authors' personal sources prove that some purely humanistic initiatives of several NGOs and individuals on bringing Ukrainian refugees to new homes or at least safe places in the EU states were halted because new 'opportunities' of sheltering were proposed by persons who can be arguably suspected in human trafficking.

However, shaped in mass-media imagination about '*an ideal victim*' of human trafficking is more than arguable⁸. The War has moved the concept of '*an ideal victim*' of human trafficking more far from reality due to closed borders and other wartime restrictions when 'classic' human trafficking became more dangerous for perpetrators and when they started looking for alternative methods to 'deliver' people abroad⁹.

It is generally accepted that human trafficking is a *well-organized criminal activity* which demands different forms of *deep 'cooperation'* among perpetrators, 'brokers' and other actors *in different border states*¹⁰. With the beginning of the War, trying to control the wave of refugees, the Ukrainian Government severely restricted border crossing for *males* while *males* were mostly involved in this criminal activity as perpetrators.

¹ GRETA (2018). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine. Second evaluation round*. Adopted 13 July 2018. Published 22 November 2018.

² Ibid.

³ Luptakova, M. (2008). Legal and Illegal Migration from Ukraine: An analysis of social and security issues. *International Journal of Criminal Justice Sciences (IJCJS)*, 4(2), 144-159.

⁴ Kuryliuk, Y., Khalymon, S. (2020). Criminal profile of migrants' smuggler across the State Border of Ukraine. *Amazonia Investiga*, 9(27), 196.

⁵ UNODC (2022). *Global Report on Trafficking in Persons 2022*. New York: United Nations publication, 56.

⁶ U.S. Department of State (2022). *2022 Trafficking in Persons Report: Ukraine* <www.state.gov/reports/2022-trafficking-in-persons-report/ukraine> (2023, April, 14).

⁷ Ibid.

⁸ Haverkamp, R. (2019). Victims of Human Trafficking: Consideration from a Crime Prevention Perspective. In: Haverkamp, R., Herlin-Karnell, E., Lernstedt, C. (eds.). *What is Wrong with Human Trafficking? Critical Perspectives on the Law*. London: Hart.

⁹ The ideal victim is a person or group who, when they experience crime, most readily are given the complete and legitimate status of being a victim. Correspondingly, to receive victim 'services' the subject must first be accepted as a worthy and legitimate victim (see Christie, N. (1986). *The Ideal Victim*. In: Fattah, E.A. (ed.) *From Crime Policy to Victim Policy*. Palgrave Macmillan, London).

¹⁰ Global Initiative Against Transnational Organized Crime (2023). *New Front Lines. Organized Criminal Economies in Ukraine in 2022* <<https://globalinitiative.net/analysis/organized-criminal-economies-ukraine-2022/>> (2023, April, 14).

Human Trafficking in the light of Police Statistics

Police statistics demonstrate that the period from 2013 to 2016 was stable regarding numbers of registered THB crimes as well as numbers of suspects in related criminal proceedings.

In 2017, there was a rapid increase in human trafficking crimes and also the peak of the observed period. Thereafter, the numbers moved between 206 and 320 cases in 2019 until 2021. The War year 2022 records a low level.

Nevertheless, the number of THB crimes was similar to 2013 – 2016 (*Figure 4*).

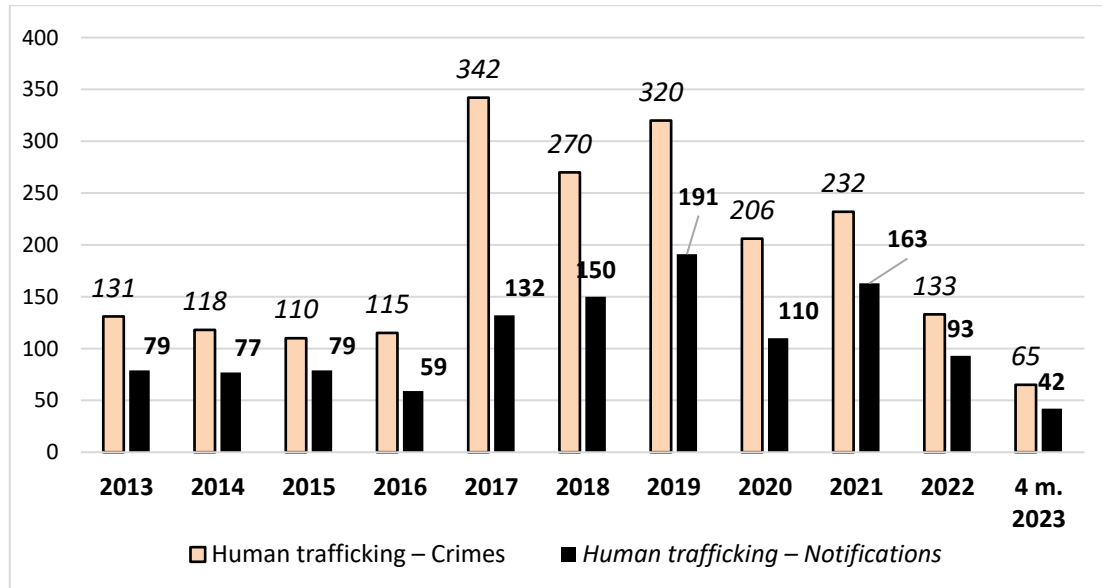


Figure 4. Human trafficking: crimes and notifications (2013 – April 2023)

In the light of the War and the increasing ratio between crimes (criminal proceedings) and notifications¹, we can predict that the Ukrainian criminal justice system will *not* be effective enough to prevent THB and ‘satellite’ crimes.

Consequently, we can predict that the number of THB crimes could reach the pre-war indicators and even overwhelm these indicators, if the numbers continue to develop in line with the first third of 2023 (*Figure 5*).

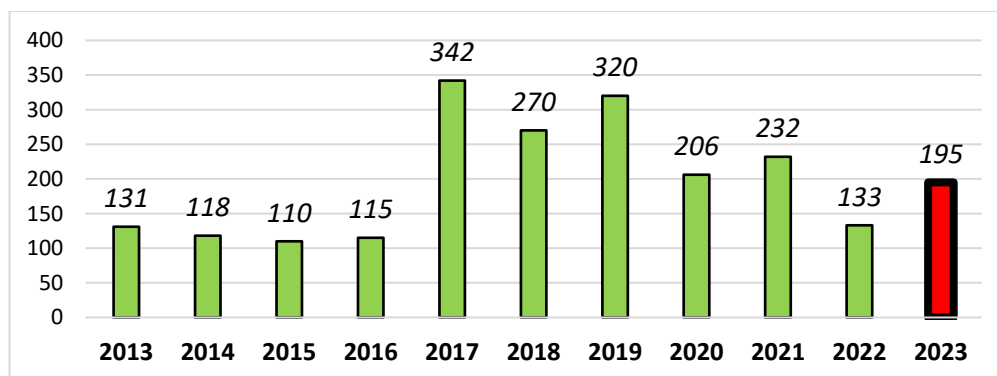


Figure 5. Human trafficking: crimes and notifications (prognosed)

We can assume a *factual* increase in THB cases, considering that more than 8 million Ukrainians left the country and ‘created’ new ‘opportunities’ for human traffickers abroad².

¹ Criminal proceedings (total) and criminal proceedings with suspects.

² UNHCR (2023). *Ukraine Emergency* <<https://www.unhcr.org/emergencies/ukraine-emergency>> (2023, April, 14); CReAM (2023). *Current migration flows from Ukraine* <<https://cream-migration.org/ukraine-detail.htm?article=3573>> (2023, April, 14).

Currently, it is difficult to define precisely to which extent human trafficking was affected by the War. On the one hand, the number of registered THB crimes decreased to *zero point* immediately after the Russian invaders crossed the Ukrainian border (*Figure 6*). On the other hand, serious concerns arise that THB cases continue to be registered in the light of *seemingly* totally closed state borders, police checks, curfews and hundreds of military and police roadblocks.

It is obvious that the War caused many problems for human traffickers. At the same time, the War created *new opportunities* for them, which cannot be detected in the police statistics.

133 THB crimes in 2022 seem to be more than insufficient with regard to 8 million Ukrainian refugees. This leads to the assumption that something is *obviously wrong* within police intelligence THB prevention as well as within supervision of the border service at the state borders.

Therefore, THB crimes might be *more latent* ones than the LEA officials declare. Moreover, many THB crimes with Ukrainian victims cannot be registered because they happen *outside* Ukraine.

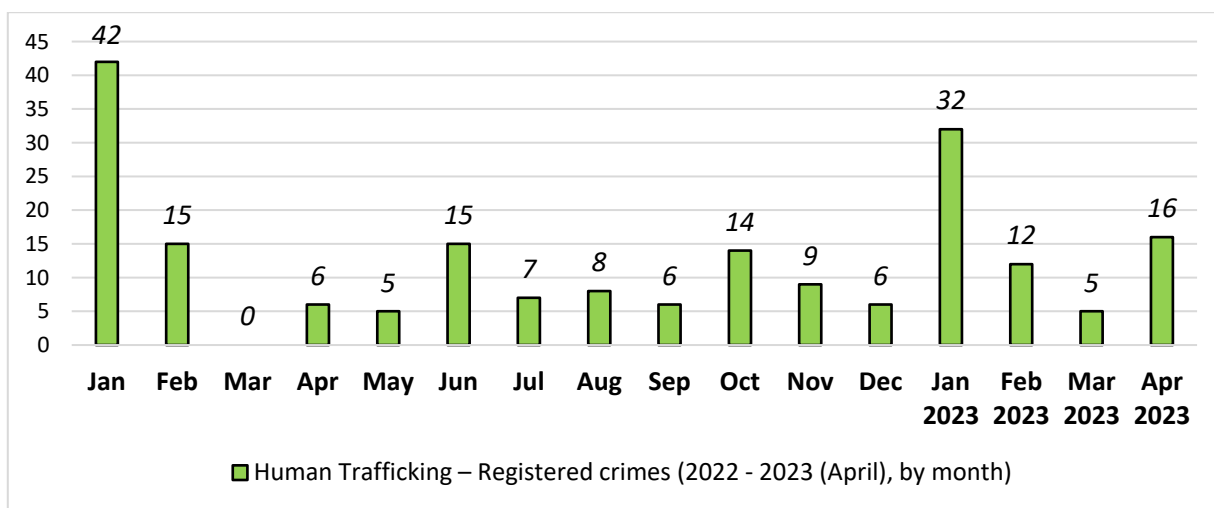


Figure 6. Human trafficking: registered crimes (2022 – 2023, by month)

Analysing the police statistics from January to April during the period of 2018 – 2023, we find hints concerning the impact of the War on THB crimes. Generally, the number of THB crimes committed in January – April 2018, 2019, 2020, 2021 was two times bigger in 2018 and 2019 and even a lot in 2020 and 2021 as compared with the number of THB crimes committed in January – April 2022 and 2023 (*Figure 7*).

Even more interesting is that the number of THB crimes committed in January – April 2022 is nearly the same as in the same period in 2023. The total closing of the Ukrainian borders in February 2022 seems to be resulted neither in detecting more THB crimes nor in minimizing the number of criminal attempts of perpetrators.

However, considering the significant reduce of THB crimes as compared to 2020 and 2021 (more than 40%), it could be stated that closing the borders in February 2022 had a partial positive impact on prevention of THB crimes.

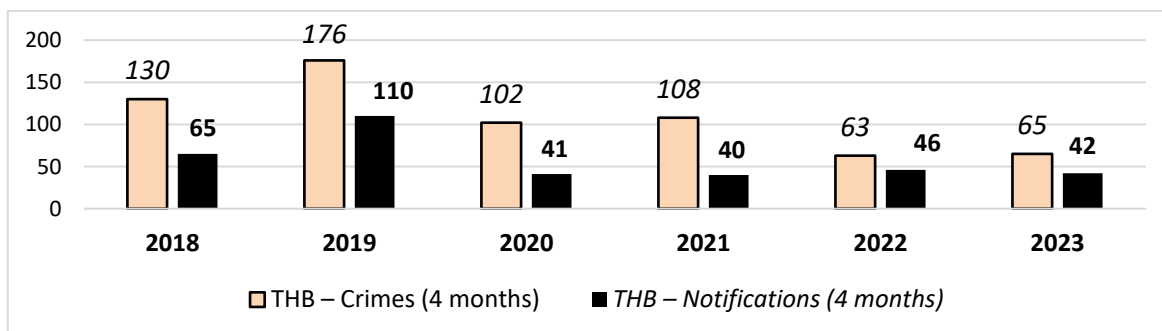


Figure 7. Human trafficking: crimes and notifications (January – April)

Victims of Human Trafficking

A total of 1608 persons were declared as *THB victims* by the Ukrainian courts in corresponding court proceedings in 2008 – 2013 (Figure 8). Since then, we have observed a remarkable decline in THB victims: only 545 persons were ascribed the status of victims in THB cases tried at national courts in 2014 – 2022.

Moreover, in 2022, only 23 persons were recognised as *victims* by national courts in THB criminal cases.

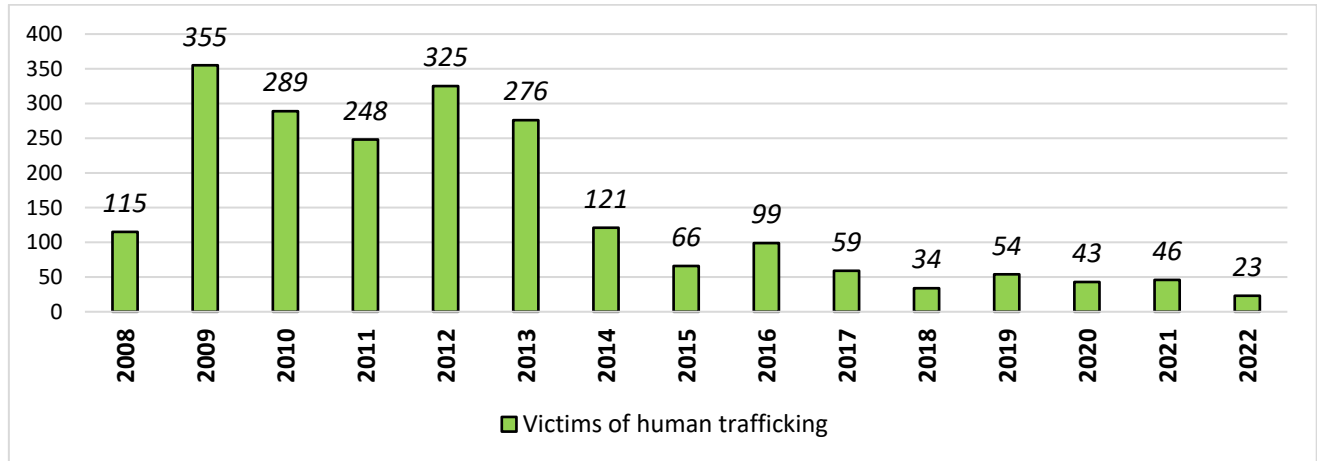


Figure 8. Victims of human trafficking

From a victimological perspective, human trafficking in Ukraine remains to be a *female-oriented* crime (Figures 9, 10).

In general, in 2008 – 2022, 520 men and 1765 women had the status of THB victims in criminal cases tried by the courts in Ukraine.

In some years, proportions between *male victims* and *female victims* were 1:2.

In 2020, the number of *female victims* was even almost the same as the number of *males* (21 men and 22 women).

Victims of THB crimes (2008 – 2022, %)

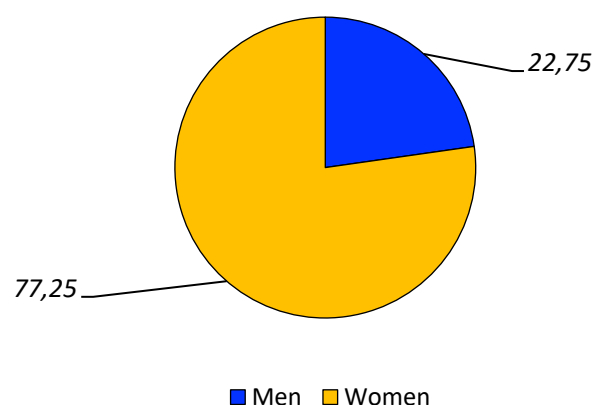


Figure 9. Gender of victims of human trafficking, %

Proportions between men and women in the general structure of victims of human trafficking varied from 1,78 to 12 in different periods where women made up the majority (Figure 11).

In relation to the numbers of victims of human trafficking, it strikes that the ratio in 2022 reached the point of 22 (Figure 11).

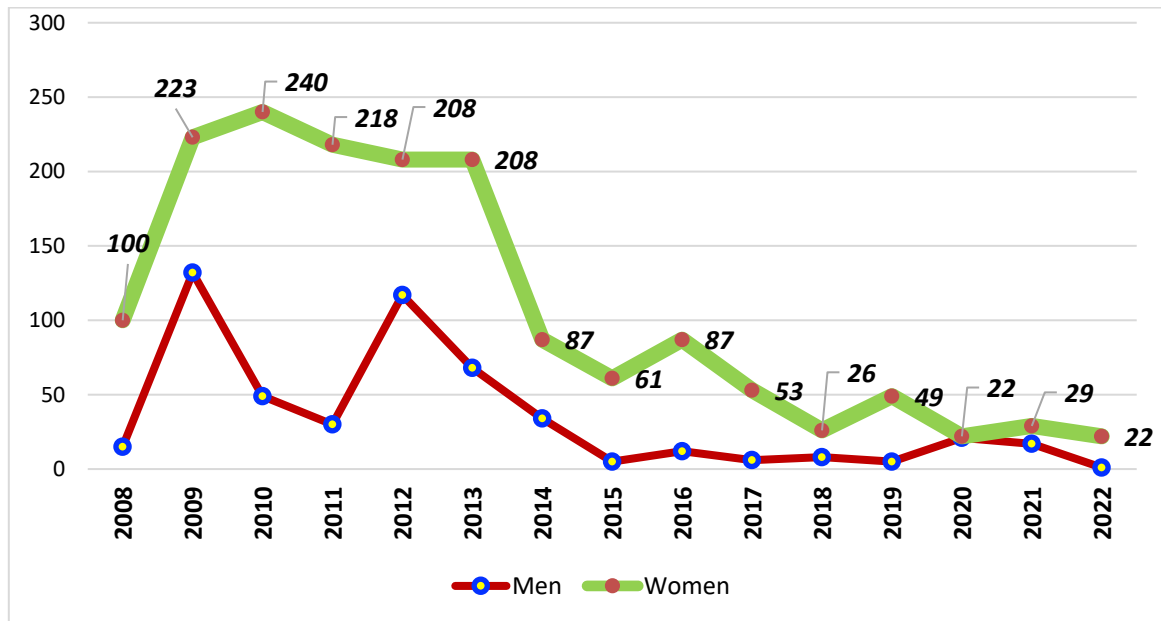


Figure 10. Gender of victims of human trafficking

It is also necessary to stress that *gender norms and masculine stereotypes hinder identification of male trafficking victims*. Men tend to perceive themselves, and to be perceived by others, as victims of *unfortunate circumstances* rather than trafficking¹. The assumed breadwinner role and socially ascribed masculine qualities of strength and control contradict the victim status².

Those victims who have characteristics incongruent with victimhood may struggle to access justice, as they may never be identified as victims. While men are often targeted precisely because they are perceived to possess certain physical qualities that are often associated with masculinity³.

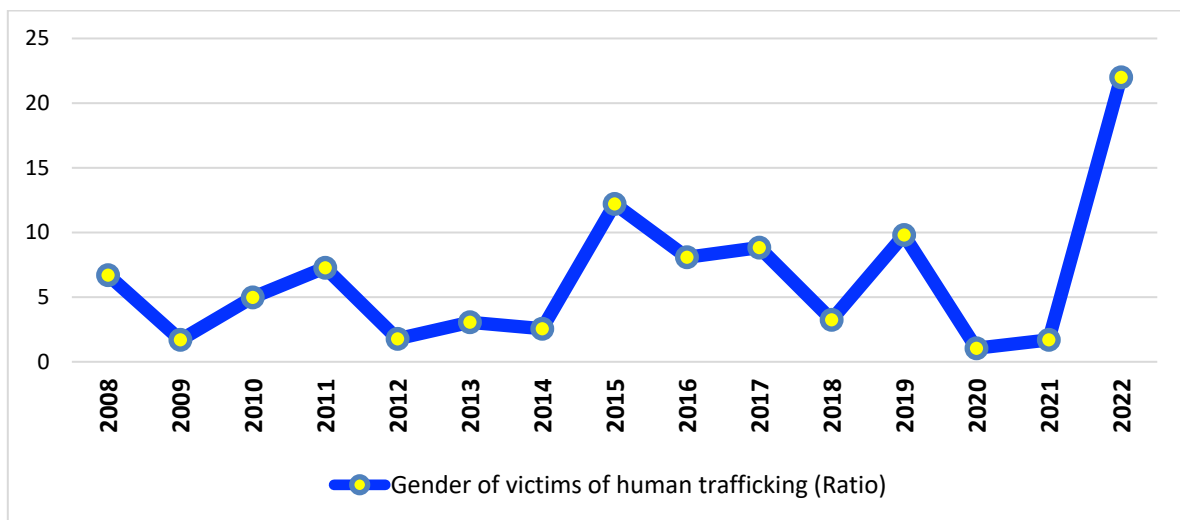


Figure 11. Gender of victims of human trafficking (ratio)

According to the UNODC, the majority of victims exploited for *forced labour* around the world are *men*⁴. Women and girls make up one third of victims trafficked for forced labour. As far as the Ukrainian context is concerned, the female dominating situation can be partly explained by many *male* jobseekers,

¹ UNODC (2022). *Global Report on Trafficking in Persons 2022*. New York: United Nations publication, 27.

² Ibid.

³ Ibid, 28.

⁴ Ibid.

who were previously in the THB risk group, joined the Military Forces of Ukraine or other Governmental military regiments¹.

From a potential perpetrator's perspective, to traffic a *male victim* to a foreign country in the light of closed state borders and wartime restrictions, would pose a serious risk of being detected and detained.

As far as *children* are concerned, they have *formally* disappeared from the general number of victims of THB crimes since 2015. This could be considered as additional evidence of the generally latent character of THB crimes committed in Ukraine (Figure 12).

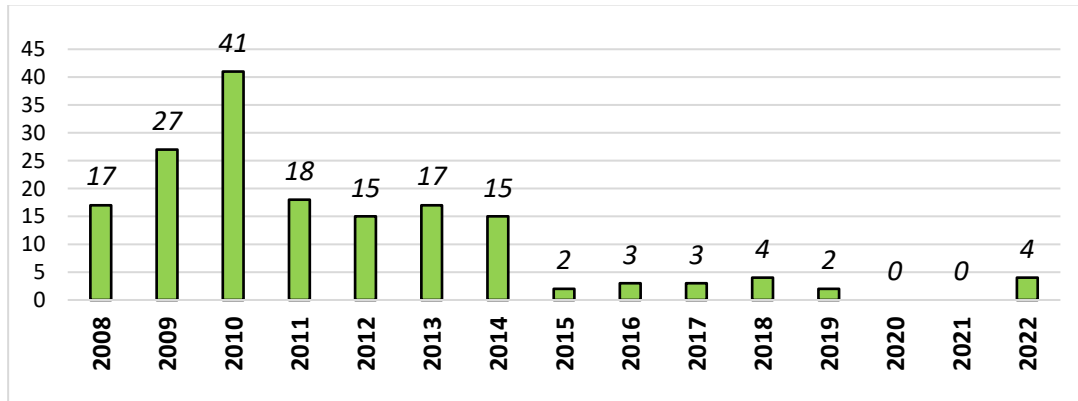


Figure 12. Children – victims of human trafficking

Besides, Ukraine has never provided an insufficient monetary compensation scheme for victims of human trafficking. On the one hand, Ukraine has not implemented any state-managed schemes focused on financial aid for THB victims. On the other one, as court statistics demonstrate, courts refuse to take financial compensation from perpetrators, providing victims with more than modest sums of satisfied civil claims (Figure 13).

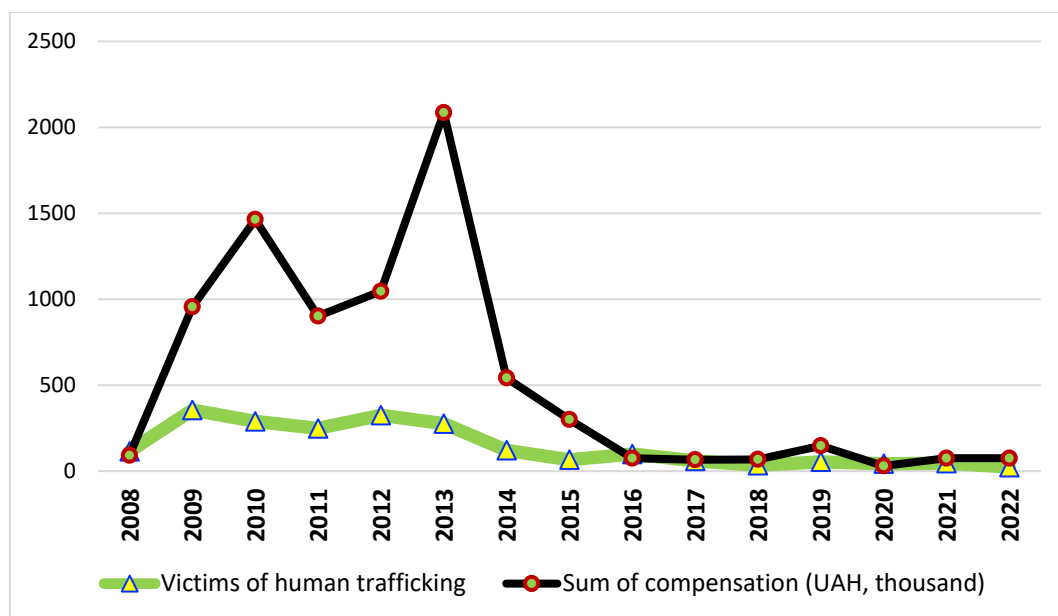


Figure 13. Compensation for victims of human trafficking

In general, in the period of 2008 – 2022, an average sum of financial compensation taken from a statistically average perpetrator to a statistically average victim of human trafficking was 2693 UAH (40 – 100 Euro, depending on the currency course) (Figure 14).

¹ Our conclusions are based on the court statistics, which reflect criminal cases, which were opened *before* the War started. Nevertheless, we can presume that *some* of the cases, which were tried and solved by national courts in 2022, had been opened also in 2022.

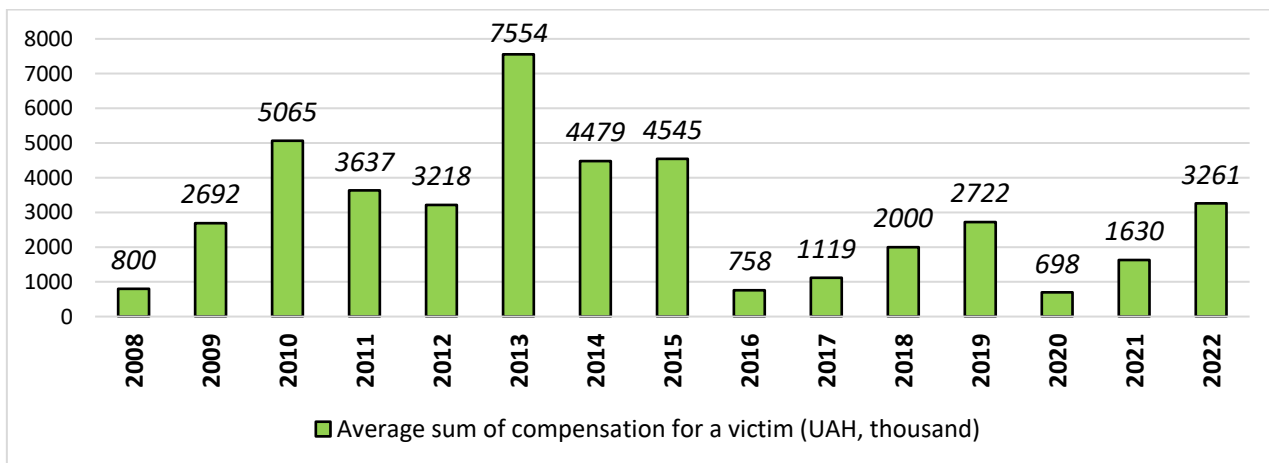


Figure 14. Average sum of compensation for a victim, UAH (2008 – 2022)

Therefore, it is not surprising that in 2018 GRETA strongly recommended to increase both the amount of the one-time financial grant paid to formally identified victims of human trafficking and the number of THB victims to receive such a grant¹.

Numbers of Criminal Proceedings in National Courts

As far as general numbers of THB cases tried by national courts are concerned, the peak was reached in 2011 followed by decrease. Since 2017 the numbers have increased (Figure 15).

The remarkable decrease in 2022 can be explained with an impact of the War. Nevertheless, general trends reflect an increase of numbers of THB cases in national courts.

Another obvious conclusion is concerned again with the Russian invasion to Ukraine in 2014 when crime and court statistics “lost” data from occupied territories.

At the same time, the court statistics show a decrease in numbers of criminal proceedings in THB crimes with passed sentences from 2011 to 2015.

Since then, the numbers remain on a low level.

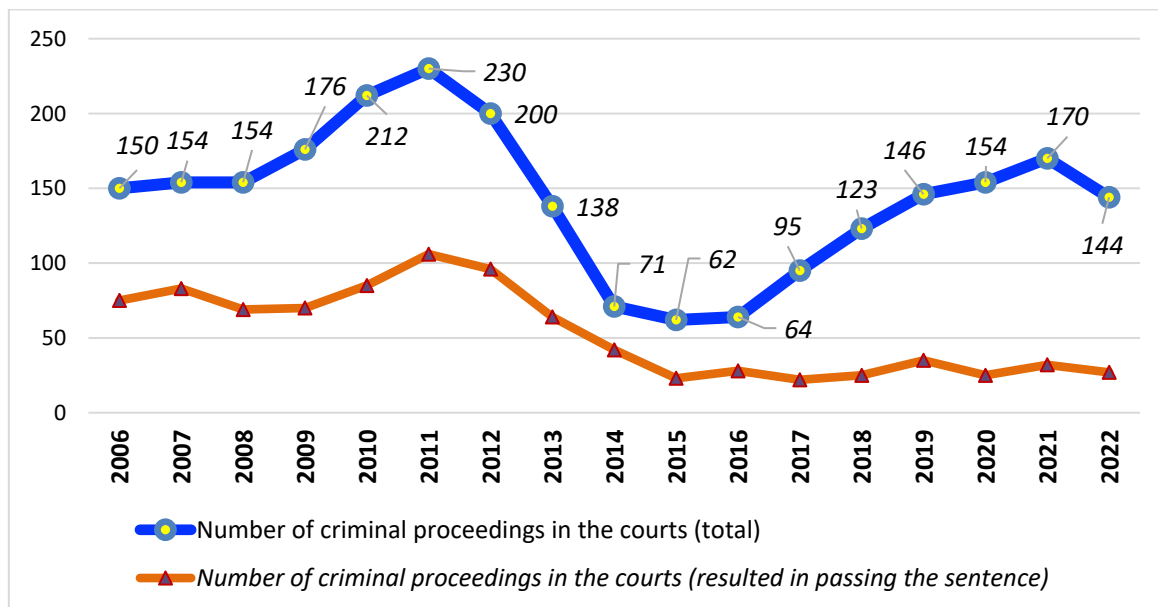


Figure 15. Number of criminal proceedings in the courts

¹ GRETA (2018). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine. Second evaluation round. Adopted 13 July 2018. Published 22 November 2018, 53.

Figure 15 demonstrates an enormous increase in the general numbers of tried cases as compared to the numbers of cases with passed sentences, which reached its peak in 2021. Even considering a partial decrease in 2022, we have one of the biggest gaps in the history of the Ukrainian judiciary that reflects decreased effectiveness of investigation and prosecution in THB cases.

Moreover, court statistics indicate an *increasing gap* between the number of *tried* cases in THB crimes and the number of victims in these cases (Figure 16).

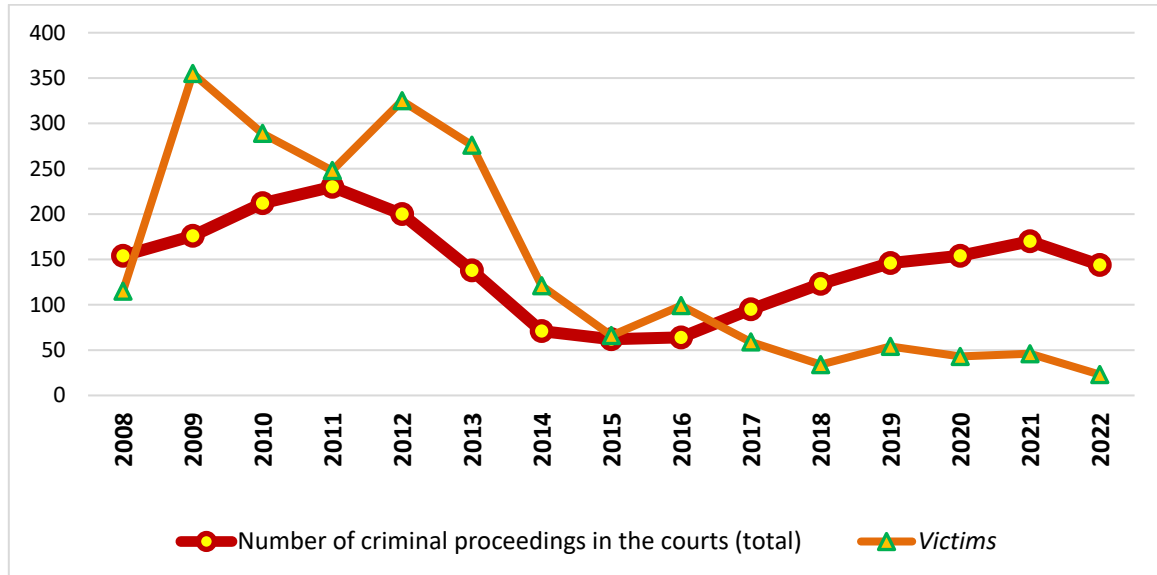


Figure 16. Number of criminal proceedings in the courts

We can presume that such a gap can additionally point at *the decrease in the effectiveness* of investigation and prosecution of THB crimes in Ukraine.

Sentencing Policy for Human Trafficking

After the 2013 Russian military invasion of Ukraine and the occupation of several regions of Ukraine, a permanent low trend could be observed relating to the number of persons sentenced for THB crimes.

In the period of 2006 – 2013, a total of 677 persons were convicted for THB crimes (on average 85 persons per year). In the period of 2014 – 2022, only 243 persons were convicted for THB crimes (on average 27 perpetrators per year) (Figures 17, 18).

Even considering 40 persons convicted for THB crimes in 2019 and the impact of the War, these numbers and conditions do *not* challenge a general trend to reducing of number of offenders convicted for human trafficking in Ukraine.

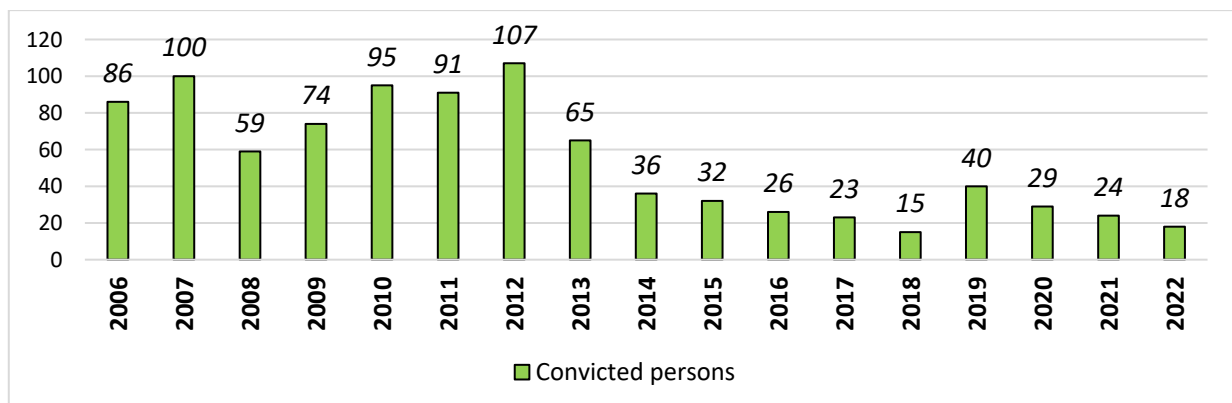


Figure 17. Number of persons convicted for THB crimes (court statistics)

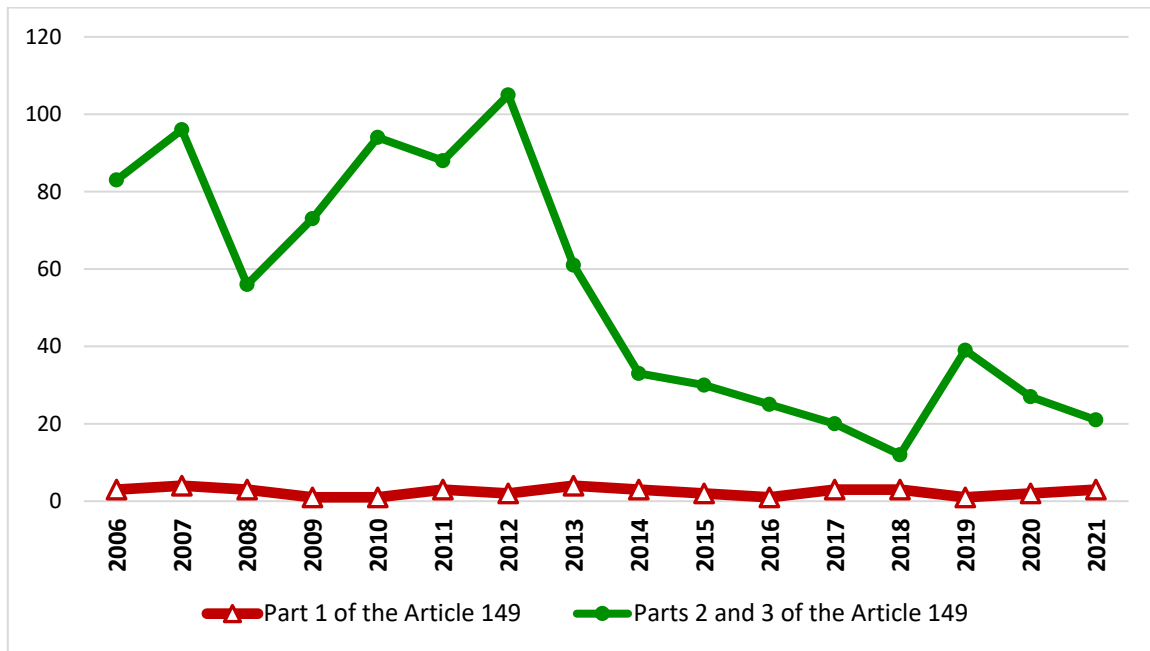


Figure 18. Number of persons convicted for human trafficking

In the majority of the cases, convicted traffickers have Ukrainian citizenship (*Figure 19*).

This is additional evidence for the weakness of the criminal justice system and the system of prevention of human trafficking (including mechanisms of international cooperation with the EU and LEA of national states). As Ukraine is acknowledged as a country both of origin and of transit, THB crimes are supposed to be of *international and organised character*.

Hence, the *absence of foreigners* in the overall number of traffickers who have been convicted points to the constrained resources and limited activities of the Ukrainian LEA in the domain of preventing and prosecuting THB crimes (*Figure 19*).

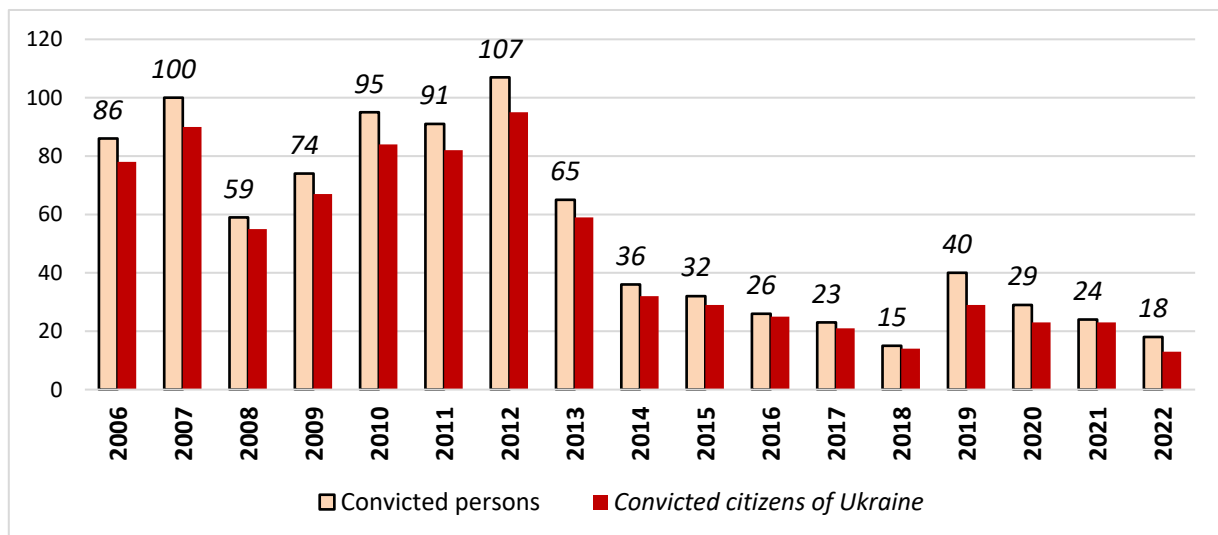


Figure 19. Number of persons convicted for human trafficking

From 2008 up to 2023, the number of criminal cases had been almost the same as the number of convicted perpetrators (*Figure 20*). Moreover, during the last years, the court statistics indicate that the numbers of criminal cases were even *higher* than the numbers of convicted traffickers.

For example, in 2021, there were 24 convicted persons and 32 criminal cases. In 2022, there were 18 convicted persons and 27 criminal cases.

Figure 20 gives additional evidence that the criminal justice system is dealing mostly with *low-ranked perpetrators*, who seem to ‘work’ on their own. However, medium ranked offenders or bosses of the involved *organised criminal structures* seems to remain untouched.

As human trafficking in Ukraine often has a connection to neighbour countries, we presume that THB crimes demand well-developed structures and connections between *perpetrators, organizers, recipients, ‘brokers’* as well as *corrupted law-enforcement officials and border guards*.

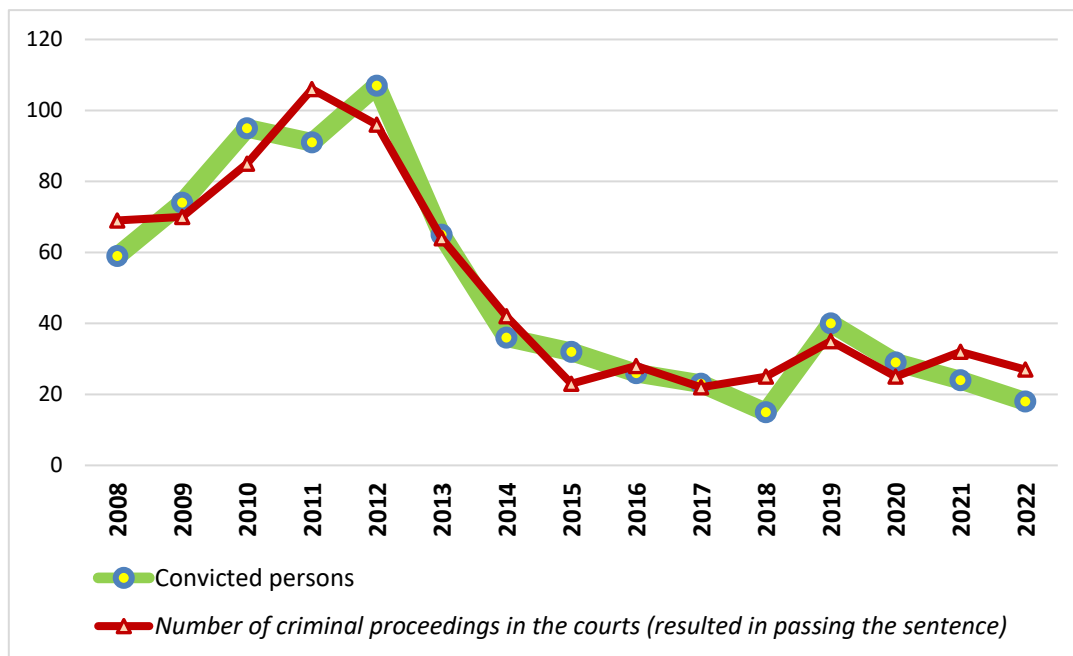


Figure 20. Number of persons convicted for human trafficking

Figure 20 and Figure 21 illustrate the general numbers and percentage of *women* in the general structure of persons convicted by the courts for human trafficking.

As well as general numbers and percentage are concerned, the court statistics demonstrate a high share of female perpetrators especially in the earlier years of the observation period: even more than 50% of convicted THB perpetrators were women (Figures 20, 21).

The average percentage of female perpetrators of THB crimes in Ukraine for the period of 2006 – 2022 is 47%.

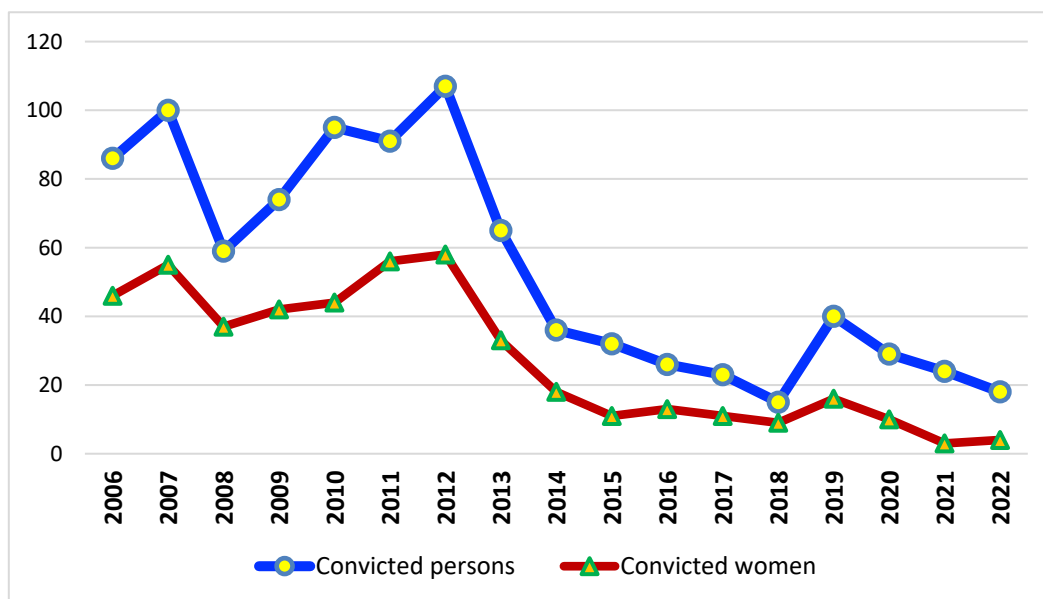


Figure 21. Number of women convicted for human trafficking

The percentage of women convicted for THB crimes (*Figure 21*) is important not only from the point of gender proportions. It serves as additional evidence of hidden trends and incorrect representation of the phenomenon in the court statistics.

This high share of convicted female offenders is unusual.

According to *the police* statistics, 321334 crimes were committed in 2021 in Ukraine; 25603 crimes were committed by suspected women (8%).

In 2022, 362636 crimes were committed where 17111 crimes were committed by suspected women. That means that crimes committed by suspected women in 2022 had even a share of less than 5%.

Finally, 172267 crimes were committed in Ukraine in the period from January to April 2023, where only 6593 crimes were committed by suspected women; the female share was 4%.

The decrease in crimes committed by female suspects in 2022 and 2023 can be explained by the impact of the War, when a huge number of potential female perpetrators fled the country.

At the same time, we suspect that the high percentage of *convicted* female offenders of THB might hint to the *organised character* of human trafficking. We assume that a remarkable share of these women could be exploited as '*figureheads*' in criminal proceedings; they take the punishment for THB crimes instead of the male '*string pullers*'.

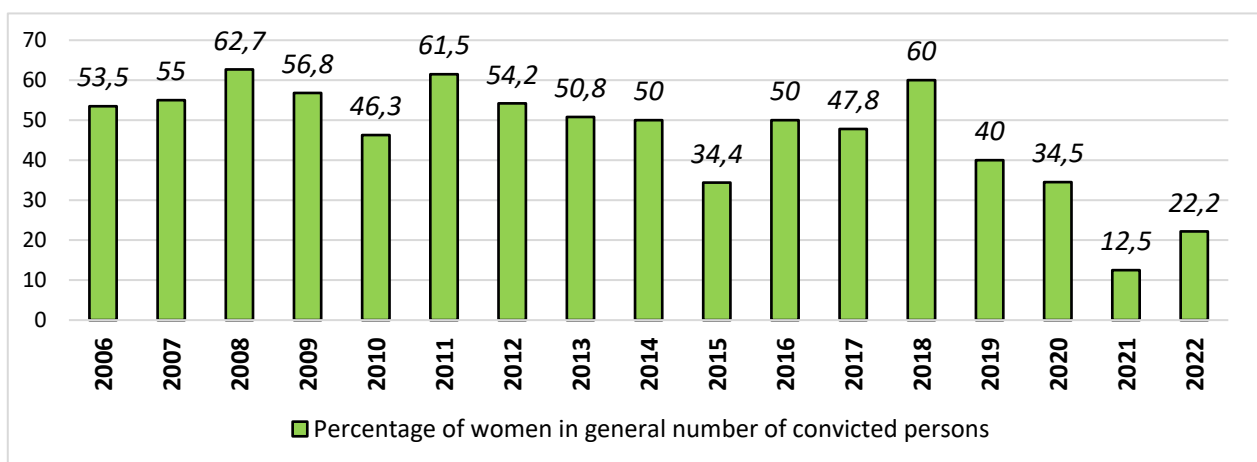


Figure 22. Percentage of women convicted for human trafficking

Human Trafficking as Organised Crime

From a common view human trafficking brings high profits to criminals and carries with it enormous human, social and economic costs¹. Trafficking in human beings is *often linked* with other forms of organised crime such as migrant smuggling, drug trafficking, extortion, money laundering, document fraud, payment card fraud, property crimes, cybercrime and other².

In 2023, the Global Initiative Against Transnational Organized Crime (GI-TOC) published its assessment of organised crime in Ukraine as part of the Global Organized Crime Index, which additionally proves the existence of the established illicit market in human trafficking and the influence of corrupt officials³. Moreover, GI-TOC argues that drugs, human trafficking and weapons trafficking emerged in Ukraine as *core illicit markets with domestic and transnational dimensions*⁴.

In Ukrainian legal literature, many scientists ask whether human trafficking is controlled by *transnational criminal organizations*⁵.

¹ European Commission (2023). *Together Against Trafficking in Human Beings*

<https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings_en> (2023, April, 14).

² Ibid.

³ Global Initiative Against Transnational Organized Crime (2023). *New Front Lines. Organized Criminal Economies in Ukraine in 2022* <<https://globalinitiative.net/analysis/organized-criminal-economies-ukraine-2022/>> (2023, April, 14).

⁴ Ibid.

⁵ Kuryliuk, Y., Khalymon, S. (2020). Criminal profile of migrants' smuggler across the State Border of Ukraine. *Amazonia Investiga*, 9(27), 195.

The answer appears *negative* according to a study grounded on judgments of the national courts against convicted *human smugglers*¹. The authors conclude that “*the results of the research testified to that smuggling of migrants in Ukraine is controlled by organized criminal groups or organizations at level of 8%, which is also confirmed by research of foreign scientists*”. According to the study, convicted human smugglers usually act in groups, which are *not* associated to organised crime². Due to the study design, limited to judgments, the authors were not able to obtain knowledge about the hidden structures of human smuggling in Ukraine.

Due to the notoriously high number of unreported cases, court statistics only provide a small sample that does *not* reveal the organised nature of THB (*Figures 23, 24*).

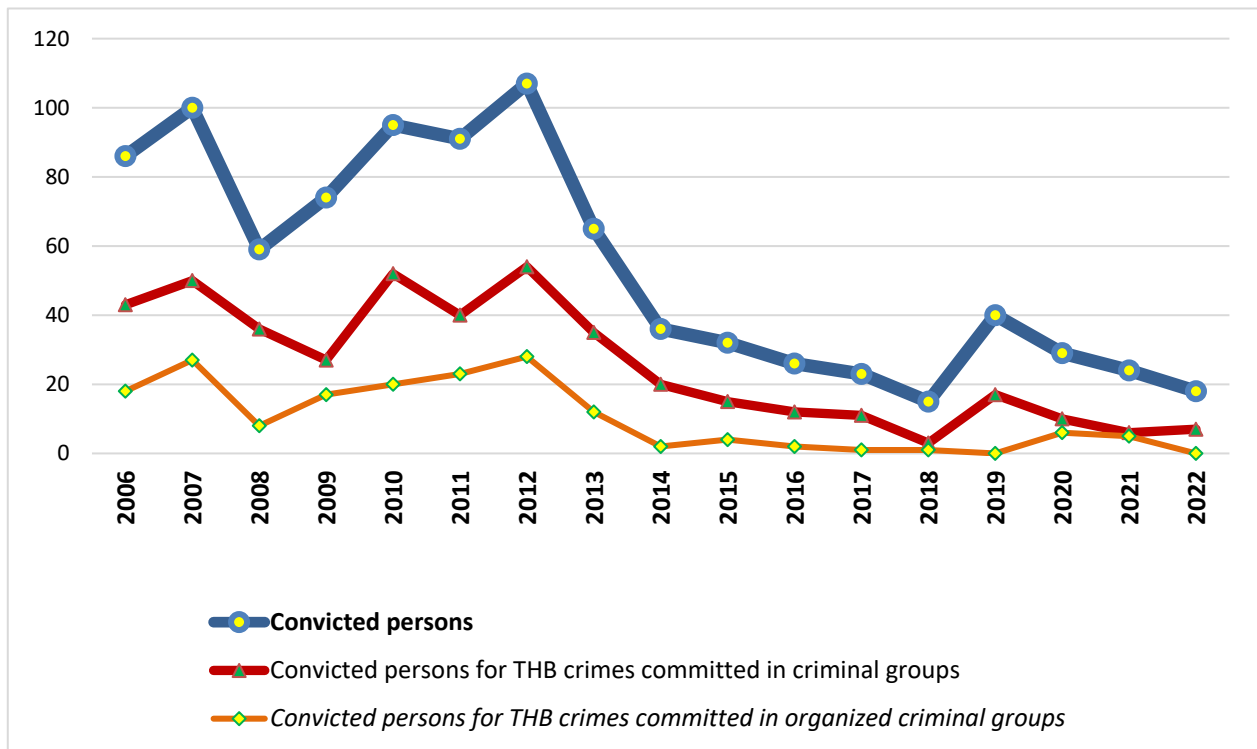


Figure 23. Organised forms of THB crimes

From 2006 up to 2022, 920 persons were convicted in Ukraine for human trafficking. Only 438 perpetrators (48%) were defined as members of *criminal groups*, and 174 perpetrators (19%) were defined as members of *organised criminal groups* (*Figure 24*).

Individual perpetrators have a considerable amount with 33%.

The following observations could be drawn from the court statistics.

For the period of the last 15 years, there were *no* THB crimes committed by *criminal organisations*.

In our opinion, the high percentage of individuals contradicts the *nature* of transnational. Human trafficking, which demand *at least* both *suppliers* and *recipients* (not even talking about ‘*middlepersons*’ or ‘*brokers*’).

In «*Rantsev v. Cyprus and Russia*», the ECtHR stressed that trafficking in human beings, by its very nature and aim of exploitation, is based on the exercise of powers attaching to the right of ownership. It treats human beings as commodities to be bought and sold and put to forced labour, often for little or no payment, usually in the sex industry but also elsewhere. It implies close surveillance of the activities of victims, whose movements are often circumscribed. It involves the use of violence and threats against victims, who live and work under poor conditions³. Therefore, in the majority of cases, all these criminal activities seem to be *impossible* without an organised group of criminals.

¹ Kuryliuk, Y., Khalymon, S. (2020). Criminal profile of migrants’ smuggler across the State Border of Ukraine. *Amazonia Investiga*, 9(27), 195.

² Ibid.

³ *Rantsev v. Cyprus and Russia*, application № 25965/04, judgment 07.01.2010, final 10.05.2010, Para 281.

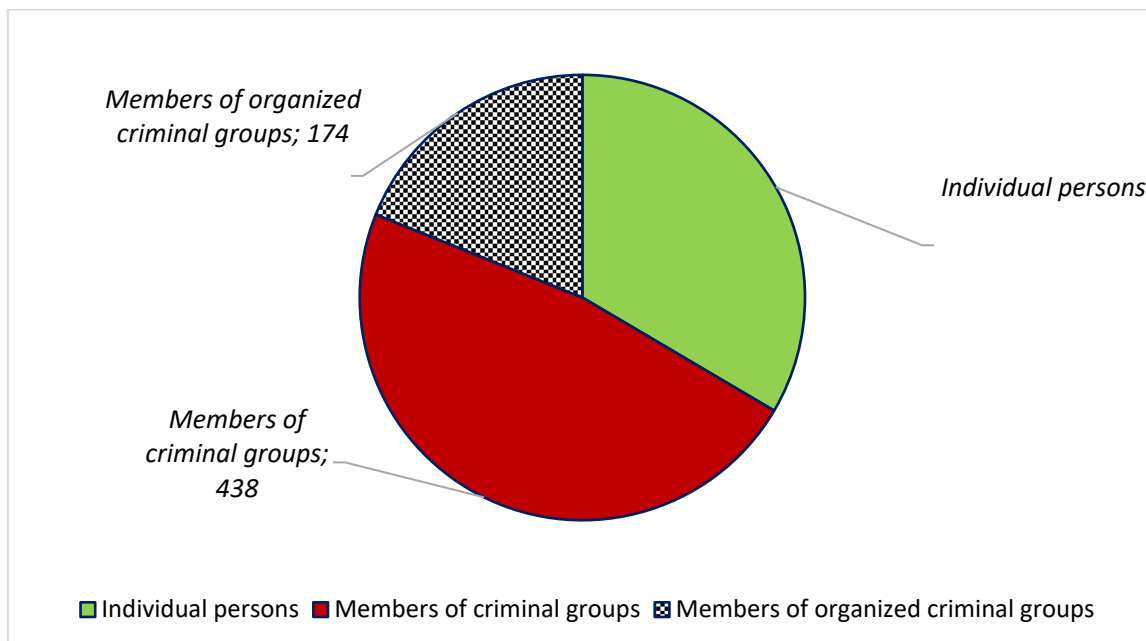


Figure 24. Convicted perpetrators of human trafficking (individuals)

Considering the difficulties concerned with crossing the State borders and the necessity to organise the logistics and to corrupt officials of *at least* two national states, the hidden nature of human trafficking makes it complicated to identify and detect these crimes. Therefore, most of them remain unnoticed also due to corruption of civil servants and border guards.

Sentencing Policy

The general criminological landscape of human trafficking in Ukraine would not be complete without the *analysis of punishments* imposed on THB perpetrators.

The structure of “*Trafficking in Human Beings*” pursuant to the Article 149 of the Ukrainian Criminal Code is as follows:

Part one of the Article 149 provides a criminal punishment for a ‘*classic*’ human trafficking, which is punished by imprisonment for a term of 3 to 8 years.

Actions envisaged by Part one of Article 149, committed against a minor or against several persons, or repeatedly, or by prior conspiracy by a group of persons, or by an official using his/her official position, or combined with violence that is *not* dangerous to life or health of the victim or his/her relatives, or with a threat of such violence are punishable by imprisonment for a term of 5 to 12 years (with or without confiscation of property).

Finally, actions envisaged by Part one or Part two of Article 149, committed against a minor by his/her parents, adoptive parents, guardians or custodians, or committed against a minor by an organized group, or combined with violence *dangerous* to life or health of the victim or his/her relatives, or with the threat of such violence, or if they caused grave consequences are punishable by imprisonment for a term of 8 to 15 years (with or without confiscation of property).

As human trafficking is considered as a serious crime with a severe penalty, the sentencing level seems rather low (*Figure 25*). Since 2014, more persons have been sentenced to probation than to imprisonment¹.

¹ According to Article 75 of the Criminal Code (*Discharge from punishment on probation*), if the court (*some exceptions are provided by law*), when sentencing to correctional labour, restriction of service for servicemen, restriction of liberty, as well as imprisonment for a term not exceeding *five years*, having regard to the gravity of the criminal offence, the character of the offender and other circumstances of the case, concludes that it is possible to reform the convict without serving the sentence, it may decide to discharge him/her on probation.

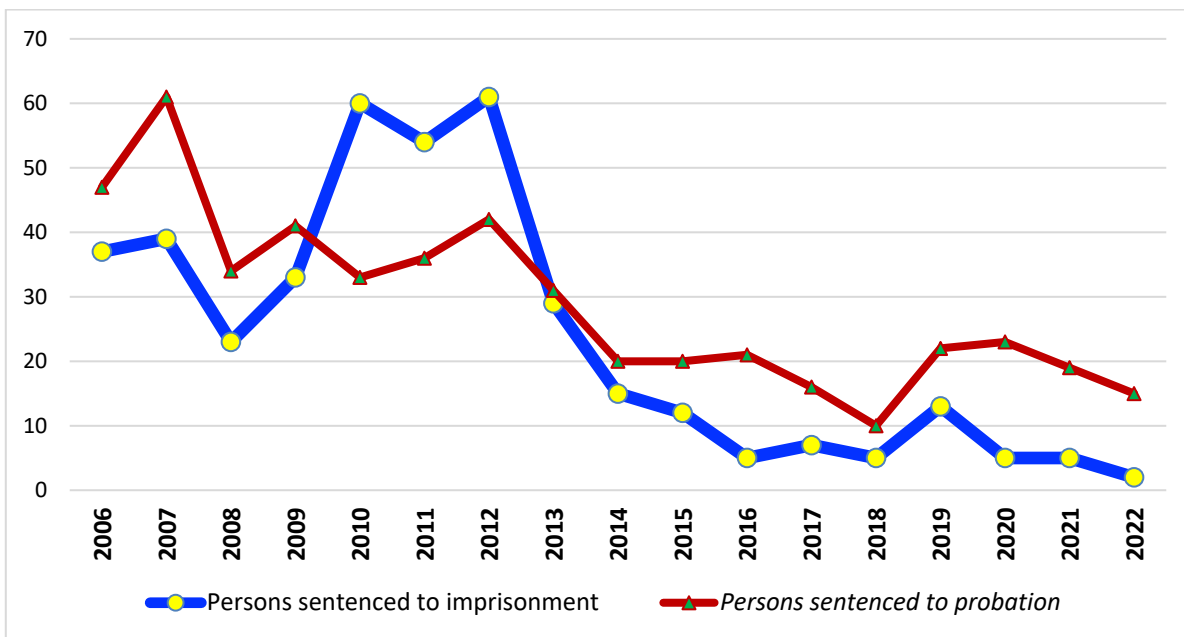


Figure 25. Number of persons convicted for THB crimes

According to the court statistics, 405 traffickers were sentenced to imprisonment in 2006 – 2022, while 491 traffickers were sentenced to probation (conditional imprisonment)¹. Their shares are 44% imprisonment and 53% probation (Figure 26). Other punishments only have a minor role.

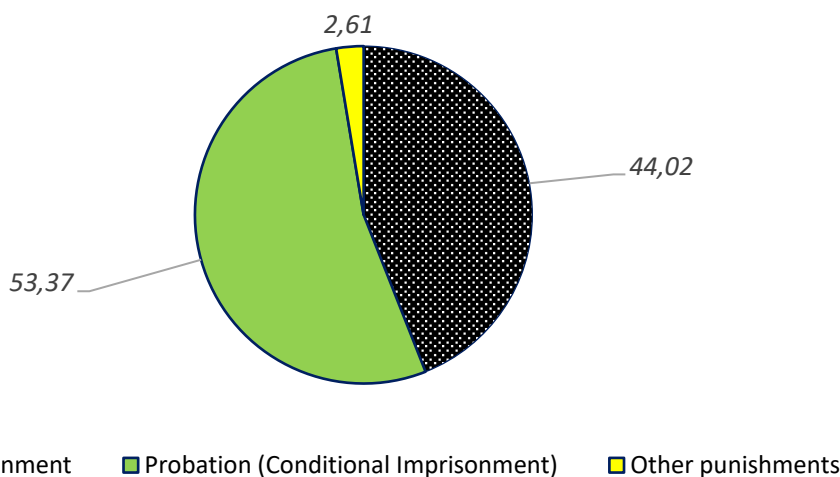


Figure 26. Shares of punishments for human trafficking

We also consider *aggravated* human trafficking pursuant to Part two and Part three of Article 149 of the Criminal Code of Ukraine.

Aggravated human trafficking is punishable by imprisonment for a term of 5 to 12 years (Part two) or 8 to 15 years (Part three) with or without confiscation of property (Figure 27). While aggravated human trafficking dominated up to 2015, the numbers in recent times continue to converge except of 2019.

¹ The Ukrainian courts used other alternative punishments, although their share in the general picture of punishments is close to a *zero point*.

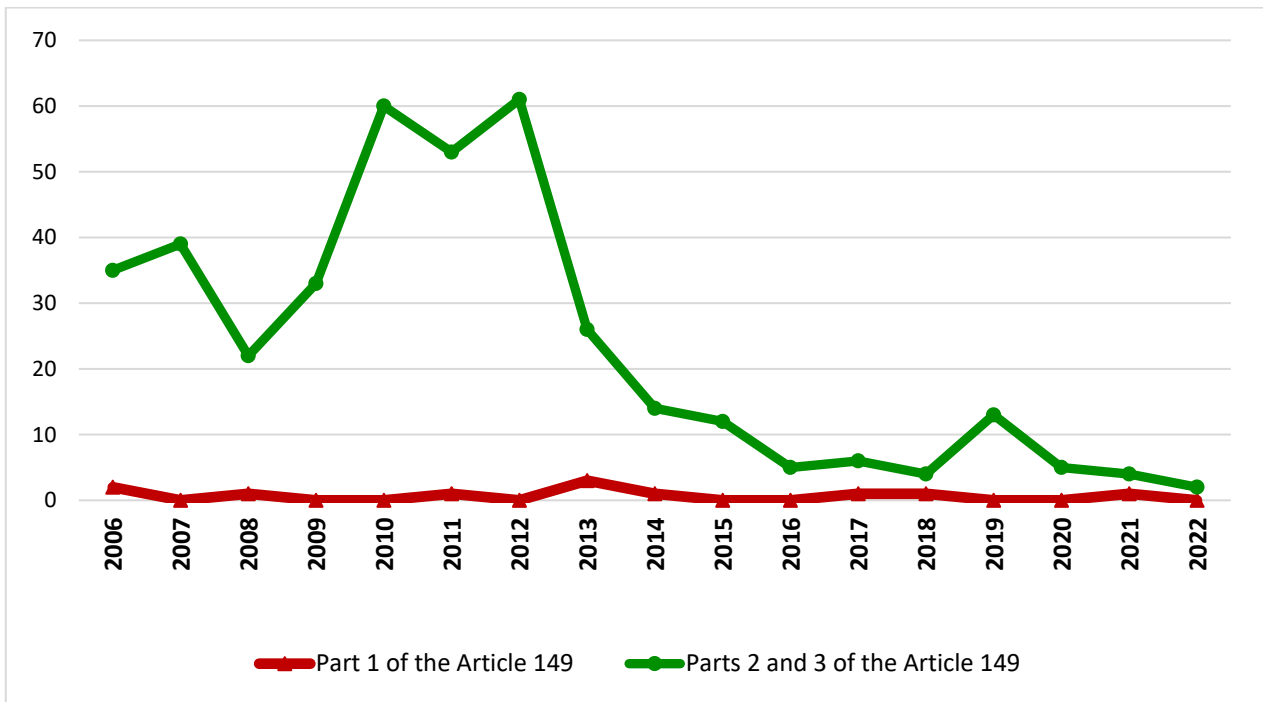


Figure 27. Number of perpetrators convicted to imprisonment

Since *profit* from human trafficking is a driving force, the question is how often confiscation of property as an additional punishment occurs (Figures 28, 29).

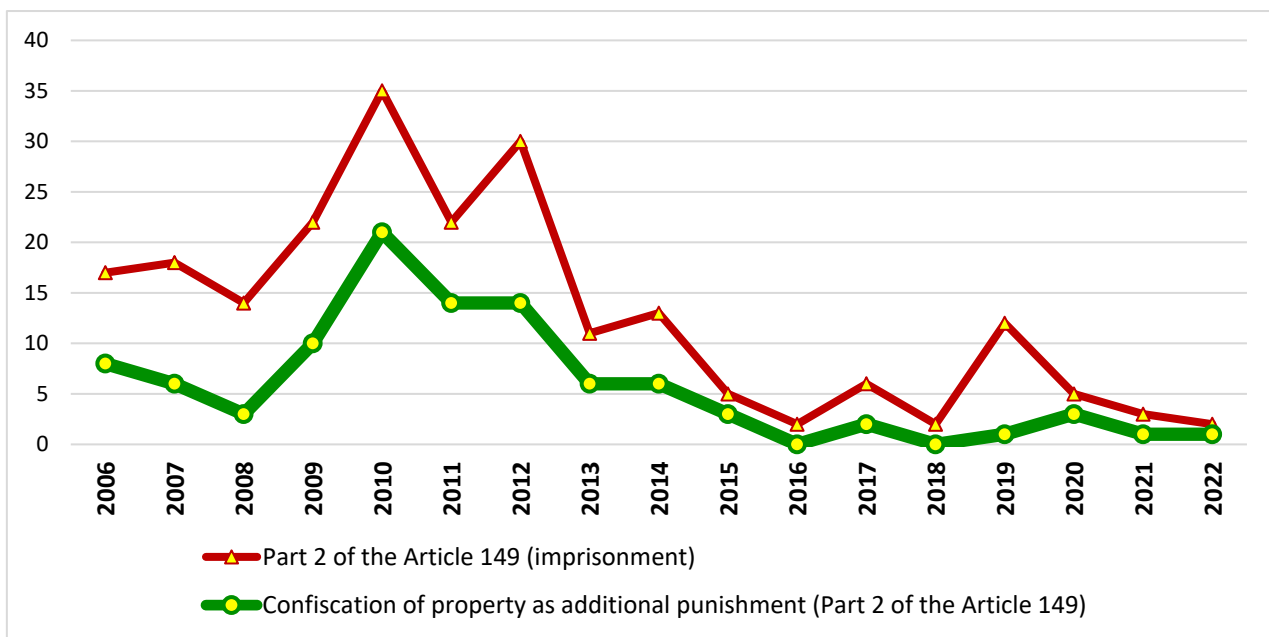


Figure 28. Use of confiscation of property (Part 2 of Article 149)

The courts did *not* use confiscation of property widely as an additional punishment before 2014. In contrast, after 2014, confiscation of property became a much more used punishment though the numbers of convictions to imprisonment are considerably smaller than before.

However, 2019 shows to which extent confiscation of property was *not* used by the judges: 12 perpetrators were punished with imprisonment pursuant to the Part two of Article 149, but only one person received confiscation of property as an additional punishment (Figure 28).

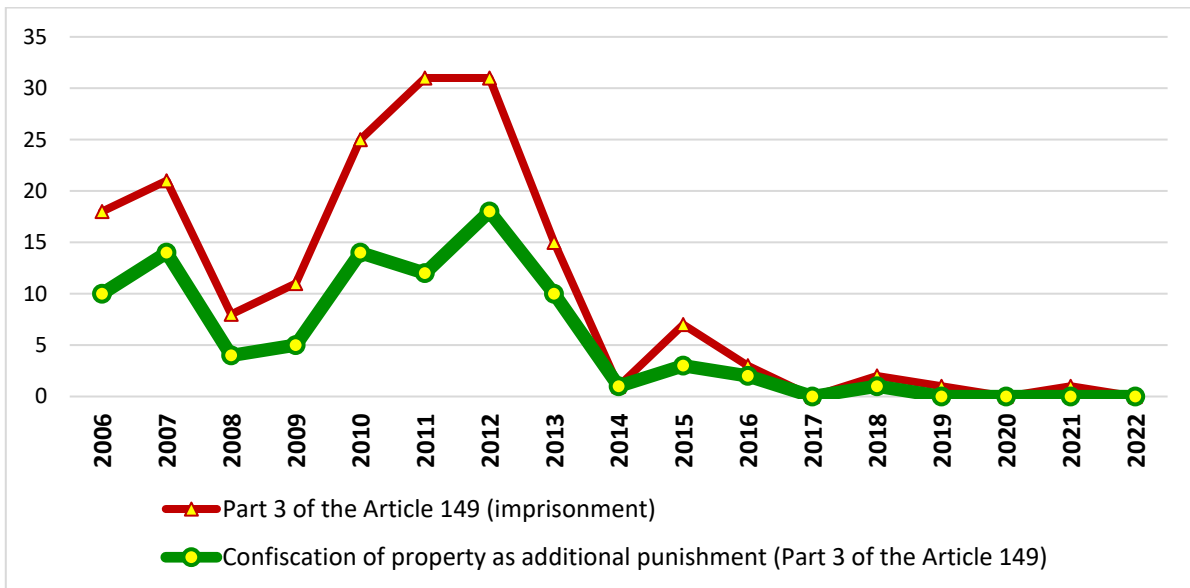


Figure 29. Use of confiscation of property (Part 3 of Article 149)

The relative low sentencing level underlines the problem of *imposing lesser punishments* for perpetrators of human trafficking (*Figure 30*).

This applies in particular to the period from 2006 to 2013: 677 persons were convicted for THB crimes; among them 262 persons received a lesser penalty than provided by law (38,7%).

In contrast, in the period of 2013 – 2022, 243 persons were convicted for THB crimes, among them 38 persons received a lesser penalty than provided by law (15,6%) (*Figure 30*). This practice might be partly explained by the high share of individuals whose guilt might not be weighted as serious by the judges.

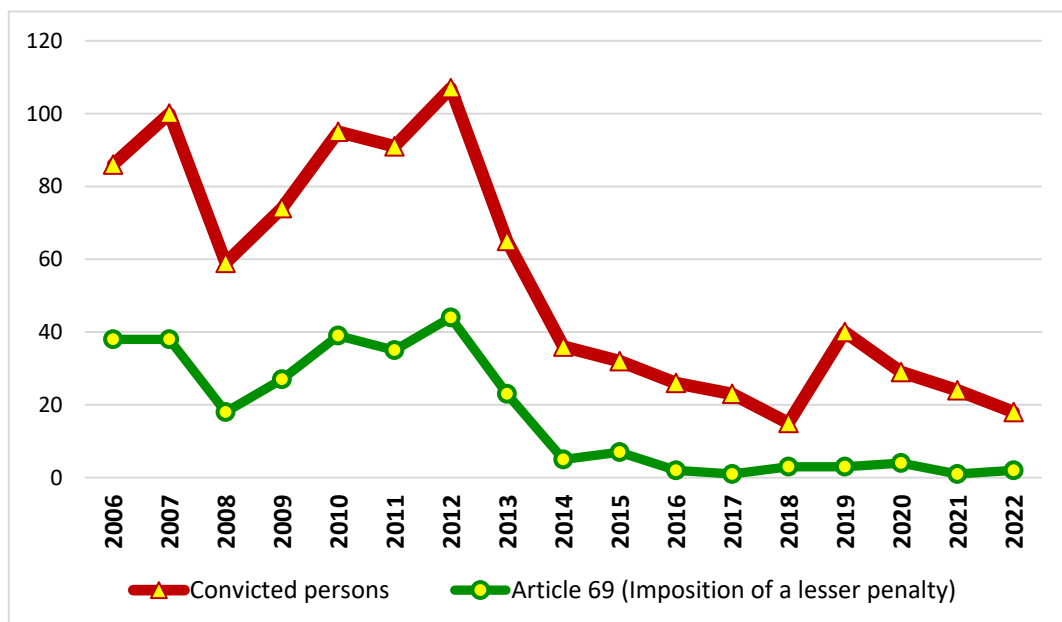


Figure 30. Imposition of a lesser penalty than provided by law

In *Rantsev v. Cyprus and Russia*, the ECtHR states that Article 4 of the Convention requires traffickers to be punished accordingly¹. The court seems to reflect a *lenient approach* to punishing perpetrators.

In 2006 – 2013, given that human trafficking is basically an area of *transnational and organised* criminal activity, more than every third trafficker received a sentence *much lower* than the one provided

¹ *Rantsev v. Cyprus and Russia*, application № 25965/04, judgment 07.01.2010, final 10.05.2010.

for by law. However, the police and court statistics cannot confirm this assumption also due to the considerable share of individual perpetrators.

Satellite Crimes

In Ukrainian legal science, the dominant idea is of human trafficking as oriented exclusively on *external* illegal markets. Supporting the thesis that human trafficking in Ukraine is often a transit stage in a broader criminal activity, *not* all victims are intended to be transported to foreign states. Sometimes, the crime of human trafficking requires *no* movement of victims whatsoever. Victims can be recruited and trafficked in their own hometowns, even their own homes¹.

Due to the wartime restrictions, we assume that closing the state borders resulted in *reshaping* of the illegal market – from victims’ supply to foreign countries to *transforming of human trafficking into ‘satellite’ crimes*.

In the period of 12 months in 2022, 61 crimes of *creating or running brothels and procuring* were registered. At the same time, 52 crimes of the same type were registered in the period of 4 months in 2023 (*Figure 31*).

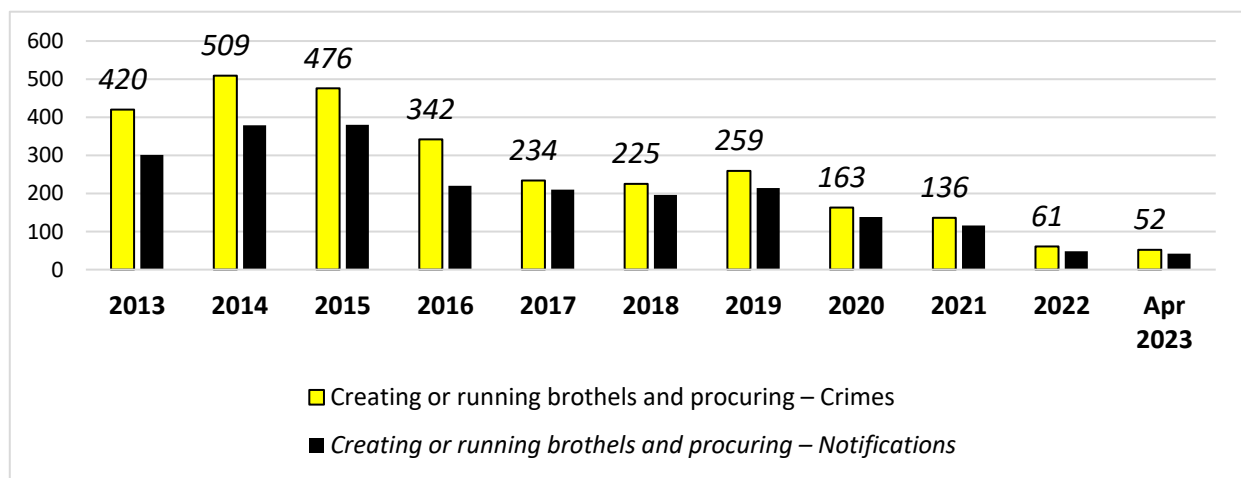


Figure 31. Creating or running brothels and procuring

Moreover, in the period of 4 months in 2022, 37 crimes of *creating or running brothels and procuring* were registered in Ukraine, the same period of 2023 exhibits an increase in 40% (52 crimes) (*Figure 32*).

As far as criminal proceedings *with suspects* between January and April 2023 are concerned, an 35% increase happened as compared with the same period in 2022 (*Figure 32*).

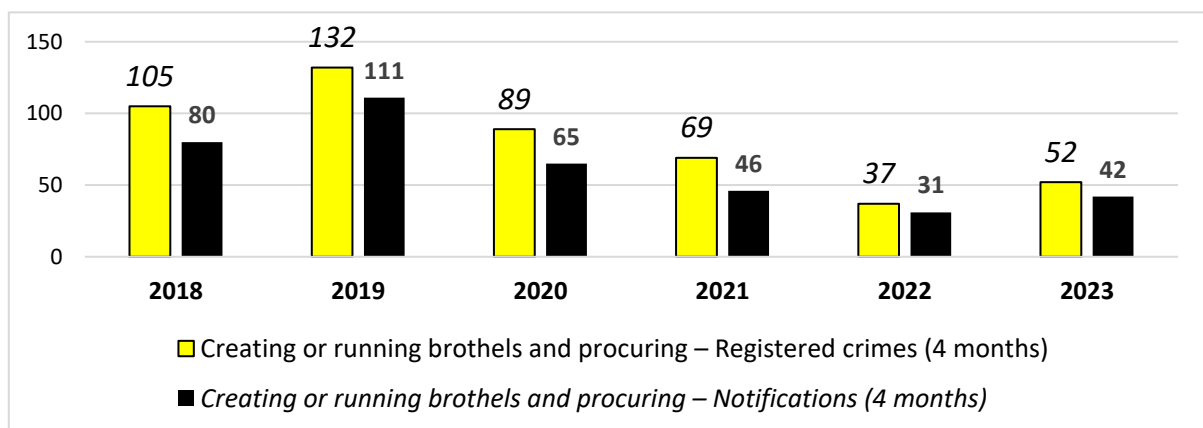


Figure 32. Creating or running brothels and procuring (January – April)

¹ Polaris (2023). *Human Trafficking Facts* <www.polarisproject.org/myths-facts-and-statistics/> (2023, April, 14).

Our thesis concerning the transformation human trafficking into ‘*satellite*’ crimes cannot be proved. But there is a remarkable increase concerning pimping or engaging a person in prostitution in the police statistics during the first four months of 2023 compared to the whole year of 2022 (Figure 33).

In the period of January – April 2023, 158 crimes of this type were registered, although 195 crimes were registered for the period of 12 months of 2022 (Figure 33).

Therefore, in 2023, the number of crimes of pimping or engaging a person in prostitution could reach *the highest point* in the whole history of independent Ukraine. At first glance, such a trend could sound strange in the light of wartime restrictions. Nevertheless, such a trend – if ongoing – is additional evidence of *the reshaping of human trafficking to internal markets*.

This assumption is confirmed by the Global Initiative Against Transnational Organized Crime (GI-TOC). In its research of organised crime in Ukraine, the GI-TOC concluded that sexual exploitation as a form of human trafficking has continued with little interruption after the War started¹

The GI-TOC also presumed that sexual exploitation as a form of human trafficking may have even expanded, although the curfew may have forced brothels and other sites of exploitation to alter their hours of operation².

According to the GI-TOC research, online listings of sexual service providers in Ukrainian cities have begun appearing in English as well as in Russian and Ukrainian, indicating an expanding client base drawn from the diverse international actors now in-country³. As the War continues, it is likely that human trafficking within Ukraine will expand as poverty and hardship increase⁴.

Therefore, there are indicators that crimes of pimping or engaging a person in prostitution will significantly increase in 2023 parallel to the increase of ‘classic’ human trafficking.

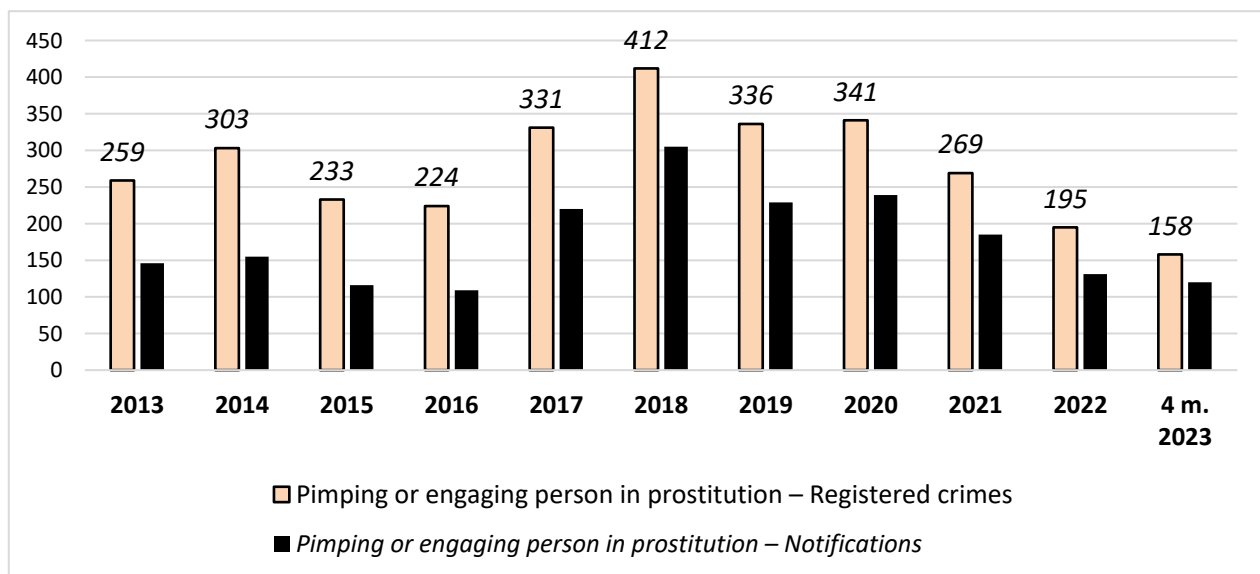


Figure 33. Pimping or engaging person in prostitution (2013 – 4 months 2023)

¹ Global Initiative Against Transnational Organized Crime (2023). *New Front Lines. Organized Criminal Economies in Ukraine in 2022* <<https://globalinitiative.net/analysis/organized-criminal-economies-ukraine-2022/>> (2023, April, 14); see also Yagunov, D. (2022). Crime prevention policy in Ukraine in the light of crime statistics for the period of eight months of 2022. *Bulletin of the Vasyl' Stus Donetsk National University. Series Political sciences*, 4, 28-45; Yagunov, D. (2022). Criminal justice system of Ukraine in the wartime: impacts and challenges. *European Political and Law Discourse*, 9(4), 33-51; Yagunov, D. (2022). Impact of the 2022 Russian military aggression on crime trends in Ukraine (analysis of crime prevention policy in the light of crime statistics for ten months of 2022). *European Political and Law Discourse*, 9(6), 35-80.

² Global Initiative Against Transnational Organized Crime (2023). *New Front Lines. Organized Criminal Economies in Ukraine in 2022* <<https://globalinitiative.net/analysis/organized-criminal-economies-ukraine-2022/>> (2023, April, 14).

³ Ibid.

⁴ Ibid.

Further, the number of crimes of pimping or engaging a person in prostitution in the period of January – April 2023 increased three times as compared with the same period in 2022 (158 versus 55) (Figure 34, 35).

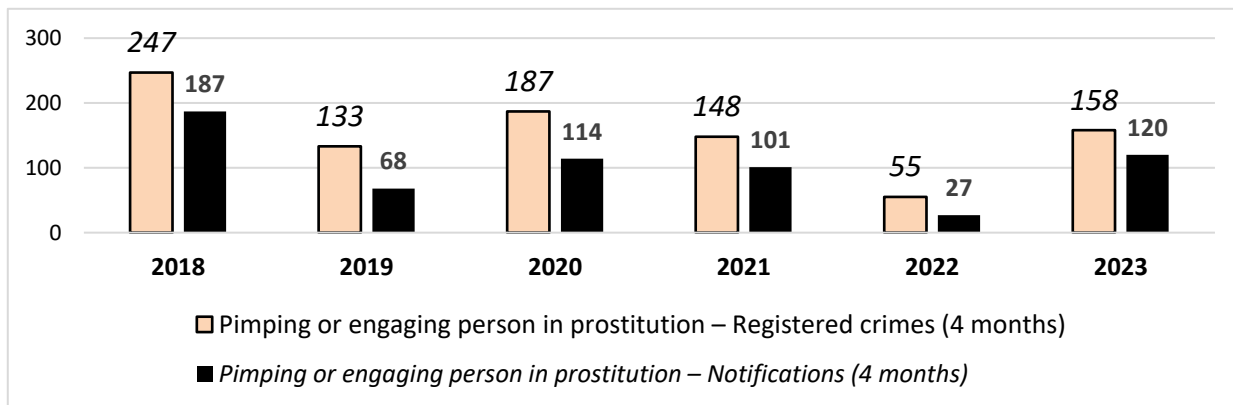


Figure 34. Pimping or engaging person in prostitution (January – April)

The monthly police statistics show an extraordinary rise of pimping or engaging person in prostitution in January 2023 which cannot be explained. In general, 16 crimes of pimping or engaging person in prostitution were registered every month in 2022. As far as 2023 is concerned, the same indicators reached the level of 28 crimes without the outlier in January 2023 (Figure 35). One has to await further development.

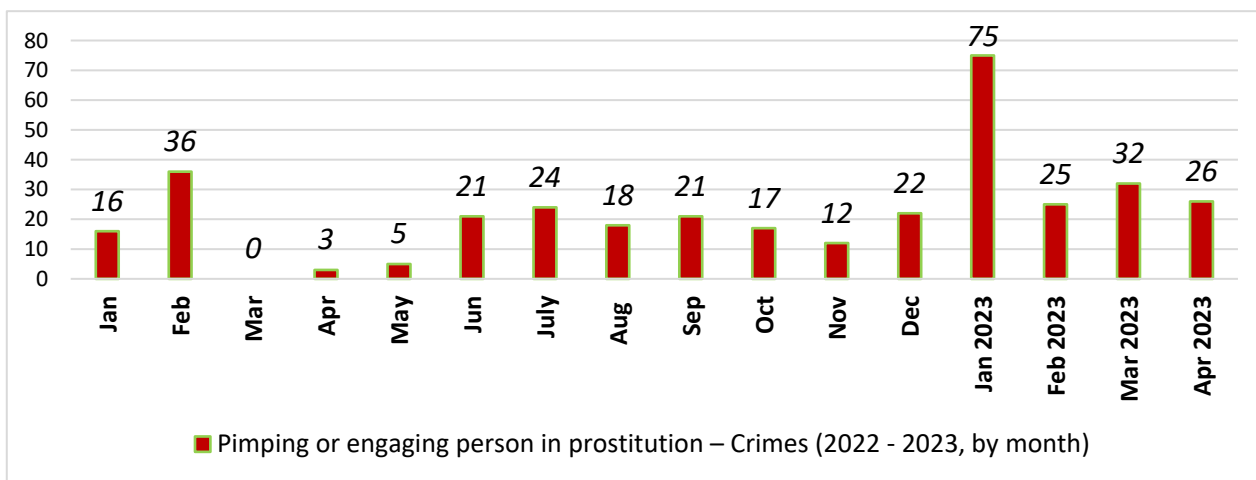


Figure 35. Pimping or engaging a person in prostitution (2023 – 2023, by month)

The crime statistics demonstrate that after Russian military aggression against Ukraine in February 2022, the number of these crimes reduced to a *zero point* with further increase.

Pimping or engaging a person in prostitution is a typical *control crime* by the police. As the victims usually do *not* report the crime to the police, the numbers are dependent on the control activities by the police (e.g., police raid) and belongs to the everyday police routine in Ukraine. The beginning of the War probably influenced the control activity by the police in this crime area negatively.

But sometimes the police are involved in such offences such as the following example illustrates.

On March 04, 2023, the Pechersk District Court of Kyiv arrested the Deputy Head of the Migration Police Department of the National Police of Ukraine, who "covered up" the activities of a criminal group of pimps. The Deputy Head of the Migration Police was given a notice of suspicion under three articles of the Criminal Code of Ukraine: Article 255 (creation, management of a criminal community or criminal organization); Article 302 (creating or running brothels and procuring); Article 303 (pimping or engaging

a person in prostitution) for recruiting women to provide sex services for money, including for ‘escorts’¹. The criminal organization consisted of 15 people, who provided brothels in Kyiv and were engaged in pimping in Ukraine and abroad². This case shows well the overlap with human trafficking.

Part of the ‘satellite’ crimes is also *engaging minors in criminal activity* (Figure 36).

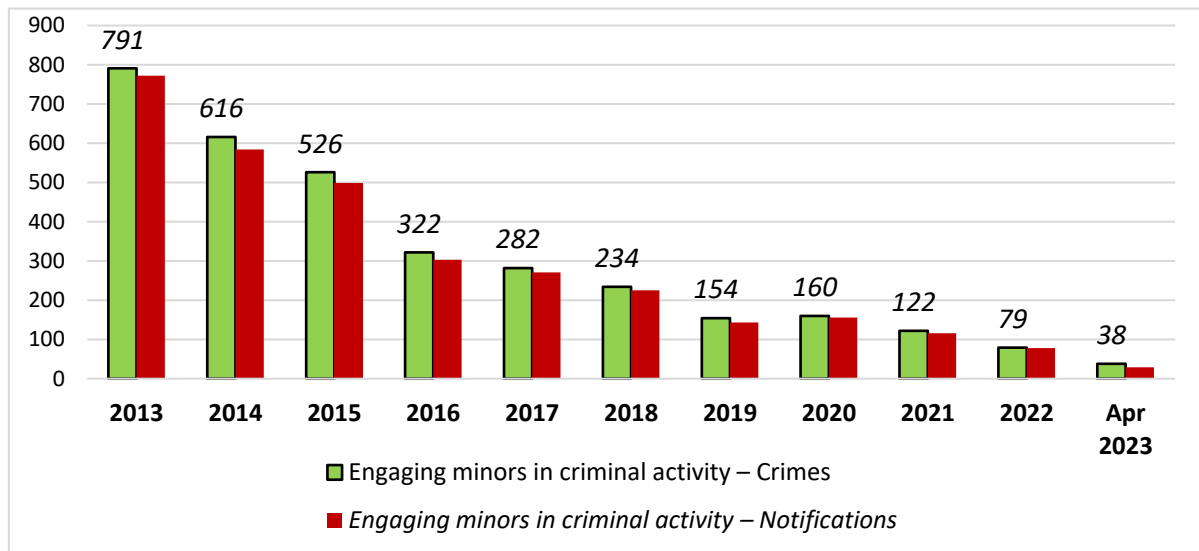


Figure 36. Engaging minors in criminal activity
(Art. 304, 2022 – 4 months 2023)

The police statistics for 4 months of 2023 show a dualistic trend during the War years:

- in the period of 2022 (a whole year), there was a 50% reduce in crimes of engaging minors in criminal activity as compared with 2021;
- in the period of January – April 2023, there was a 58% increase in crimes of engaging minors in criminal activity as compared with the same period in 2022 (Figures 37, 38).

The continuous decline over the observation period is striking. The question, therefore, arises as to the reasons for this. Nevertheless, these statistics should be considered for further research of ‘satellite’ crimes in Ukraine.

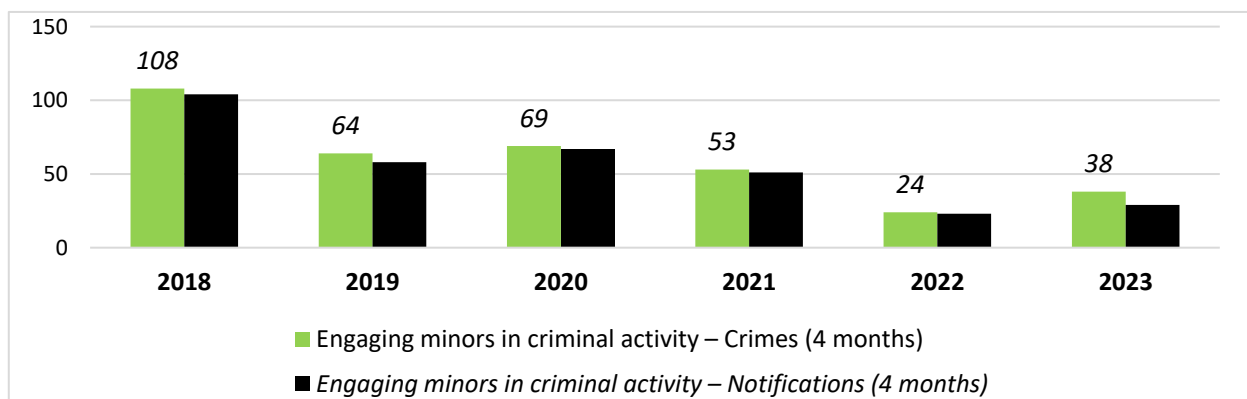


Figure 37. Engaging minors in criminal activity
(Art. 304, 2019 – 2023, January – April)

¹ Петренко, Р. (2023). «Кришування» борделів у Києві: арештували одного з керівників Департаменту міграційної поліції. *Українська правда* <www.pravda.com.ua/news/2023/02/4/7387927/> (2023, April, 14).

² Романенко В. (2023). Департамент міграційної поліції "кришував" борделі в Києві. *Українська правда* <www.pravda.com.ua/news/2023/02/1/7387513/> (2023, April, 14).

As in the previous example, the numbers are smaller when it comes to the *use of a minor for begging*. However, these statistics should also be considered for further research of ‘satellite’ crimes (Figures 38, 39).

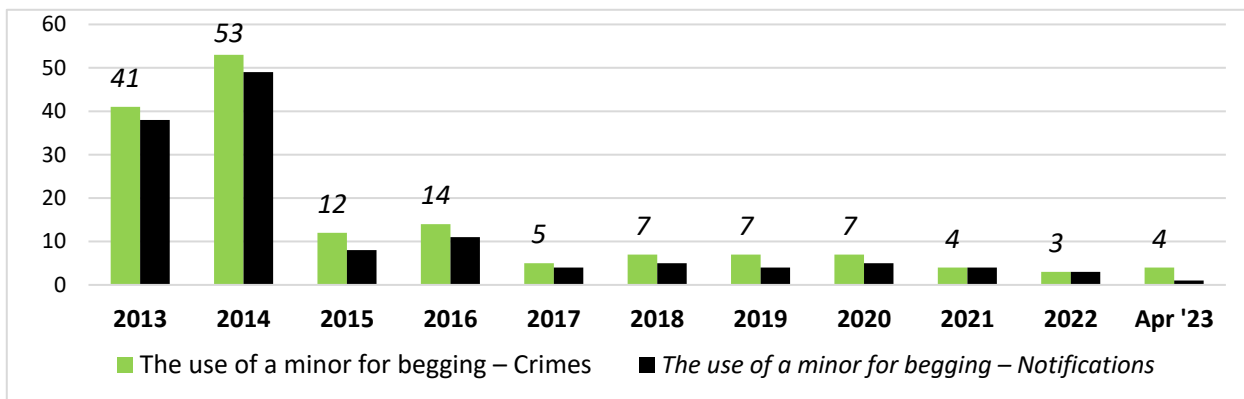


Figure 38. The use of a minor for begging (Art. 150-1, 2013 – 4 months 2023)

Similar as before, the numbers for the exploitation of children are *extraordinarily low* in the police statistics (Figures 39).

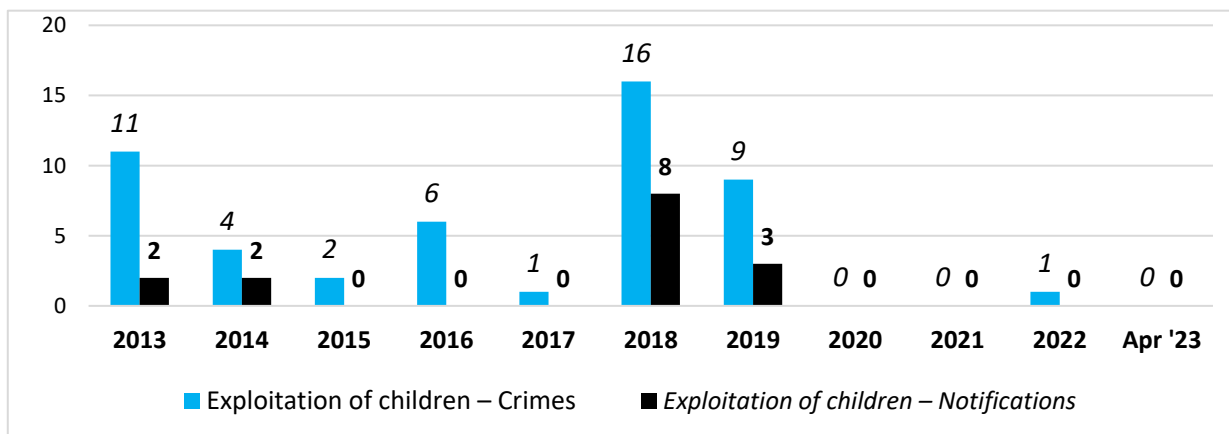


Figure 39. Exploitation of children (Art. 150, 2023 – 4 months 2023)

Even considering *zero* numbers of crimes of exploitation of children, we should observe them. It sounds strange that in a big country like Ukraine zero crimes of exploitation of children occur, especially during the biggest war in Europe since 1945.

Common Social Nature of Human Trafficking and ‘Satellite’ Crimes

The UNODS stresses that the forms of trafficking that refugees from Ukraine are at risk of include sexual exploitation, forced labour, illegal adoption and surrogacy, forced begging, and forced criminality¹.

Developing such a thesis, we can go further and state that ‘satellite’ criminal activities can take place also in Ukraine, having the form of *hidden* human trafficking.

Therefore, drawing some preliminary conclusions from the police and the court statistics, we would like to say that crime trends in Ukraine for the last ten years are a good example to prove the *common social nature* of THB crimes and ‘satellite’ crimes (transportation, logistics, passing the borders of the State or at least borders of regions within the State, giving bribes to the police and to other law-enforcement bodies officers etc.).

¹ UNODC (2022). *Conflict in Ukraine: Key Evidence on Risks of Trafficking in Persons and Smuggling of Migrants*. Report. 9.

The common feature of all the mentioned crime trends is changing. After 2018, we can observe a decrease in these crimes (*Figure 40*).

In contrast to many expectations, the War indicates an increase of such crimes during the first four months of 2023. Moreover, we might expect even an increase of such crimes in the future.

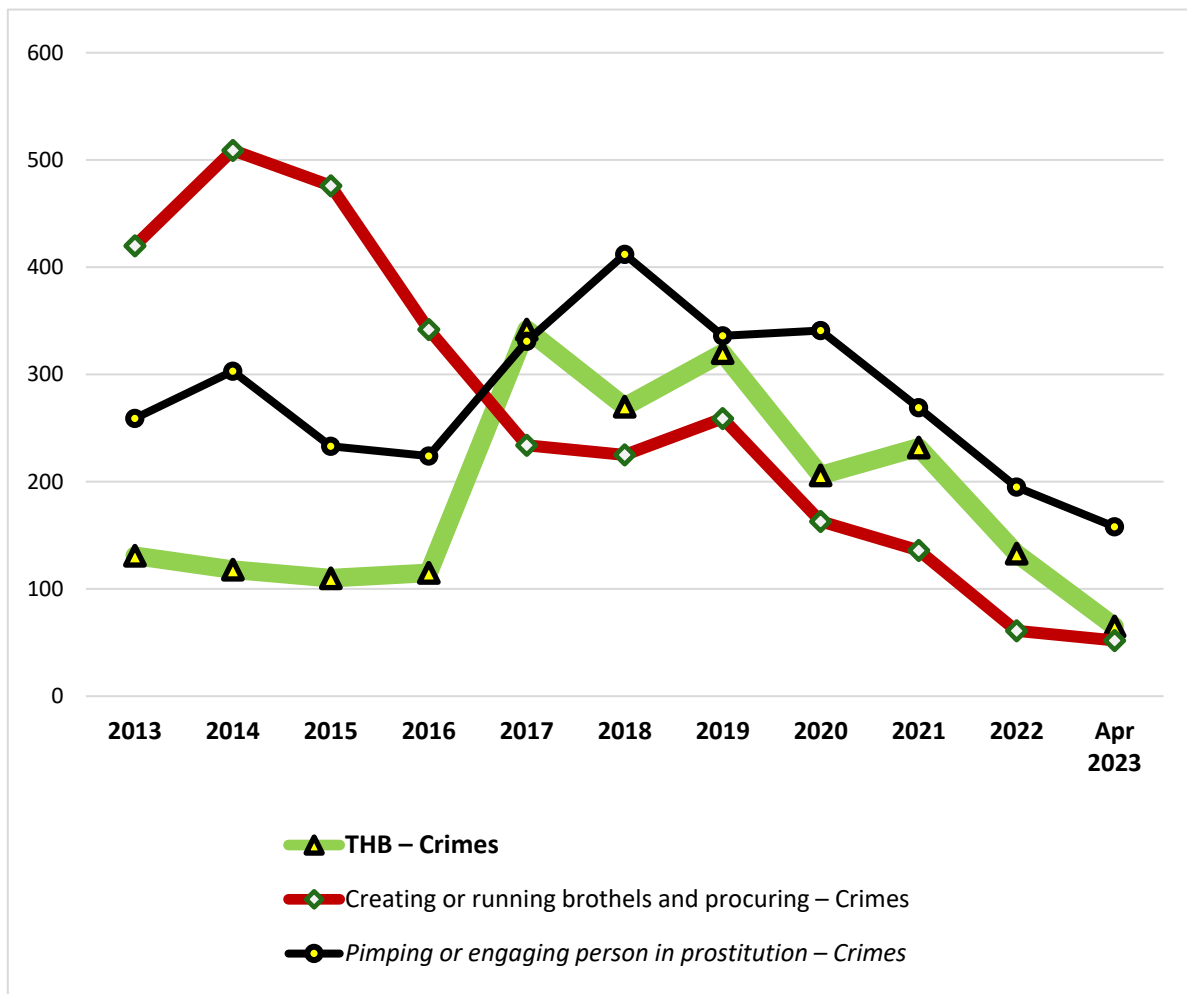


Figure 40. THB crimes and 'satellite' crimes

The same could be said relating to the numbers of criminal proceedings (registered criminal cases) with suspects (*Figure 41*).

Securing the Borders: Some Parallels to Human Trafficking

Smuggling from Ukraine to the rest of Europe has been an obvious problem for the stability of public order in the EU for a long time¹.

Therefore, crimes of *smuggling* are interesting cases for researching the impact of the War as they reflect the state of *protection of the borders* of Ukraine, which, in its turn, reflects the general potential of *the State* to keep its territory safe².

¹ GLOBSEC (2022). *Under the Shadows of War in Ukraine: Illicit Trade*. Report, 9; EUROPOL (2022). *Europol Statement on the Cooperation with Ukraine. Press Release* <<https://www.europol.europa.eu/media-press/newsroom/news/europol-statement-cooperation-ukraine>> (2023, April, 14).

² Here, it should be noted that in 2018, the Criminal Code of Ukraine was supplemented with Article 201-1 according to the Law "On the introduction of amendments to some legislative acts of Ukraine regarding the preservation of Ukrainian forests and the prevention of the illegal export of unprocessed timber" which has stated a criminal liability for *smuggling of timber*. Therefore, in this paper, data for 2020 – 2022 also reflect the numbers of both crimes of smuggling – the 'classic' one and the smuggling of *timber*.

As *victimless* crimes, smuggling of human beings and goods is also a classical *control activity* by the police. The number of registered smuggling cases is the result of the extent of police and border guard controls.

According to police statistics, in the period of 2016 – 2021, there has been an increase in detected crimes of smuggling, with its highest point of 151 crimes in 2021 (*Figure 42*).

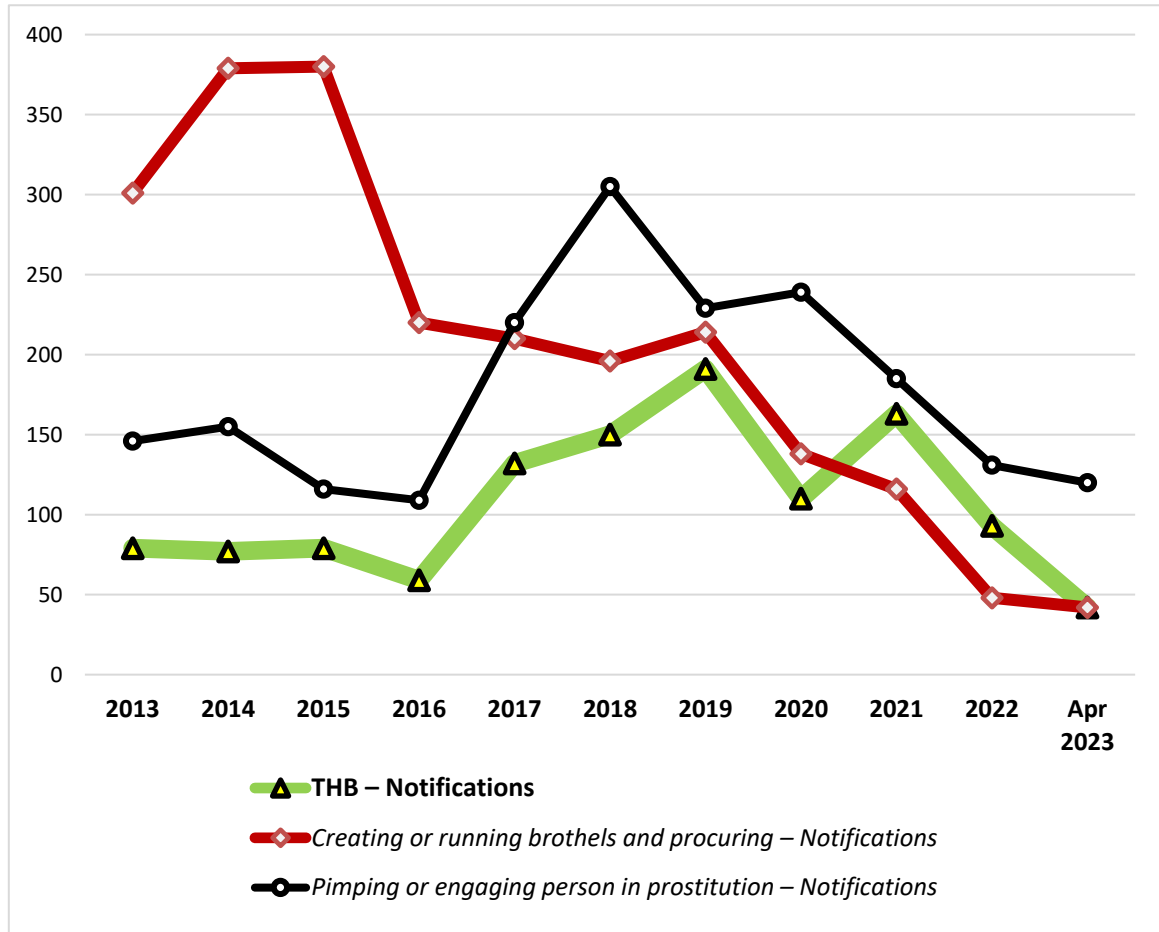


Figure 41. Suspects in THB crimes and ‘satellite’ crimes

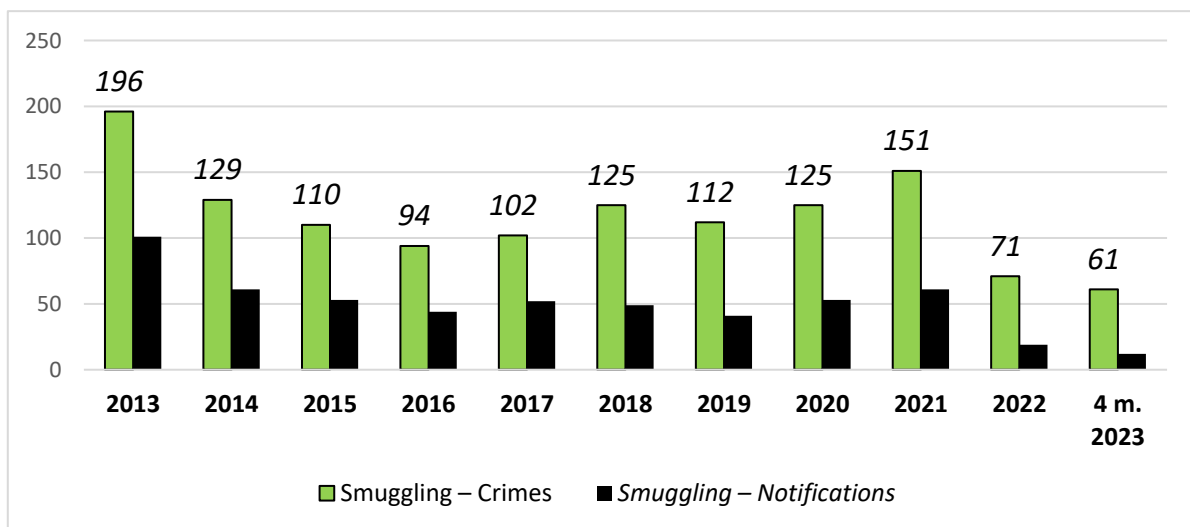


Figure 42. Smuggling: registered crimes and notifications

This uprising trend might have been interrupted in 2022 by the War.

In 2022, the number of crimes of smuggling dropped significantly in February-March 2022 with further increase to the pre-war indicators during the first four months in 2023.

Comparative analysis of the crimes of smuggling for twelve months of 2022 (71 registered criminal proceedings) shows that the number of detected crimes decreased 2,5 times as compared with the same period in 2021.

Correspondingly, the number of suspects in smuggling for the same period decreased more than 3,8 times (16 criminal proceedings *with suspects* in 2021).

On the other hand, the sharp shock caused by the War – the drop of detected smuggling crimes – seems to disappear soon, considering the rapid increase in detected crime of smuggling in the middle of 2022 and the high number in the first four months 2023 (*Figure 43*).

Moreover, the number of crimes of smuggling in July 2022 overwhelmed the same indicator for January 2022. Later (August – December 2022), as we can see, the number of detected crimes decreased again.

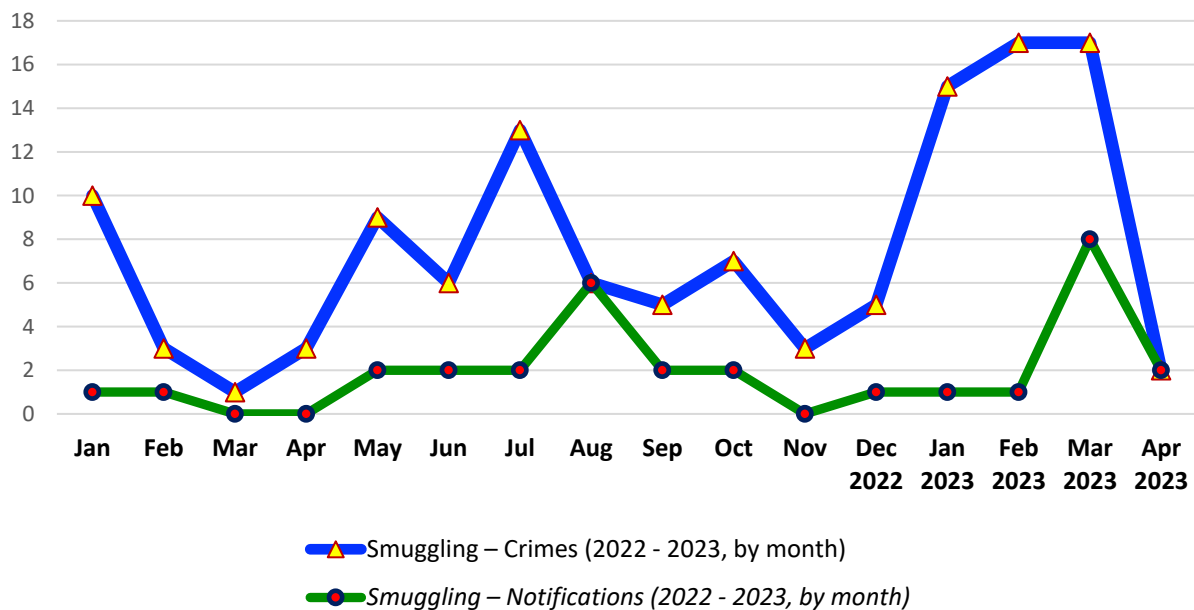


Figure 43. Smuggling: registered crimes and notifications (by month)

Additionally, it seems to be important to look at the ratio between all detected crimes of smuggling (including factual cases) and criminal proceedings with suspects in a broader context of Ukrainian criminality.

For the period of 2013 – 2021, the average ratio was 2,25.

In 2022, the same indicator increased to 3,74 (that is 1,7 times higher).

Crimes of smuggling are often concerned with *concrete persons* who are crossing the border with smuggled goods, reasonable questions concerning the effectiveness of the LEA come up.

Moreover, during wartime when all Ukrainian LEA operates in a state of heightened alertness, this gap between detected crimes and criminal proceedings with suspects seems to be of *an artificial nature* (*Figure 44*).

We also analyse crimes of *smuggling of drugs*, where both crimes – smuggling and smuggling of drugs – are discussed *together* in a *broader context* of immovability of the state's borders of Ukraine during the War.

According to the police statistics, the number of detected crimes of smuggling of drugs decrease considerably (183 criminal cases in 2021, 115 criminal cases in 2022) though there has been a decreasing trend since 2020 (*Figure 45*).

A comparative analysis of crimes of *smuggling of drugs* in 2021 and 2022 shows a decrease 1,6 times. Correspondingly, the number of criminal proceedings *with suspects* for the same period decreased 2 times.

The rapid drop in registered crimes of smuggling of drugs in March 2022 changed with the increase of drug crimes¹.

¹ At the same time, the police statistics show a big demand in drugs by internal users. Therefore, it might be assumed that the internal market has a high demand in Ukraine, especially among soldiers.

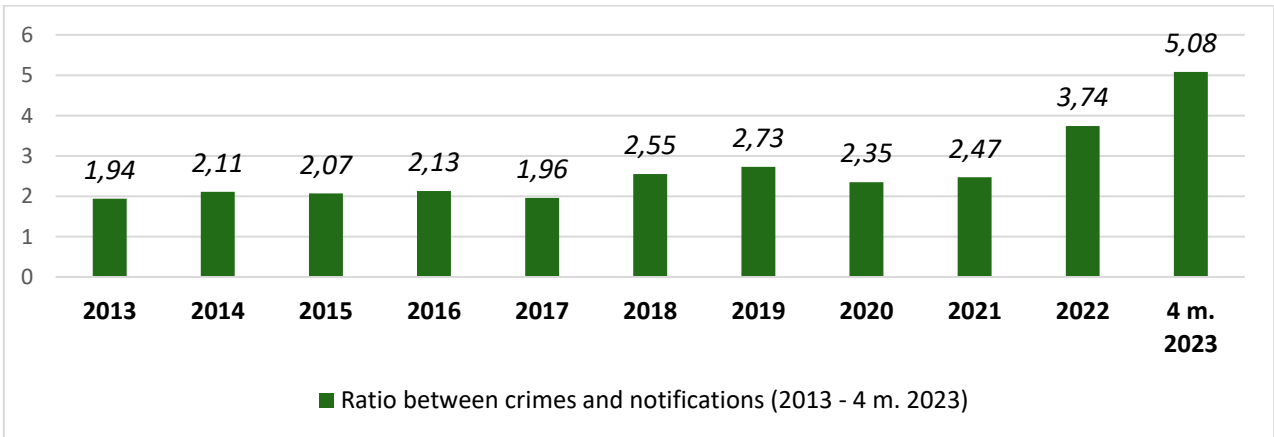


Figure 44. Smuggling: ratio between crimes and notifications

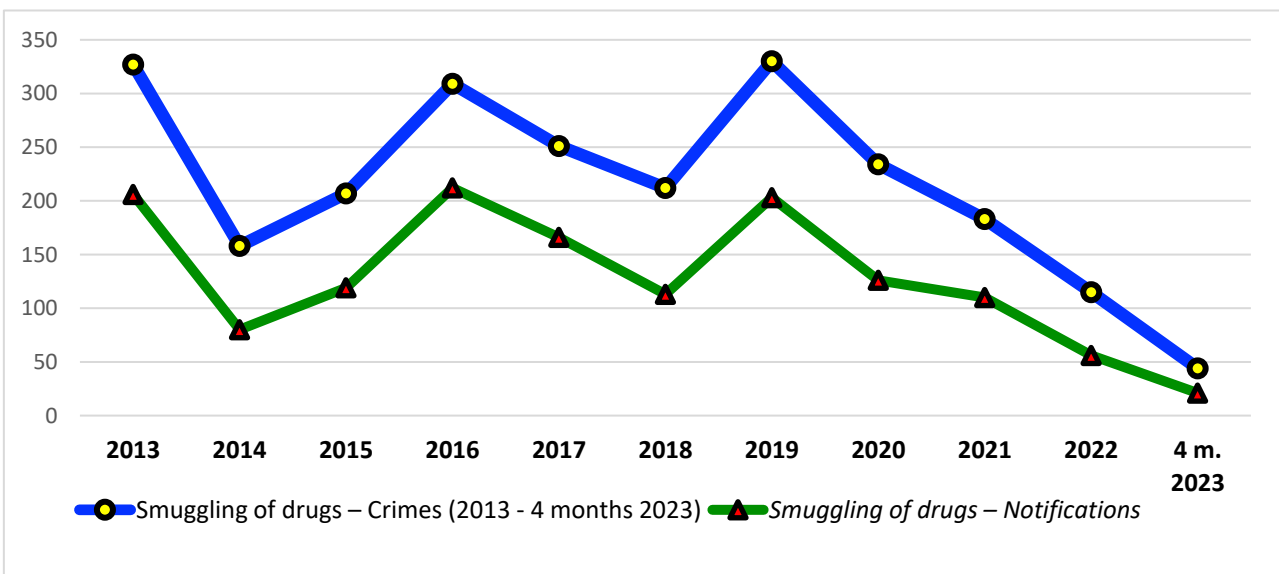


Figure 45. Smuggling of drugs: crimes and notifications (2013 – 4 months 2023)

Similar smuggling, the average ratio between detected crimes (so called ‘factual’) and criminal proceedings with concrete suspects was 1,55 in the period of 2013 – 2021 (Figure 46).

In 2022, the same indicator increased to 2,05 (Figure 46).

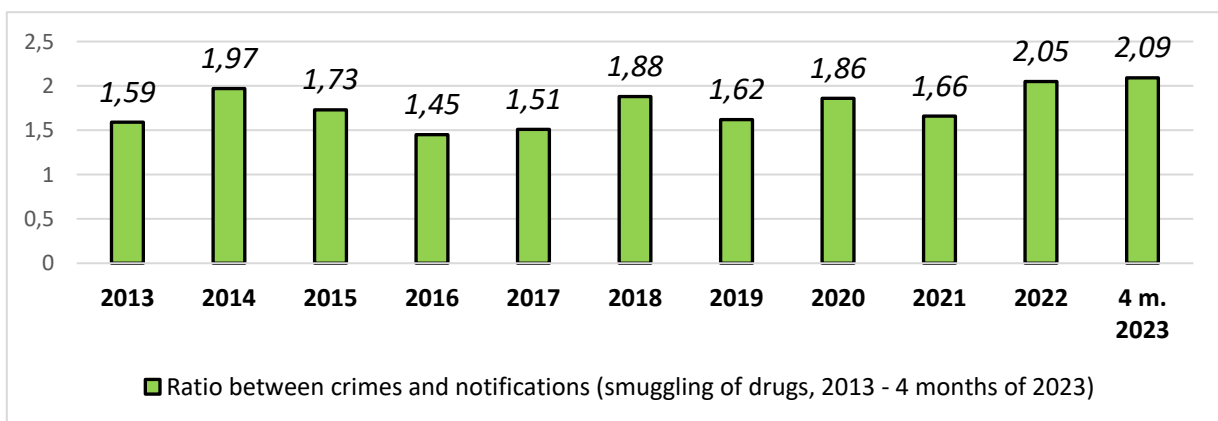


Figure 46. Smuggling of drugs: ratio between crimes and notifications

Common Trends in Police-Controlled Crimes

In general, all crimes concerned with human trafficking, sexual exploitation, violation of the State’s borders, and smuggling have similar decreasing trends after 2017 which became more obvious after 2019 (Figure 47).

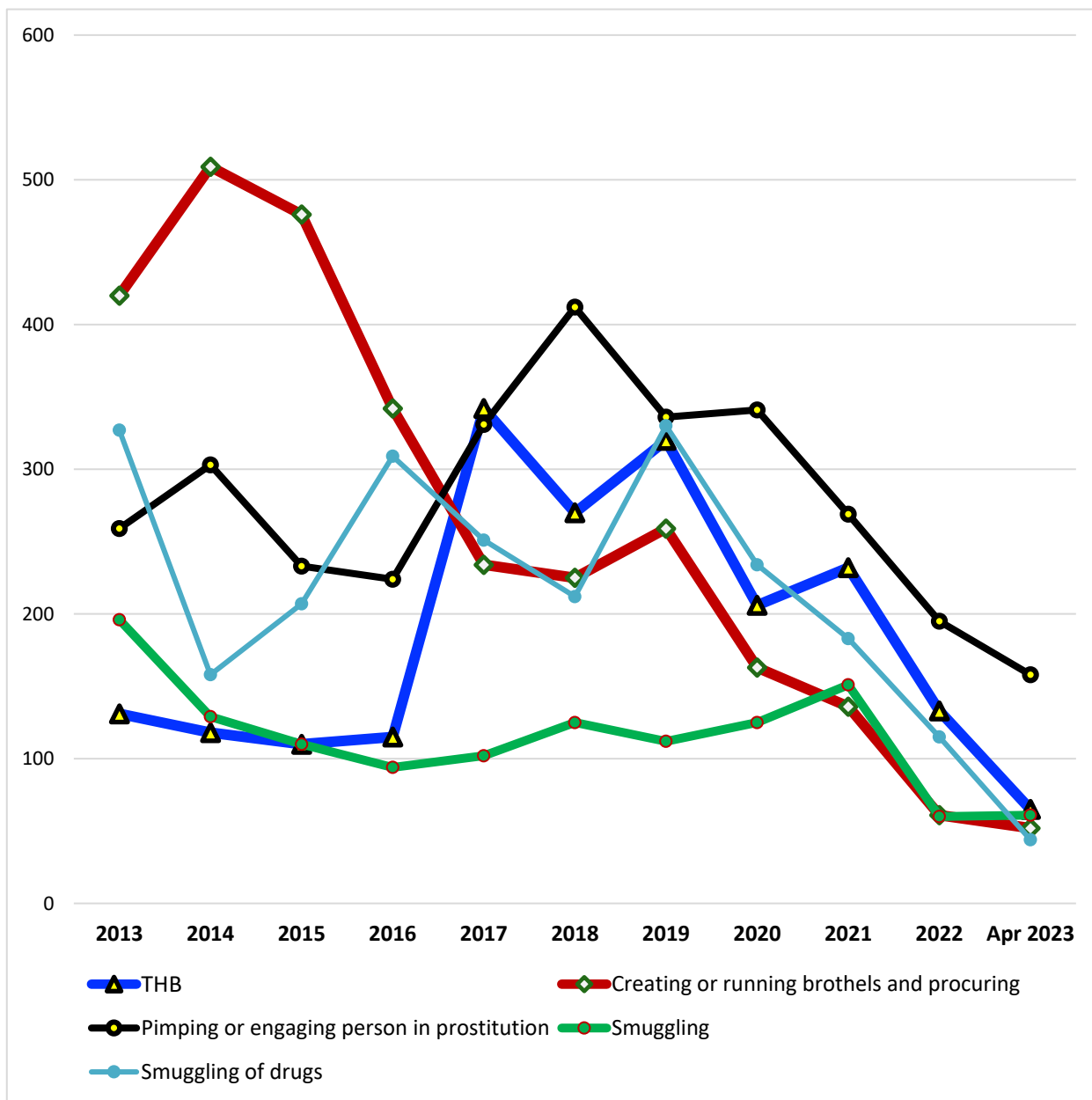


Figure 47. Human trafficking, ‘satellite’ crimes and smuggling (criminal proceedings)

As the data for 2023 only considers the period of January – April 2023, we predict at least a 40% increase in all mentioned above crimes as compared with 2022, as the whole period of 2023 is concerned.

Conclusions

Summarising the above developments presented, we come to the conclusions that reflect the trends of human trafficking and ‘satellite’ crimes in Ukraine, which are limited to a small number of registered cases.

The dark figure seems to be quite high, no estimates about the extent of human trafficking in Ukraine are possible at this point in time.

It is difficult to outline precisely *how* human trafficking was affected by the War.

On the one hand, in February-March 2022, the number of registered THB crimes decreased to *zero point* immediately after the Russian invaders crossed the Ukrainian border.

On the other one, serious concerns arise because THB cases continue to be registered in the light of *seemingly* totally closed borders, police checks, curfews and hundreds of military and police roadblocks. Furthermore, 133 THB crimes in 2022 seem to be more than insufficient with regard to 8 million Ukrainian refugees. This leads to the assumption that something is *obviously wrong* within police intelligence THB prevention as well as within supervision of the border service at the state borders.

Crime trends in Ukraine for the last ten years are a good example to prove the *common social nature* of THB crimes, ‘*satellite*’ crimes and smuggling of goods, timber and drugs (especially since 2019). As police statistics show, trends of all the mentioned crimes have been changing almost the same way.

Special stress should be made on victims who are *not* protected in Ukraine – either by law or in reality. The absence of public-funded compensations schemes stimulates further *secondary victimization* of victims of human trafficking.

As far as implementation of the national penal policy is concerned, a broad use of Article 69 of the Criminal Code (Imposition of a lesser penalty than provided by law) by Ukrainian courts *harms* the crime prevention policy relating to THB and ‘*satellite*’ crimes.

An increase in crimes of pimping or engaging a person in prostitution can serve as additional evidence to which extent this type of criminality is under the *direct control* of the police. The mention above is *not* a presumption; it is a part of everyday police routine in Ukraine. We can also express the opinion that crimes of pimping or engaging a person in prostitution will significantly increase, parallel to the increase of ‘*classic*’ human trafficking.

In contrast to the nature of human trafficking, for the period of the last 15 years, there were *no* THB crimes committed by *criminal organisations*. As the court statistics show, all THB crimes are committed by individuals, criminal groups, or organised criminal groups but *not* by *criminal organisations*. In our opinion, such conclusion contradicts the *nature* of human trafficking, which demand at least both *suppliers* and *recipients* (not even talking about ‘*middlepersons*’ or ‘*brokers*’).

Moreover, considering the difficulties concerned with crossing the borders and the necessity to organise the logistics and to corrupt officials of *at least* two national states, it can be stated that the court statistics do *not* reflect the reality of THB crimes. This circumstance should also be considered by the LEA of these states when detecting, investigating and prosecuting human trafficking and ‘*satellite*’ crimes, such as migrant smuggling, document forgery, etc.

The first and the only *criminal organisation* in human trafficking and forced prostitution was discovered in February 2023 in Ukraine; it was headed by the top-level migration police officer and other top-ranked police officers. However, the police are a key actor when it comes to combating THB effectively. This effectiveness is at stake in the case of own participation in the crime as well as of corruption. To improve the fight against human trafficking, the anecdotal evidence of the above-mentioned case indicates that efforts should also focus on the lawful functioning of the police and the border guards.

Therefore, applying a question “*Quis custodiet ipsos custodes?*” to the fight against human trafficking, we should point to the proper use of resources of the public agencies responsible for fighting corruption in the police on different levels, namely the State Investigation Bureau and the National Anti-Corruption Bureau of Ukraine.

References:

1. Christie, N. (1986). The Ideal Victim. In: Fattah, E.A. (ed.) *From Crime Policy to Victim Policy*. Palgrave Macmillan, London.
2. European Commission (2023). *Together Against Trafficking in Human Beings* <https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings_en> (2023, April, 14).
3. EUROPOL (2022). Europol Statement on the Cooperation with Ukraine. Press Release <<https://www.europol.europa.eu/media-press/newsroom/news/europol-statement-cooperation-ukraine>> (2023, April, 14).
4. Global Initiative Against Transnational Organized Crime (2023). *New Front Lines. Organized Criminal Economies in Ukraine in 2022* <<https://globalinitiative.net/analysis/organized-criminal-economies-ukraine-2022/>> (2023, April, 14).
5. GLOBSEC (2022). *Under the Shadows of War in Ukraine: Illicit Trade*. Report, 9.

6. GRETA (2018). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ukraine. Second evaluation round*. Adopted 13 July 2018. Published 22 November 2018.
7. Haverkamp, R. (2019). Victims of Human Trafficking: Consideration from a Crime Prevention Perspective. In: Haverkamp, R., Herlin-Karnell, E., Lernestedt, C. (eds.) *What is Wrong with Human Trafficking? Critical Perspectives on the Law*. London: Hart, 53-55.
8. Haverkamp, R. (2019). Victims of Human Trafficking: Consideration from a Crime Prevention Perspective. In: Haverkamp, R., Herlin-Karnell, E., Lernestedt, C. (eds.). *What is Wrong with Human Trafficking? Critical Perspectives on the Law*. London: Hart.
9. Kuryliuk, Y., Khalymon, S. (2020). Criminal profile of migrants' smuggler across the State Border of Ukraine. *Amazonia Investiga*, 9, 27, 195-208.
10. Luptakova, M. (2008). Legal and Illegal Migration from Ukraine: An analysis of social and security issues. *International Journal of Criminal Justice Sciences (IJCJS)*, 4(2), 144-159.
11. Ofis Heneralnoho prokurora [Office of the Prosecutor General] (2023). *Statystyka* [Statistics] <www.new.gp.gov.ua/ua/posts/statistika> (2023, April, 14). [in Ukrainian].
12. Petrenko, R. (2023). «Kryshuvannya» bordeliv u Kyevi: areshtuvaly odnoho z kerivnykiv Departamentu mihratsiynoyi politsiyi ["Crushing" of brothels in Kyiv: one of the heads of the Migration Police Department was arrested]. *Ukrayinska Pravda* [Ukrainian Pravda] <www.pravda.com.ua/news/2023/02/4/7387927/> (2023, April, 14). [in Ukrainian].
13. Polaris (2023). *Human Trafficking Facts* <www.polarisproject.org/myths-facts-and-statistics/> (2023, April, 14).
14. *Rantsev v. Cyprus and Russia, application № 25965/04*, judgment 07.01.2010, final 10.05.2010.
15. Romanenko, V. (2023). Departament mihratsiynoyi politsiyi "kryshuvav" bordeli v Kyevi [The Department of the Migration Police "crushed" brothels in Kyiv]. *Ukrayinska Pravda* [Ukrainian Pravda] <www.pravda.com.ua/news/2023/02/1/7387513/> (2023, April, 14). [in Ukrainian].
16. Smolej, M. (2010). Constructing Ideal Victims? Violence Narratives in Finnish Crime-Appeal Programming. *Crime. Media. Culture*, 6, 69-70.
17. U.S. Department of State (2022). *2022 Trafficking in Persons Report: Ukraine* <www.state.gov/reports/2022-trafficking-in-persons-report/ukraine> (2023, April, 14).
18. UNHCR (2023). *Ukraine Emergency* <<https://www.unhcr.org/emergencies/ukraine-emergency>> (2023, April, 14); CReAM (2023). Current migration flows from Ukraine. 15 February 2023 <<https://cream-migration.org/ukraine-detail.htm?article=3573>> (2023, April, 14).
19. UNODC (2022). *Global Report on Trafficking in Persons 2022*. New York: United Nations publication.
20. UNODC (2022). *Conflict in Ukraine: Key Evidence on Risks of Trafficking in Persons and Smuggling of Migrants*. Report. 9.
21. *V.C.L. and A.N. v. the United Kingdom, applications №№ 77587/12, 74603*, judgment 16.02.2021.
22. Verkhovnyy Sud [Supreme Court] (2023). *Sudova statystyka* [Judicial statistics] <www.supreme.court.gov.ua/supreme/pokazniki-diyalnosti/sud_statistika> (2023, April, 14). [in Ukrainian].
23. Walklate, S. (2007). *Imagining the Victim of Crime*. Maidenhead: Open University Press.
24. Yagunov, D. (2022). Criminal justice system of Ukraine in the wartime: impacts and challenges. *European Political and Law Discourse*, 9(4), 33-51.
25. Yagunov, D. (2022). Impact of the 2022 Russian military aggression on crime trends in Ukraine (analysis of crime prevention policy in the light of crime statistics for ten months of 2022). *European Political and Law Discourse*, 9(6), 35-80.
26. Yagunov, D. (2022). Crime prevention policy in Ukraine in the light of crime statistics for the period of eight months of 2022. *Bulletin of the Vasyl' Stus Donetsk National University. Series Political sciences*, 4, 28-45.