



**ALL-UKRAINIAN
COUNTER-
TRAFFICKING
NGO
COALITION**

ISSUE 10

MONITORING BULLETIN

COMBATING TRAFFICKING IN HUMAN BEINGS

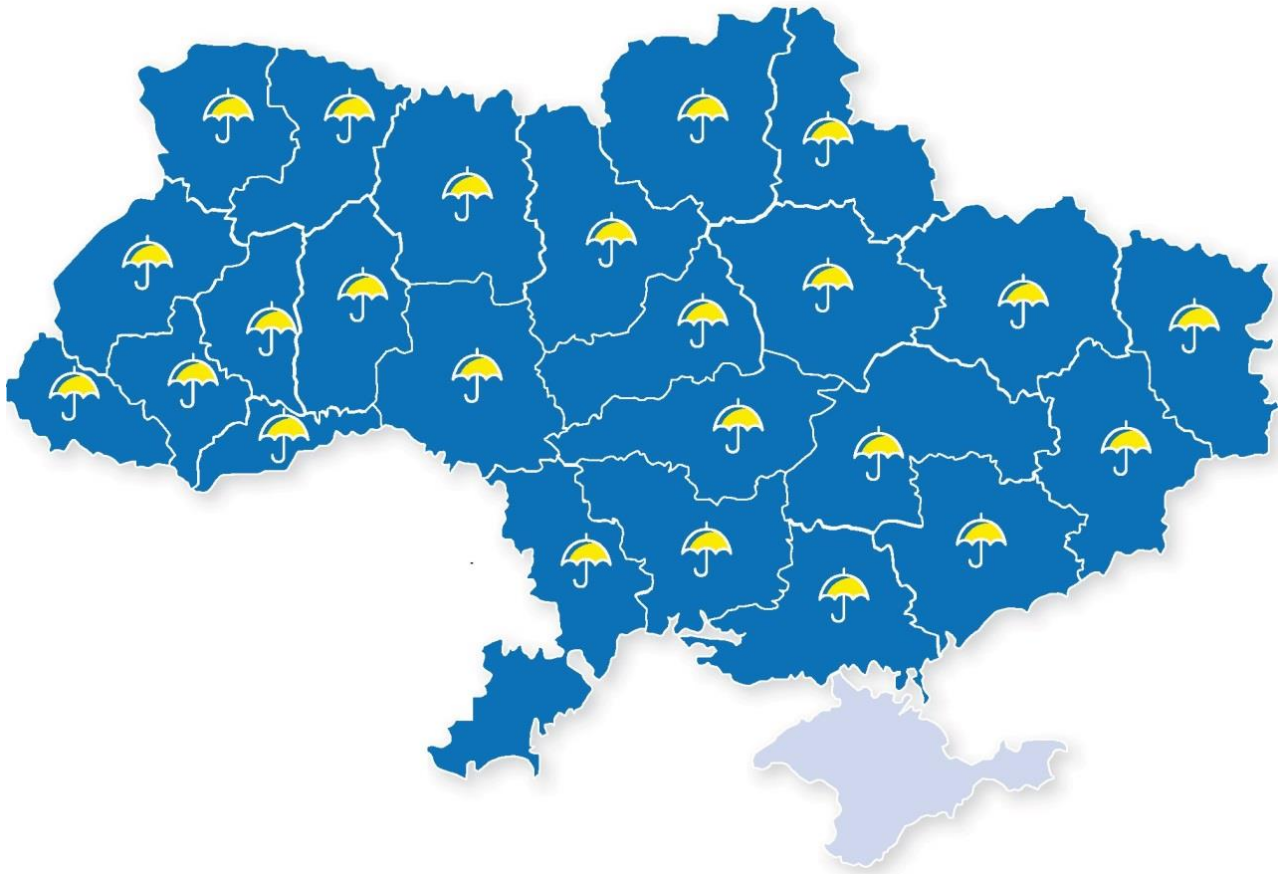
**WITHIN THE FRAMEWORK OF DECENTRALISATION AND
SECTORAL REFORMS**

We bring to your attention the latest issue of our periodical, which is entirely devoted to the impact of the second stage of decentralization and public administration reforms, changes in social protection and other areas on combating trafficking in human beings. In choosing this topic, we assumed that the many transformations they led to had to affect the effectiveness of counter-trafficking activities in one way or another.

Unfortunately, along with certain achievements, there are a number of issues that require prompt response by public authorities. In particular, the systemic shortcomings in the work of the National Mechanism for Interaction, which the Coalition has repeatedly drawn attention to, have not only remained but are also supplemented by the new ones, and the current counter-trafficking legislation is largely inconsistent with modern realities and needs to be revised.

We sincerely hope that the information we provide will become a basis for further steps to improve the situation, and we take this opportunity to call on all stakeholders to cooperate and consolidate their efforts to strengthen the fight against trafficking in human beings in Ukraine.

THE COALITION WAS SET UP IN 2011, OPERATES IN 24 OBLASTS OF UKRAINE AND CONSISTS OF 31 MEMBER ORGANISATIONS.



Information is based on the data received from 21 Coalition member NGOs from 21 oblasts of Ukraine, in particular: Vinnytsia, Volyn, Dnipropetrovsk, Donetsk, Zhytomyr, Zaporizhzhia, Zakarpattia, Ivano-Frankivsk, Kirovohrad, Lviv, Mykolaiv, Odesa, Poltava, Rivne, Ternopil, Kharkiv, Kherson, Khmelnytsky, Cherkasy, Chernivtsi and Chernihiv oblasts.

Period: January–December 2021

LIST OF ACRONYMS AND ABBREVIATIONS

NPU Main Directorate — Main Directorate of the National Police

Law — Law of Ukraine

IOM — International Organization for Migration

NMI — National Mechanism for Interaction

NP — National Police of Ukraine

NSS — National Social Service of Ukraine

NGO — non-governmental organization

OSA — oblast state administration

LSGB — local self-governing body

VTHB — victim of trafficking in human beings

CPO — community police officer

RSA — raion state administration

CAS — children's affairs service

TC — territorial community

SW — social worker

ASC — administrative service centre

CPSS — centre for providing social services

CSS — centre for social services

CSSFCY — Centre of Social Services for Family, Children and Youth

DECENTRALISATION REFORM AND COMBATING TRAFFICKING IN HUMAN BEINGS

REDUCTION OF THE NUMBER OF RESPONSIBLE OFFICIALS

As a result of the consolidation of raions and the related processes of liquidation of RSAs, the number of officials responsible for the procedure of establishing the status of VTHB has significantly decreased, which creates certain problems for both specialists and victims.

THE NUMBER OF RESPONSIBLE PERSONS DECREASED

BY ALMOST 3.5 TIMES

The expansion of territorial coverage has led to an increase in the burden on employees of the newly formed raion administrations, including those appointed to be responsible for the procedure for establishing the VTHB status. As a rule, relevant duties are added to the existing functional responsibilities of officials, which include a number of other areas: preventing and combating domestic violence, gender-based violence, implementation of state policy on family, gender equality, demographic development, which prevents from paying sufficient attention to combating trafficking in human beings and may significantly affect the timing of the status determination procedure, the quality of preparation of documents, etc.



Elvira Mruchkovska

Suchasnyk Plus NGO

Changes in the administrative system have led to a significant reduction in the number of responsible officials. Undoubtedly, the load on them has increased exponentially, especially since some of them perform their functions in different areas. For example, as the person responsible for establishing the VTHB status and as human resources manager. These among other factors affect the level of access to assistance for people who consider themselves victims of trafficking. There questions about the conditions and standards of providing assistance to children VTHB remain unanswered. In order to conduct an interview with such a child, you shall need a suitable room, specially trained specialists outside the structural units of social protection, which creates an additional workload.

At the same time, it should be noted that a number of NGOs who are members of the Coalition believe that the reduction in the number of responsible persons at the raion level does not significantly affect the situation in their regions, citing a small number of incidents or the practice of applying directly to responsible structural subdivisions of Oblast State Administrations.



Olena Morhun

Promin Dnipro NGO

So far, the reduction in the number of responsible officials has not led to an excessive burden on them, as only a small number of victims are applying to get the status. For example, in autumn this year the police released 120 people who were detained and exploited at an agricultural enterprise in the Novomoskovsk raion of the Dnipropetrovsk oblast. Of these, only 17 filed a complaint to the police and were transported to Kyiv, where they testified and received assistance. So far, none of them has applied to the responsible officials in Dnipropetrovsk oblast to receive the VTHB status.



Natalia Kozakevych

CF Caritas Ivano-Frankivsk UGCC charitable organization

Since the tendency in our region is that the majority of people applying for the status apply to the head of the Oblast State Administration, in our opinion, the impact of these changes will not be as significant.

Reorganization processes of public authorities have led to personnel changes — many newly formed RSAs have appointed new specialists to be responsible for establishing the VTHB status, and they often had no experience in combating trafficking in human beings.



Alla Studilko

Spring of Hope Vinnytsia Human Rights Organisation

It should be noted that the vast majority of those responsible are newly appointed persons or specialists who have not worked in prevention and combating trafficking in human beings. Therefore, it is important to improve their skills to provide quality services to persons likely to be victims of trafficking.

However, the main problem that may arise due to the reduction in the number of responsible officials is reduced access of potential victims of trafficking to assistance. The issue of poor transport connections between remote settlements and new raion administrative centres is already acute. Many do not have regular passenger traffic at all, so locals who do not have their own car have to travel to raion centres with transfers or use the services of private carriers and spend a lot of money on it. In fact, this makes it virtually impossible to access help for victims who are in a difficult financial situation.



Tetiana Melnyk

Chaika Centre for Supporting Civic Initiatives

In Rivne oblast, as a result of the decentralization reform, the number of raions and, accordingly, those responsible for the procedure to determine the status decreased from 16 to 4. Victims of human trafficking have found it more difficult to get to the raion centre since many settlements are located far away from it, not every place have a direct transportation to it and travel has become much more expensive. In such circumstances people do not apply to social security authorities to get the VTHB status.

RECOMMENDATIONS

To the Ministry of Social Policy of Ukraine and National Social Service of Ukraine:

- ensure the development and implementation of a digital format for applying for VTHB status, and consider organizing the interviews with the responsible person through electronic means of communication to reduce the need for the physical presence for victims of trafficking who live in remote areas;
- ensure systematic training of officials responsible for the procedure for establishing the VTHB status;
- provide constant informational, advisory and methodological support to oblast and raion state administrations as regards activities in the sphere of combating trafficking in human beings, in particular, as regards the identification of victims, the procedure for establishing the VTHB status and assistance to VTHBs.

LSGB'S POWERS IN COUNTER-TRAFFICKING

Unfortunately, the Law of Ukraine On Countering Trafficking in Human Beings still does not define the role of local self-government bodies in prevention activities, identifying victims and providing them with the necessary assistance. Moreover, the Law of Ukraine "On Local Self-Government" does not mention counter-trafficking at all. Only Article 34 of this law provides for delegated powers in the field of social protection of the population to decide in accordance with the law on the provision of social services to persons and families with children in difficult circumstances and in need of external assistance, including victims of human trafficking. However, without the provisions of the national legislation directly mentioning the responsibilities of local self-governing bodies in counter-trafficking, this area may not draw their attention and will not be considered a priority.



Viktor Valchuk

Volyn Perspectives NGO

In the absence of appropriate powers in the field of counter-trafficking, providing assistance to VTHB at the territorial community is difficult. Even after establishing the VTHB status of a person, their rehabilitation (individual) plan can only be implemented at the raion or oblast level. The current situation makes all previous, long-term work in the field of counter-trafficking void.

The Coalition welcomes the Government's desire to resolve the issue of delimitation of powers between public authorities and local self-governing bodies in the field of social protection and protection of children's rights. In August 2021, after the initiative put forward by the Cabinet of Ministers, draft law No. 5849 was registered in Verkhovna Rada. It provides for amendments to 40 laws of Ukraine, including the Law On Countering Trafficking in Human Beings. Unfortunately, this draft law has not been considered to this day.

RECOMMENDATIONS

To the Verkhovna Rada of Ukraine:

- expedite the consideration of the draft law No. 5849 of 13.08.2021 On Amendments to Certain Legislative Acts of Ukraine Concerning the Delimitation of the Functions of Executive Bodies and Local Self-government Bodies with Regard to Social Protection and Protection of Children's Rights in Connection with the Establishment of the National Social Service and Its Territorial Bodies;
- adopt the proposed amendments to Articles 5 and 8 of the Law of Ukraine "On Countering Trafficking in Human Beings."

IMPLEMENTATION OF THE COUNTER-TRAFFICKING POLICY AT THE LOCAL LEVEL

The state of affairs regarding the implementation of state counter-trafficking policy at the local level, especially in rural territorial communities, leaves much to be desired. Usually, this area of activity is not considered as one of the priorities. The situation continues to be negatively affected by the fact that the powers of local self-government bodies in this area are still not clearly defined at the legislative level, and therefore the activity depends to a greater extent on the political will of the leadership. Currently the share of territorial communities that integrated counter-trafficking measures in their policy papers is minor.



Halyna Kravets

TCWC Revival of the Nation NGO

The way the heads of local self-government bodies treat the issue of counter-trafficking is mixed: some demonstrate a high level of understanding of the problem and recognize the need to take action, while others do not consider the issue of counter-trafficking to be their area of responsibility, largely due to the imperfection of the current legislation, which does not define local self-government bodies as subjects of the National Mechanism of Interaction of Actors in the Field of Combating Trafficking in Human Beings.

The situation is complicated by the fact that there are no leverages over territorial communities' local self-government bodies since the state guarantees them the right to independently resolve issues of local importance within the limits of their own and delegated powers.



Elvira Mruchkovska

Suchasnyk Plus NGO

According to the law, within the framework of their decisions local self-government bodies are considered separate entities. Unfortunately, the current legislation of Ukraine has a number of inconsistencies that have led to a situation of “situational” leadership within the development of local counter-trafficking policies. At the moment, local self-government bodies are quicker to respond to measures implemented by public organizations. In the context of overcoming complex financial problems, community leaders logically give priority to direct functional commitments defined by logical legislation. Local authorities are trying to establish cooperation with local self-government bodies, including in the field of anti-trafficking. However, they have no direct influence on local self-government bodies.

According to the information received from the NGOs who are members of the Coalition, at the moment the vast majority of communities have structural subdivision and/or officials whose responsibilities include the countering trafficking in human beings. However, preventive, educational and training activities in their territory, as well as assistance to local residents affected by human trafficking, are mostly provided by representatives of oblast and raion government agencies, as well as regional NGOs working in this field.

RECOMMENDATIONS

To the Ministry of Social Policy of Ukraine, National Social Service of Ukraine in cooperation with international and civil society organizations:

- promote the formation of a responsible attitude of local self-government bodies to the issues of ensuring sustainable prevention and countering trafficking in human beings by involving them in systematic and consistent informational and explanatory activities;
- encourage local self-government bodies to develop local counter-trafficking programs or at least to include relevant components in comprehensive social programs;
- provide for the participation of local self-government bodies in the implementation of state/oblast/raion counter-trafficking programs;
- promote informational and explanatory activities in the field of counter-trafficking, create relevant separate sections on the official websites of territorial communities.

FINANCIAL DECENTRALISATION

As a result of the decentralisation reform, local communities have gained financial independence and the right to retain most local taxes in their own budgets, as well as to receive state subsidies and subventions. However, although they have been recognized as capable, many of them lack the funds to organize full-scale work in the field of social protection, and therefore have to decide what measures need to be funded. Unfortunately, this choice is usually not made in favour of measures to prevent and counter trafficking in human beings.

Summarizing the information provided by NGOs that are members of the Coalition, it can be argued that the vast majority of local communities does not allocate funds for counter-trafficking at all, and if funding is still provided, it is small, and usually used for informational and educational campaigns and printing thematic information materials.

As a result of financial decentralisation, the state of resources for counter-trafficking in raions does not look good either. After transferring some of their powers to communities raions lost a significant part of taxes previously collected by raion budgets, and therefore have much fewer financial opportunities.



Natalia Kulikova

Chernihiv Public Committee for Human Rights Protection

As of today, communities have almost no funding for social programs, so there is no hope for active work. As for raion programs, in our opinion, they will not be adopted in the absence of financial and human resources, as well as the transfer of powers to local communities.



Elvira Mruchkovska

Suchasnyk Plus NGO

Effective planning and implementation of counter-trafficking policy is possible with the strengthening of economic capacity of communities, active cooperation between the authorities and

local governments, as well as the provision of special funds such as subventions, grants, subsidies from the state budget. To date, we do not know the regulations for receiving state subventions and subsidies for counter-trafficking activities in local communities. At the same time, there are considerable efforts on the part of the central authorities to finance initiatives to combat domestic violence from the state budget. For example, Khotyn territorial community received funds from the state budget for the implementation of a number of measures to combat domestic violence. Crisis rooms for victims of domestic violence have also been set up in six communities using state funding. Unfortunately, the same cannot be said about financing counter-trafficking measures neither in the field nor by central authorities.

RECOMMENDATIONS

To the Cabinet of Ministers of Ukraine and Ministry of Social Policy of Ukraine:

- stimulate local self-government bodies to finance counter-trafficking activities;
- disseminate the practice of holding social project and state grant competitions for the implementation of counter-trafficking measures;
- provide subventions from the state budget to local budgets for the implementation of measures to combat trafficking in human beings, in particular for the development of a network of specialized support services for victims.

TRANSFER OF RESOURCES TO COMMUNITIES

Within the framework of decentralisation a significant part of the facilities that were previously managed by oblast and raion state structures were transferred to the communal ownership of territorial communities. The hasty and insufficiently calculated redistribution of resources has led to a number of new problems that hinder the provision of quality and timely assistance to people in difficult life circumstances, including VTHB.

Transferring social services institutions to the ownership of communities happened without taking into account the actual needs of the population in social protection. Only the location of the facility on the territory of the newly formed community and the desire of the local self-government to take over the facility were taken into account. As a result of this approach, communities do not have the same opportunities to meet the social needs of the population, many of them lack necessary infrastructure.



Tetiana Melnyk

Chaika Centre for Supporting Civic Initiatives

The newly created territorial communities in Rivne oblast are very different. A total of 64 communities have been created in the oblast. Only a third of them have a good economic base and infrastructure. These are usually urban and rural communities formed on the territory of former

raion centres. Most of the staff is still working there. However, most communities are rural and have no social assistance facilities and human resources.

As the current legislation stipulates the provision of basic social services for the population, in the absence of any inherited infrastructure local governments are forced to look for ways to solve this problem, based primarily on available resources.

Facilities that provide social services (Social Service Centres, centres for provision of social services, etc.) currently operate in about 60% of local communities. As a rule, such facilities are located in the communities where the CSSFCYs and territorial social service centres were located, as well as in financially viable communities that have the capacity to maintain such facilities. For the most part, the staffing of these institutions leaves much to be desired.

In **Zakarpattia oblast** 8 SSCs and 25 community CPSSs have been established as of the end of 2021, i.e. less than 40% of TCs have such institutions. The total number of employees in these centres is 88 people.

In **Ivano-Frankivsk oblast** SSCs have been established in 5 communities, CPSSs — in 9 communities, and 18 communities introduced the position of SW. There are 105 social work specialists in Ivano-Frankivsk oblast in total.

In **Dnipropetrovsk oblast** there are currently 14 SSCs, 36 CPSSs, 16 local communities have social work specialists, and the rest have not yet established institutions which can provide such services.

In **Mykolaiv oblast** as of the end of 2021 in 52 communities the social protection of the population is being comprehensively covered: 10 TCs formed SSCs, 18 TCs — CPSSs, 13 TCs — territorial centres of social services, 11 TCs have not yet established institutions of this type, but have social work specialists and social workers employed in the social protection departments.

Another problem is the professional competence of social service professionals, especially in providing assistance to victims of trafficking. Unfortunately, some of them have only theoretical knowledge, some do not even realize that they should provide services to VTHB which according to the Law of Ukraine “On Social Services” are classified as people in difficult life circumstances.



Oksana Ustynova

Ksena Charitable Foundation

The lack of professional staff is quite acute in the communities. While the communities created on the basis of the former raion centres partially kept the experienced staff, the newly formed, especially rural communities, have no such specialists. There have been no cases of VTHB receiving services from the community's CPSS yet.



Antonina Shostak

Egida-Zaporizhzhia human rights organisation

Centers for the provision of social services at TC do not have experience with VTHB. The regulations on the centres do not cover counter-trafficking activities. Most institutions have only one employee, therefore the provision of comprehensive services to VTHB is difficult.



Halyna Kravets

TCWC Revival of the Nation NGO

It often turns out during personal communication that the employees of the newly formed SSCs and CPSSs are not even aware of the need to provide services to VTHB, and that, according to the Law “On Social Services” VTHB belong to the category of people in difficult life circumstances.

Representatives of NGOs who are part of the Coalition reiterate their deep concern at the catastrophic shortage of qualified psychologists who are able to provide quality professional assistance to victims of trafficking.



Natalia Kulikova

Chernihiv Public Committee for Human Rights Protection

The biggest problem is the lack of qualified personnel in the field of providing psychological assistance to VTHB. Only 11 psychologists work in the Social Service Centres and centres for provision of social services, two of them in Chernihiv and two in Nizhyn.



Oksana Ustynova

Ksena Charitable Foundation

The problem of territorial communities is the lack of qualified psychologists, although such specialists graduate from four higher education institutions in the Khmelnytskyi oblast every year. When this issue was raised at the Coordination Council, it became clear that young people do not want to return to villages and small towns, but prefer to stay in Khmelnytskyi, not working in their profession.

RECOMMENDATIONS

To the Ministry of Social Policy of Ukraine, the National Social Service of Ukraine, oblast and raion state administrations, local self-government bodies in cooperation with international and civil society organizations:

- promote the expansion of the network of social institutions which can provide social services to persons who find themselves in difficult life circumstances, including VTHB;
- promote the establishment of specialized institutions for persons affected by trafficking (shelters, temporary accommodation centres, etc.);
- continue to maintain the possibility for VTHB to receive the types of assistance guaranteed by law in the state-owned institutions and/or to reimburse persons affected by trafficking the costs of rehabilitation services from the state budget;
- develop clear models and algorithms of interaction of responsible subdivisions of oblast state administrations and raion state administrations and providers of social services in territorial communities taking into account local capacities;
- ensure a systematic increase in the level of professional competence of social workers and social workers in countering trafficking in human beings, including needs assessment, rehabilitation plans and assistance to VTHB, through trainings and seminars, as well as providing them with methodological and advisory support;
- promote the counter-trafficking online course developed by the IOM Mission in Ukraine at the request of the Ministry of Social Policy of Ukraine, and to oblige all professionals who provide assistance to people in difficult life circumstances, including victims of trafficking, to take that course (the course is being updated and will soon be available at www.ctcourse.org.ua).

NATIONAL MECHANISM FOR INTERACTION WITHIN THE FRAMEWORK OF DECENTRALISATION

The counter-trafficking NMI developed back in 2012 continues operating almost unchanged in the context of further decentralization and clearly needs a radical overhaul as it does not align with modern realities. In the past the Coalition has repeatedly expressed its concern about that fact and stressed that this state of affairs will inevitably lead to problems with its functioning. However, we regret to note that to date there has been no appropriate reaction from the state.

Additionally, it should be noted that the results achieved by the National Mechanism of Interaction are gradually worsening. The identification of victims, which has been and still is a weak link of state NMI actors, is currently in a very poor state. Every year fewer and fewer victims request assistance.

The number of people who have been granted VTHB status was twice lower in 2021 compared to 2020, and three times lower compared to previous years. In addition, only a small percentage of those people actually received comprehensive assistance from the state.



Maryna Pasiechnyk

Head of All-Ukrainian Counter-Trafficking NGO Coalition

The recent significant regression in the functioning of NMI has been caused by a number of factors, primarily the imperfection of current legislation, uncertainty of the counter-trafficking responsibilities of local self-governing bodies, lack of effective model of identification, referral and assistance to VTHB within the framework of decentralisation, unorganized interaction between the authorities and LSGB and the lack of clear delineation of their functions.

Given that within the framework of decentralisation territorial communities received significant powers in the field of social protection as well as resources to meet the urgent needs of local residents, they can and should become a powerful stakeholder of the National Mechanism of Interaction. However, at present they are practically uninvolved in it. The Coalition is aware of only a few cases where VTHB received the necessary assistance in the communities where they live.

A resident of one of the territorial communities who is a victim of trafficking in human beings turned to law enforcement authorities after returning home and giving birth to a child. She was recognized as a victim in criminal proceedings under Art. 149 of the Criminal Code of Ukraine. She also submitted an application to the responsible department of the Oblast State Administration and after its review she was granted the VTHB status. As the victim's living conditions needed to be improved, she was temporarily sent to a Mother and Child Centre, where she also received psychological assistance. During her stay in the Centre, her apartment was renovated at the expense of the community. With the assistance of the TC's leadership the victim received humanitarian and financial assistance. A community lawyer also helped gather the documents necessary to receive assistance as a low-income family. The woman found a job and her child was placed in a kindergarten, where the first six months she spent at the expense of the community. In addition, the Department of Family and Youth purchased household appliances for the victim.

This example shows that communities are able to act effectively, cooperate in solving complex issues, coordinate their work with public authorities to ensure the protection of VTHBs' rights and interests.

However, almost all NGOs who are members of the Coalition note that currently victims receive assistance mainly from oblast and raion entities in cooperation with NGOs.



Viktor Valchuk

Volyn Perspectives NGO

Assistance to victims is provided by oblast and raion NMI stakeholders. Local communities are not ready and willing to work in this area in the absence of immediate changes in counter-trafficking legislation. The current counter-trafficking NMI needs to be legally changed immediately. The

implementation of administrative and territorial reform, decentralisation, as well as the implementation of quarantine measures for the second year in a row in connection with of COVID-19 had a negative impact on counter-trafficking efforts and, above all, access to assistance.



Marharyta Parkhomenko

Mykolaiv Foundation “Liubystok”

Currently VTHB receive assistance only from oblast and raion public authorities. The readiness of LSGB to work within the NMI is very low. In order for the NMI to function effectively, it is necessary to amend all counter-trafficking regulations and to assign local self-governing bodies as active participants in providing assistance to VTHB.

Another issue that hinders the NMI’s effective functioning is the lack of effective mechanisms for cooperation between the executive authorities, village, town and city councils of territorial communities.



Natalia Kulikova

Chernihiv Public Committee for Human Rights Protection

In our opinion, today NMI does not function overall, there are no clearly defined algorithms for cooperation between local self-governing bodies, raion state administrations and oblast state administrations, which creates significant obstacles for VTHB to receive the necessary social support. In addition to these problems, there is an issue of the division of powers, for example, between Chernihiv Raion State Administration and the Chernihiv Oblast State Administration. In this case, the RSA does not consider it necessary to act to counter trafficking in human beings. In 2021 documents for establishing the status of VTHB were submitted only to the Chernihiv Oblast State Administration.

RECOMMENDATIONS

To Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine:

- make appropriate amendments to the Law of Ukraine “On Countering Trafficking in Human Beings” and Resolutions of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Establishing the Status of Victims of Trafficking in Human Beings” and “On Approval of the Procedure for Cooperation Between Counter-Trafficking Actors” to regulate the issue of the local governments’ participation in the process of identifying, providing assistance to victims of trafficking and their interaction with other NMI entities.

To the Ministry of Social Policy of Ukraine and National Social Service of Ukraine:

- ensure a systematic increase in the level of professional competence of officials of local state administrations and local self-governing bodies in the field of combating trafficking in human beings;
- develop and approve methodological recommendations for local governments to identify and provide assistance to victims of trafficking in human beings;
- promote the strengthening of cooperation between the executive authorities and local self-governing bodies in providing assistance to VTHB;
- ensure systematic informing of the population about the possibilities for the trafficking victims to receive assistance, types and procedures for its provision, including by posting information on the official websites of TC, RSA and OSA.

PUBLIC ADMINISTRATION AND SOCIAL PROTECTION SYSTEM REFORM AND VTHBS' ACCESS TO ASSISTANCE

DEVELOPMENT OF E-SERVICES

One of the priority areas of public administration reform is to increase the share of services available in electronic form. Unfortunately, most of the services needed by people in difficult life circumstances, including VTHB, are yet to be included in this list. NGOs that are members of the Coalition have repeatedly expressed the idea of providing the possibilities to work with VTHB remotely, using modern means of communication. Recently it has become even more relevant given the difficult epidemiological situation in many regions of the country, as well as decentralisation reforms that have created certain obstacles both for the interaction of the entities involved in the process of providing assistance to VTHBs and for the victims themselves. However, real-life experience shows that isolated attempts to introduce such formats of work that would reduce the need for physical contact made by NMI actors as a response to the COVID-19 pandemic in 2021 have not become widespread, need to be refined, standardized and regulated at the state level.



Elvira Mruchkovska

Suchasnyk Plus NGO

The availability of electronic social services in Ukraine is difficult to assess at this time as in 2021 they were implemented in only two pilot regions: Kyiv and Zhytomyr. At the same time, we can safely state that some of administrative services used by VTHB are available in electronic form: obtaining certificates, extracts, etc. This is an important step, however, more attention should be paid to increasing the digital access of victims to assistance, especially with regard to registering for free social services and filling out certain questionnaires, which will significantly reduce the risk of repeated trauma and increase confidentiality. For example, filling out forms using the personal account reduces the number of civil servants who could access personal information and so on. Judging from the experience of other countries, only name and personal number of the service recipient should be available to all. Moreover, e-services will reduce both time spent and financial costs.

RECOMMENDATIONS

To the Ministry of Social Policy of Ukraine and National Social Service of Ukraine:

- develop and implement a digital format of interaction between entities that provide assistance to victims of trafficking in human beings;
- expand the list of services available in electronic form for people in difficult life circumstances and VTHB, and provide for the possibility of electronic submission of an application for establishing the status of a victim of human trafficking, following strict confidentiality standards;

- create an information and interactive anti-trafficking Internet portal which will facilitate VTHBs' access to social service providers.

DEVELOPMENT OF ASC NETWORK

One of the notable results of public administration reform was the active development of the ASC network, as well as the expansion of the list of services available in them. Some VTHB which worked with the Coalition's organizations in 2021 have already taken advantage of this convenient opportunity to make use of services at their place of residence, as many victims find it difficult to travel long distances or use electronic services due to lack of money for travelling and lack of relevant gadgets. However, it should be noted that it is too early to recommend VTHB to seek help from ASC, as the provision of assistance to such persons is associated with a number of sensitive issues and requires appropriate training.



Elvira Mruchkovska

Suchasnyk Plus NGO

Currently only a small part of VTHB has used the services provided by ASC. In our experience, there have been no problems with making use of administrative services. However, it should be noted that with the expansion of ASCs' powers, in particular in terms of handling registration to receive the relevant assistance, ASC staff will need appropriate professional training on how to communicate with VTHB.

Some NGOs which are members of the Coalition already have experience working with the ASCs in counter-trafficking. Realising the important role that this network can play in the prevention, detection, referral and access of VTHB to the necessary assistance, civil society sector representatives invite ASC specialists to working meetings, conduct training on the specifics of working with victims and disseminate information materials in the centres.

RECOMMENDATIONS

To the Ministry of Social Policy of Ukraine and National Social Service of Ukraine:

- introduce obligatory training programs for ASC specialists on how to work with vulnerable categories of the population, in particular VTHB, and develop appropriate instructions on how to interact with other NMI actors and on mandatory communication of all available spectrum of assistance currently guaranteed by law to the victims.

To local state administrations and local self-governing bodies in cooperation with international and civil society organisations:

- as soon as possible start developing and disseminating relevant information materials (booklets, leaflets, posters, contact information) in as many centres as possible, **given that** the extensive ASC network is an

extremely effective channel for disseminating information on the dangers of trafficking in human beings in communities.

BRINGING SERVICES CLOSER TO USERS

One of the main concepts of state reform is bringing services closer to users, which means that you can make use of all necessary services (or at least register to receive them) within the boundaries of your community. Despite the obvious advantages of this approach, it involves certain risks for a category of services' recipients such as VTHB since in case of many of them confidentiality is perhaps the main condition under which they dare to seek help.



Alla Studilko

Source of Hope Vinnytsia Human Rights Organisation

Of course, receiving services directly in the community would be very convenient in terms of VTHB's access to them. However, there is a high likelihood of a breach of confidentiality, local people's distrust of the qualifications of service providers is low, and there is prejudice against victims all of which increases the risk of stigma.



Elvira Mruchkovska

Suchasnyk Plus NGO

It is convenient to make use of services at the place of residence if the provision of those services is of high quality, safe and confidential. Since confidentiality should be a "golden" rule while dealing with VTHB, this practice should become legitimate, i.e. legally provide for the appropriate penalty for violating confidentiality. Having this in mind, service providers should receive not the recommended legal instruments, but regulatory ones that have appropriate definitions and rules for regulating the disclosure of confidential information. At this point of community services development, it is too early to talk about ensuring confidentiality and maintaining quality communications with VTHB. In order to ensure safety and prevent the repeated trauma it is better to recommend more reliable and experienced institutions to the victims.



Maryna Stadnyk

100% Life Cherkasy CO

The concept of bringing services closer to users is fully in line with the general trends of state reforms in Ukraine, and the results of its practical implementation will become increasingly visible. The

situation cannot be changed. Therefore, first of all, it is necessary to work with specialists in the communities to promote tolerant attitude towards victims and a serious attitude to maintaining confidentiality while working with VTHB, among other things.

A significant reduction in the services' quality and lack of necessary institutions and specialists is another aspect of the reform where the powers to provide social services to the population is transferred from central to local level, as close as possible to the recipients of these services. Although the current legislation obliges every community to provide basic social services according to the standard approved by the Ministry of Social Policy, the real situation indicates that there are certain problems involved.



Natalia Kozakevych

Caritas Ivano-Frankivsk of the UGCC

On the one hand, bringing services closer to users will make them more accessible, as VTHB will not have to spend time and resources. However, not all communities have Social Service Centre, and there are often no social work specialists at all, which in turn leads to a reduction in the quality of service delivery.

RECOMMENDATIONS

To the Ministry of Social Policy of Ukraine and National Social Service of Ukraine:

- in order to ensure unimpeded access of VTHB to quality social services in compliance with the confidentiality requirements, continue to support the right to seek assistance from institutions and agencies subordinate to oblast and raion state administrations, regardless of place of registration;
- make the persons providing social services to VTHB liable for disclosing confidential information at the legislative level;
- develop training programs on the functioning of the NMI and training on the specifics of working with VTHB for professionals who provide social services in communities, as well as conduct a large-scale information and educational campaign aimed at developing tolerance for trafficking victims among the population to ensure the necessary protection, support and compassion from the community.

NATIONAL SOCIAL SERVICE

One part of public administration reform is the ministries' reformatting: they are now focused on policy-making, and the implementation of those policies has been delegated to relevant agencies and services including the National Social Service (NSS) established at the end of 2020, which is responsible for the implementation of state policy in the field of social protection, including the prevention and countering of trafficking in human beings.

However, it is difficult to assess the effectiveness of the new state body at the moment, as it is formed in several stages and the process is still ongoing. Main departments of NSS have been currently created in all oblasts of Ukraine. However, at this stage they are responsible for executing state control over compliance with the law with regard to providing social support and observance of children’s rights. Responsible structural subdivisions of the OSA and RSA are still responsible for coordinating counter-trafficking activities and managing the procedure for establishing the VTHB status. In almost half of the oblasts NGOs in the Coalition have been cooperating with the territorial bodies of NSS: organising joint informational and educational events, trainings, working meetings, etc. Some of them have already signed cooperation agreements or plan to do so in the near future. Nevertheless, most NGOs in the Coalition noted that they are yet to see any impact from the establishment of a new state counter-trafficking body in the regions. However, some believe that there is some impact.



Luidmyla Derevianko

Light of Hope Charitable Association

Our organization actively cooperates with the main departments of NSS. We organise joint online meetings, plan events and implement them. The service is new, but since its establishment there has been positive changes — LSGB and TC have started viewing human trafficking as a problem and pay more attention to counter-trafficking measures.



Anzhela Lytvynenko

“Successful Woman” Kherson Regional Centre

NSS influences the TC’s decisions on ensuring the rights of persons in difficult life circumstances, including VTHB, as well as quality standards for the provision of social services. Communities are sending requests to train specialists and provide them with the appropriate certificates.

A number of experts noted that after the Ministry of Social Policy gave NSS the relevant powers the situation with the establishment of VTHB status has significantly deteriorated.



Tetiana Semikop

Non-Governmental Organisation “Faith, Hope, Love Public Movement”

Due to the fact that NSS received powers to grant VTHB status, the number of successful applications has decreased significantly. In 2021 only one person from Odesa oblast got the status.



Olena Morhun

Promin Dnipro NGO

After the transfer of powers one person received the rejection to the status of a victim of human trafficking application in Dnipropetrovsk oblast. We believe that the refusal was unfounded, as this person was recognized as a victim in a criminal case initiated under Article 149 of the Criminal Code of Ukraine.

On a positive note, we should mention the efforts NSS makes to increase the level of competence of officials responsible for establishing VTHB status, as well as LSGB and TC staff. For example, in 2021 representatives of NGOs in the Coalition at the request from NSS organised and held 11 cluster trainings for more than 150 officials of oblast and raion structural units, as well as a series of trainings attended by almost 1500 ATC employees.

RECOMMENDATIONS

To the National Social Service of Ukraine:

- continue organizing counter-trafficking trainings, in particular on the topic of NMI functioning, for specialists of the responsible structural units of oblast state administrations, raion state administrations and local self-governing bodies;
- increase the number of persons who have been granted VTHB status, in particular by avoiding unjustified refusals;
- include tasks on the implementation of counter-trafficking policy in the provisions of the NSS territorial bodies, in particular: analysis of the activities of entities working in this area, coordination and control of the activities of institutions providing assistance to VTHB; managing the procedure for establishing VTHB status, implementing anti-trafficking measures, etc.;
- accelerate the process of establishing NSS territorial bodies at raion level to ensure the implementation of those service functions defined by law that cannot be implemented at the oblast level and at the level of the territorial community.

CSSFY REORGANISATION

In accordance with the Resolution of the Cabinet of Ministers of Ukraine No. 479 of 01.06.2020 in 2020 the process of establishing a network of Centres for Social Services (CSS) in all oblasts began with reorganisation of Centres of Social Services for Families, Children and Youth (CSSFY) and adoption of new regulations with regard to their work. In essence, oblast institutions have become methodological and training centres for social work and the provision of social services, and the functions of local CSSs have expanded considerably, although their counter-trafficking provisions include only one item on the rehabilitation plan for victims of human trafficking.

The Coalition draws attention to the fact that the transformation of CSSFCY, which is one of the key actors in the NMI, into the CSS has not yet been reflected in counter-trafficking regulations, although in the case of the National Police and the National Social Service the relevant changes were made fairly quickly.



Elvira Mruchkovska

Suchasnyk Plus NGO

The situation regarding CSSFCY and CSS is ambiguous. Yes, some CSSFCY still operate with limited functions and resources; some of them ceased their activities. This means that the Resolution of the Cabinet of Ministers of Ukraine No. 783 cannot be fully implemented in the regions where CSSFCY no longer exists. As for the CSS located on communities' territory and subordinate to them, they are not guided by this resolution and perform their functions in accordance with other legislation.

RECOMMENDATIONS

To Verkhovna Rada of Ukraine, Cabinet of Ministers of Ukraine:

- make appropriate amendments to the Law of Ukraine “On Countering Trafficking in Human Beings”, Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Establishing the Status of Victims of Trafficking in Human Beings” and Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Cooperation Between Counter-Trafficking Entities” replacing the words “centre of social services for families, children and youth” with “centre of social services”.

CSS ESTABLISHMENT IN THE COMMUNITIES

More than 95% of territorial communities (1370 out of 1439) already created child protection services which according to the current legislation have the authority delegated to them to ensure the implementation of state policy on social protection of children within the relevant territory. Identifying and assisting children who have been trafficked and are being exploited should become an important aspect of their work. However, it is extremely difficult to assess their effectiveness in this area, as a significant part of the services have not yet been implemented fully because they are still being formed while the specialists are mostly engaged in resolving administrative issues and organizing the database on children who were previously registered in the raion CSS. Due to this, most organizations do not have practical experience of working with CSS in communities. At the same time, they are forced to report the extremely low level of detection of children VTHB in 2021.

Representatives of the Coalition note that the transfer of powers to CSS in communities is associated with a number of issues that may continue to significantly affect the level of identification of child trafficking cases as well as the quality and timeliness of assistance. In particular, those issues are the low level of training

of counter-trafficking staff, lack of experience with NRI, high workload due to insufficient number of employees, who are usually forced to perform the functions of several specialists, poor facilities, etc.



Elvira Mruchkovska

Suchasnyk Plus NGO

Unfortunately, the newly established child protection services in communities are not ready to identify and provide assistance to children VTHB. This is due to the level of professional training of specialists, as well as the technical ability to provide services confidentially and securely. Most communities are limited in their use of special facilities for working with children in need of protection and assistance, especially during the heating season. Moreover, about 10% of services still operate without the status of a legal entity due to lack of own funding to work as a separate legal entity within the community. In addition, they are still focusing on guardianship and custody, as well as on awarding/ cancelling the relevant benefits. Currently CSS needs to standardize the provision of services to children and revise the regulations on activities in accordance with the real working conditions of local communities.

To date, the results of reforming the system of child protection bodies and services are quite ambiguous. The process of creating up and setting up new institutions is expected be complex and time-consuming, but it can become an important and very powerful resource in the fight against human trafficking. Working directly in the community, CSS specialists will have much more information about such children, will be able to immediately react to violations of their rights and remove them from dangerous situations. The efforts made for the training and full involvement of the newly created services in the field of combating child trafficking will certainly pay off.

RECOMMENDATIONS

To the National Social Service of Ukraine:

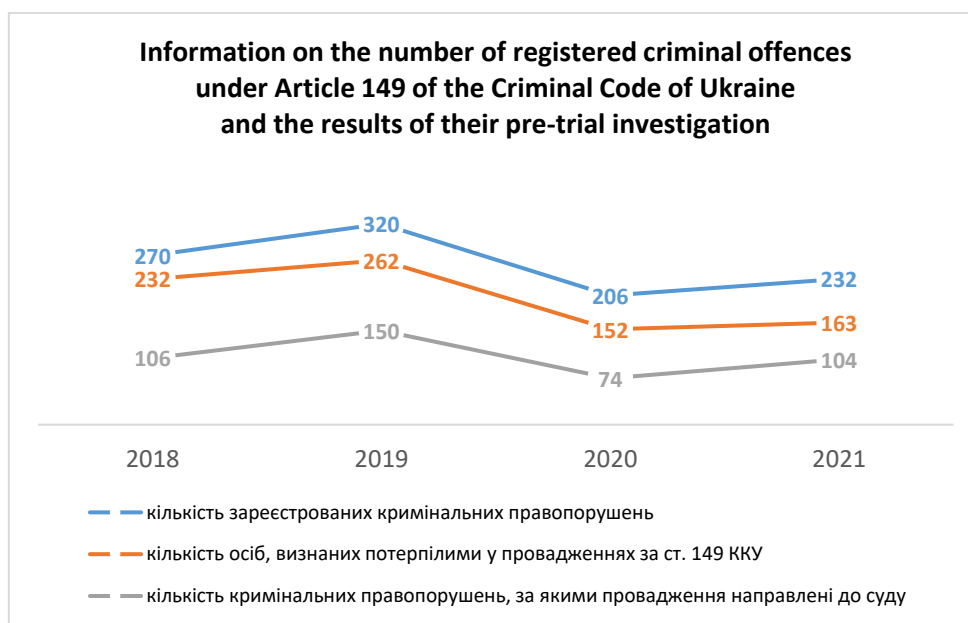
- provide systematic training of the communities' CSS specialists on combating trafficking in human beings and the functioning of the NMI;
- clearly define CSSs' responsibilities and powers in communities in the field of protection of child victims of trafficking, indicating them in the relevant model regulations and job descriptions;
- develop and disseminate among CSS experts methodological materials on the identification of trafficked and exploited children, the specifics of working with such children and the algorithm for providing assistance to them;
- prepare informational and educational anti-trafficking materials for children and youth, and begin disseminating them in the communities with the help of CSS.

LAW ENFORCEMENT REFORM AND THE FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS

MIGRATION POLICE DEPARTMENT

Reforms of the law enforcement system have been underway in Ukraine since 2010. During its existence, the relevant Department for Combating Trafficking in Human Beings within the Ministry of Internal Affairs has been reorganized several times. There have been several structural innovations have recently as well. At the end of 2020 the Department for Combating Crimes Related to Trafficking in Human Beings was transformed into the Migration Police Department with relevant transformations in the regions as well. These structural changes were explained by the need to intensify counter-trafficking measures and measures against unregulated migration, as the former units of the divisions for combating crimes related to trafficking in human beings were focused on criminal offences against public morality. But did it actually lead to positive changes?

Official statistics is yet to show a significant performance improvement. For example, according to the Office of the Prosecutor General, there were 232 criminal offences related trafficking in human beings in 2021, which is 10% more than in 2020, but much less than in previous years. However, it is the situation only with registering such cases in the Unified Register of Pre-Trial Investigations. The quality of pre-trial investigation remains almost at the same level. In 70% of criminal proceedings people have been served with a notice of suspicion. Same as before, less than half of all trafficking-related indictments go to court.



Number of registered criminal offences

Number of persons recognized as victims under Article 149 of the Criminal Code of Ukraine

Number of criminal offences referred to court

It should be noted that the level of public awareness of activities in this area cannot be considered good. The web resources of the Ministry of Internal Affairs, National Police and Migration Police Department do not

contain periodic consolidated information on the number of neutralized criminal groups involved in trafficking in human beings, the number of persons prosecuted and punished for this crime, as well as other statistics. There is also no information which would explain what it trafficking in human beings, how to recognize the crime, what to do if it is committed, etc. That does not increase the level of public confidence in law enforcement agencies and does not encourage victims to seek help.

There are also some organizational problems. Despite working in the new format for a year, the Regulations on the Migration Police Department have not yet been approved, and accordingly, there are no regulations on its territorial subdivisions. There is a shortage of staff in some regions.

Most NGOs in the Coalition noted that the establishment of Migration Police Departments in the regions did not have a significant impact on the effectiveness of counter-trafficking efforts. The police has a tendency to focus on combating unregulated migration – crimes related to the legalization of foreigners, their illegal activities in Ukraine and the illegal transportation of migrants.



Oksana Ustynova

Ksena Charitable Foundation

The creation of Migration Police after reformatting has only resulted in more work for the understaffed unit: it is now focused on migrant offenders. There has been a sharp decrease in the number of crimes detected under Article 149 in 2021.



Elvira Mruchkovska

Suchasnyk Plus NGO

There is a shift in emphasis/priorities from combating trafficking in human beings to combating unregulated migration. Under such conditions, the limited staff of regional structural subdivision will be forced to pay less attention to human trafficking cases, including organ trafficking and sale of children, etc.

RECOMMENDATIONS

To the National Police of Ukraine, including the Migration Police Department:

- ensure the periodic publication of statistical information on the results achieved by Migration Police which will serve as a basis for public monitoring of the effectiveness of anti-trafficking, in particular by posting on the official website of the National Police and Facebook page of the Migration Police Department;

- ensure free access to information and materials on combating trafficking in human beings, in particular on the risks of being trafficked, ways to avoid it, contact information of the relevant institutions, opportunities for VTHB to get assistance, etc.;
- approve the Regulations on the Migration Police Department and its territorial subdivisions with the clear definition of their anti-trafficking powers;
- intensify anti-trafficking activities and prevent the emphasis from shifting to other areas.

COMMUNITY POLICE OFFICER PROJECT

In 2018, a project to introduce the position of Community Police Officer (CPO) was launched in Ukraine. CPO would live and work in TC, respond to violations in a timely manner and enjoy the trust of local residents. There are currently 755 active CPOs in Ukraine, serving 440 territorial communities, and by the end of 2022 their number should more than double. Of course, such a powerful resource can play an important role in identifying and redirecting victims of trafficking in human beings, as well in preventing community residents from falling into a dangerous situation, and therefore must be involved in the implementation of anti-trafficking activities.

However, unfortunately, this resource is not being properly used yet and the CPOs themselves are largely unprepared for such activities.



Maryna Pasiechnyk

Head of All-Ukrainian Counter-Trafficking NGO Coalition

Currently community police officers are not sufficiently prepared for counter-trafficking work. At the same time, knowing the situation in the community well, they can help people who are at risk of being trafficked or have already been exploited. Therefore, it is extremely important to improve their competence to implement preventive activities for the population, especially the groups at risk, identify victims and redirect them to government agencies and NGOs to get the necessary assistance.

NGOs in the Coalition strive to establish effective systemic cooperation with community police officers. In particular, some CPOs already took part in trainings, workshops, round tables and informational and educational events organized by NGOs from Vinnytsia, Volyn, Dnipropetrovsk, Donetsk, Poltava, Ternopil, Kherson, Khmelnytskyi oblasts within the framework of the projects of the anti-trafficking entities to implement the National Mechanism for Interaction. NPU Main Directorate in Cherkasy oblast and 100% Life Cherkasy CO reached an agreement to organise and hold trainings for CPOs in the directorate's training centre.

However, the number of trafficking victims detected and referred by community police officers remains extremely low. There are only some isolated cases in Khmelnytskyi and Chernivtsi oblasts.

Given that the positions of community police officers have been introduced only in some TC, it is necessary to intensify work with those officers who work there.



Tetiana Melnyk

Chaika Centre for Supporting Civic Initiatives

We believe that CPOs are not the only ones that should take part in counter-trafficking trainings. Such trainings are essential for local police officers who serve parts of the local community. We can see that new, young staff are joining the National Police, and they do not always have the necessary knowledge and do not have practical experience to effectively respond to cases of trafficking in human beings and inform citizens about the assistance system for VTHB.

RECOMMENDATIONS

To the National Police of Ukraine:

- include responsibilities to engage in preventive work aimed at preventing and combating trafficking in human beings, identifying victims and providing assistance, in the job descriptions of Community Police Officers.

To the National Police of Ukraine in cooperation with international and civil society organisations:

- ensure that community police officers receive trainings on combating trafficking in human beings.