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Trafficking in Women and Children for Purposes of Sexual Exploitation

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Crimes of violence, cruelty, and aggression are realities that are currently plaguing countries like Ukraine, Russia, and Belarus. Human trafficking, particularly trafficking in women and children, is one such manifestation of this violence. Trafficking, a rapidly growing criminal business in Ukraine, can involve rape, prostitution, pornography and other aspects of the sex industry. Its' profit margins are exceeded only by the arms and narcotics trade. Worldwide, nearly two million women and children annually become "merchandise" -- are bought and sold -- generating an estimated 7 to 12 billion dollars a year.

Despite a series of conventions, declarations, agreements and other legislative efforts to curb the trading of humans since the nineteenth century, trafficking of women and children continues to thrive today. The Ukrainian government is supportive of anti-trafficking measures that attempt to decrease the trade of women and children, and has issued its own mandates against the practice via presidential decrees. Although criminal liability exists for trafficking in a number of countries, conflicting country standards and approaches to the trafficking problem interfere with bringing those responsible to trial.

In an attempt to protect the rights of women who have endured violence and sexual exploitation, a number of organizations, such as "La Strada" and "Dana," have been established in Ukraine. Several organizations such as these are assisting in anti-trafficking efforts by locating girls and women at the request of family members, rehabilitating victims, and maintaining victim hotlines. Because of the extraordinary increase in trafficking in recent years, anti-trafficking organizations and initiatives have gained more support; and these efforts are being increasingly reinforced by research.

Goals and Objectives:

The objectives of this research were to conduct a comprehensive analysis and synthesis of a variety of data sources in order to learn more about the trafficking situation in Ukraine. These sources included interviews and questionnaires, data collected by various legal and scientific agencies, legislation, and law enforcement practices. This paper will provide a general overview of the scale of the trafficking problem and a profile of the victims of trafficking. It will describe the methods of recruitment, the regions of Ukraine from which most women are trafficked, and the characteristics of the traffickers. We will also look at the availability and effectiveness of existing legal instruments to combat this activity. Finally, we will end with recommendations intended to identify meaningful prevention/intervention strategies that could help prevent the further trafficking of women and children.

Methodology

To achieve our research objectives, a wide array of methodologies were employed, including both content analysis and interviews. Discrepancies in statistical reports, underreporting, and the inherent latency of the crime of trafficking prevent any real precision in determining the true scale of the problem. The information drawn upon here includes 46 actual criminal cases; some conference materials on trafficking; other current trafficking research available in Ukraine; information lists; literature reviews; and government orders and other documents available from various government agencies including the public prosecutor, the Ministry of Internal Affairs, the Ukrainian Ministry of Public Health, and the Ukrainian Ministry of Education and Sciences. In addition, 556 questionnaires were distributed among various categories of citizens to ascertain their level of awareness about this problem. Included among them were victims of trafficking and their family members, members of law enforcement, and social workers. An additional 160 questionnaires were distributed to young Ukrainian women

(including women who were potentially “at-risk” to become trafficked victims and some senior students from secondary schools, high schools and college).

Progress is currently being made in Ukraine regarding the trafficking problem. For example, in September 1999, the Ukrainian Cabinet of Ministers established the Program for the Prevention of Trafficking in Women and Children. This program provides for the adoption of wide-scale preventive measures, including the creation of a database to track suspected and known traffickers/organizations. It also establishes a statistical accounting of crimes connected with the trade in humans, and helps determine the actual scope of the problem of women and children being trafficked out of the country. With the adoption of a new criminal code, an entirely new network of legislative standards has also been established in Ukraine - - much of which can be applied to the crime of human trafficking. Article 149 of the Ukrainian Criminal Code states that, “the legal or illegal transfer of a human for gain, with or without his/her agreement across the Ukrainian state border for further sale or other transfer to another person (persons) for the purposes of sexual exploitation, use in pornography, involvement in criminal activity, drawing in to a servitude of indebtedness, or adoption for commercial purposes, use in armed conflicts, or exploitation of his labor - is punishable by imprisonment for a term from 3 to 8 years.” Further, penalties for trafficking of persons are enhanced (5-12 years) when the victim is a minor, a dependent, or when multiple people are trafficked by the same person or group. These penalties are even more extreme (8-15 years imprisonment) if the trafficking party is an organized group or is connected with the illegal export of children abroad, the non-return of them to Ukraine, or removal from the victims of organs or skin for transplanting or forced donation. According to the Ministry of Ukraine, Since 1991, 90 criminal cases have been prosecuted for trafficking in humans; however, 35 of

these cases were brought in the first half of 2001 alone.

A major premise of this research was to explore the question of why, in recent years, have Western and Eastern and U.S. trafficking markets experienced such a rise in Slavic women and girls. Based on the data we collected (using content analysis and interviews to measure social attitudes with respect to the trafficking problem), some explanations and contributing factors are offered.

In both the in-person surveys and questionnaires, respondents were asked to identify factors they considered to be contributing to the trafficking problem in Ukraine. The four primary reasons noted were: political instability, particularly the immediate ramifications of Ukraine's independence; economic factors, specifically the transition to the new market economy; the difficult ecological situation, - accidents at Chernobly, Chernivzcy, Mykolaiv, Odessa and others, and; a low level of public morality. Government instability, political conflicts and the perception that government does not have the ability to adequately protect or prosecute criminals has had a number of negative consequences on the Ukrainian state. Thus, 3.8 % of respondents noted that the political situation in Ukraine was causing an increase in trafficking. Specifically, they noted citizens' lack of faith in the future, a high death rate, and a tremendous drop in birth rates, especially in rural regions.

Further, 48% of respondents cited economic factors as the primary impetus for an increase in trafficking. Unemployment, a lack of stable incomes, the unavailability of basic goods at reasonable prices, a rise in the demand for women's and children's labor (especially in the shadow economy), and an overall decline in the standard of living have caused many women to sell themselves or their children in order to survive. Many children live on the streets, do not attend school, and survive by petty larceny, panhandling, and prostitution. According to the Ukrainian Ministry of Education and Science, there are currently nearly 250,000 children in Ukraine who have no parental supervision. In

2000, there were 35,000 children registered for committing petty thefts, prostitution and other offenses in Ukraine. There is little infrastructure in Ukraine to prevent violations of safety regulations concerning hazardous substances. Ukraine does not have the ability to defend the population from ecological disaster and 11.7 % of respondents believe that this is a factor that contributes to trafficking. Various ecological accidents and a lack of adequate health care has caused thousands of physical and psychological problems in Ukrainians (mostly women and children). Nearly 150,000 Ukrainian children are disabled and some three percent of Ukrainian children have diseases that cannot be cured because of ecological disasters such as the 1986 nuclear reactor explosion at Chernobyl.

A decline in public morality is viewed as another explanation for the trafficking problem. 23.8% of respondents pointed to this factor to help explain its rise. Specifically: an increase in social ills such as family violence, increased aggression and violence in society, the growth of the sex and pornography industry, and the so-called “sexual revolution” - - for example, the extensive publicity given to prostitution as an “appropriate” form of income. Also mentioned were corruption in government and the lack of active programs for the education of youth. In the resort city of Yalta, we found that almost 97% of senior school girls expressed a willingness to work abroad - - 6 percent of those surveyed did not object to selling themselves into servitude to do so.

Finally, of all those surveyed, 12 percent were unable (or unwilling) to indicate any reasons and conditions which might facilitate the trafficking of people.

Victims and their traffickers

In Ukraine, traffickers entice 70 percent of their victims with promises of work, participation in beauty contests, modeling careers, affordable vacations in foreign countries, study-abroad programs at

prestigious universities, and marriage services. Of the women and girls who are trafficked, nearly 20 percent are given work in clubs, bars, and hotels as dancers, strip teasers, masseuses and the like. While most women understand that they will have to render services of an intimate nature, they are unaware of the actual scale of sexual exploitation.

The individual features that characterize most victims of trafficking merit special attention. Victims of trafficking share a desire to leave and to work abroad by any means. Many are enticed by romantic notions of living abroad, and perhaps getting married and attaining a better life. But as a rule, trafficked women are confronted with violence, oppression and cruelty. Most women involved in trafficking are under 25 years of age. A third of them have not completed secondary education, whereas nearly half have an intermediate education, and one in five has a higher education. Nearly three quarters of these women are unmarried or divorced, 17 percent were either in an actual marriage or in a stage of divorce, while 11 percent were trafficked with the active cooperation of their husbands. Sadly, 53 of the 84 trafficking victims we surveyed hope and intend to travel abroad again, thinking that success awaits them despite the suffering they have already endured. Some ten percent of trafficked women and girls consider the sex industry to be a secondary source of income - - for example, when there is not enough money to pay for studies or living abroad.

The greatest number of women are trafficked from Kiev, Kherson, Nikolaev, Odessa, Donetsk, Dnepropetrovsk, L'vov and Kaporozh'e. From the western regions of Ukraine, women and children are often sold to the Czech Republic, Kosovo, Bulgaria, and Germany. From the northern and central regions of Ukraine, they are often sold to the Baltics, Finland, and Holland. From southern Ukraine, women and children are sold to Turkey, Greece, Italy, Rumania, the United Arab Emirates, Israel,

Syria and Germany. Finally, women and children from the eastern regions of Ukraine are sold mostly to Russia, China, and Japan.

Criminal groups appear to be responsible for carrying out the majority of the trafficking of women and children in Ukraine. These criminal groups are both big and small, organized and unorganized, and nationally and internationally based. Within these organizations, 60 percent of the leaders are women, usually 30 to 35 years old; many of them are former prostitutes, but they may also be economists, teachers, and even lawyers. Typically, recruiters are fairly well educated, and must possess certain characteristics to communicate effectively and be persuasive to gain some level of trust from their victims. In addition, the leaders of trafficking operations must locate and require a broad network of “helpers” or technical/logistical personnel. These helpers are recruiters, couriers, guides, guards, messenger drivers or perform other tasks.

The role of the helper ends at the border crossing, when the “merchandise” is successfully transferred into the hands of pimps in exchange for a sum of money. Pimps can be men or women (62 percent men, 38 percent women). These pimps offer their “merchandise” to a predetermined and largely fixed clientele. Detailed and reliable information about the pimps is, however, difficult to obtain from victims because women fear revenge from their “bosses.” Further, many victims are unaware of who their pimps even are.

The accepting party (i.e., pimp or brothel owner) also may organize a special firm or enterprise for temporary job placement for the arriving women. A case study from Istanbul, Turkey, illustrates some the details of this sort of practice. In Istanbul, trafficked women work one or two weeks in retail sales before they are given a minimum amount that they must sell each day. When the women are unable to meet this minimum, debts are accumulated and they are forced to trade their bodies at night to pay off

their debts. Alternatively, traffickers may initially contract with these women to work for a “dummy” company as a maid, waitress, or salesperson. Shortly after beginning such jobs, their employer forces them to sign a contract indicating their satisfaction with the company, which insulates the company from any future liability. In any case, women who would otherwise have freedom of mobility are forced by intimidation to service “clients” and participate in pornography and sex service industries.

Suggestions for Approaching the Problem of Trafficking in Women and Children

Future coordination of relevant agencies is critical in the identification of victims and prosecution of traffickers and their networks. There must be enhanced coordination via an information exchange network among passport services, tourist firms, and visa departments, as well as border checks of women and children who are leaving for abroad. There must also be further investigation into firms and organizations that render services for immediate job placement, training or delivery of marriage announcements, as well as state institutions that are involved in the formulation of corresponding documents for going abroad

Clearly, more comprehensive research is necessary to understand the underlying factors that enable the spread of this transnational crime. This understanding should then become the basis from which to develop effective prevention strategies. Our specific recommendations include:

- Women and girls who have become victims of trafficking must be afforded medical and social rehabilitation services, including especially protection from threats and punishments by criminal groups behind the trafficking.

- Ukraine should adopt measures to not only guarantee the immediate safety of victims, but also

assure protection to victims who serve as witnesses and assist with investigations.

- Prevention programs should be developed to conduct strategic public awareness campaigns in the media and among social organizations to assist in the struggle with trafficking in women and children.

-Efforts must be made to reduce unemployment for both women and minors as well as to improve Ukrainian economic development in general. Women must be given viable alternatives to job placement abroad. The improvement of the social and economic situation of women and children in Ukraine should be a priority task for both government agencies and social organizations.

- There should be research on the connection between trafficking for purposes of sexual exploitation and pornography, as well as prevention efforts focused on determining the types of victims who are in the highest risk category for developing drug addiction, alcoholism, venereal diseases and suicide.

-Ukrainian law enforcement agencies should adopt measures and conduct training to improve the sensitive handling that is required for victims of trafficking. This will foster more successful investigations and prosecutions of traffickers.

- Implement national and international cooperation among Consulates, law enforcement agencies, social organizations and NGOs.
- Internationalize standards in criminal law to facilitate not only the investigation of trafficking cases, but also to allow the bringing of criminal proceedings against all members of criminal groups, regardless of the country in which they are located.
- Adopt measures that endorse a unified observance of human rights in Ukraine.

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