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THE FIGHT AGAINST HUMAN TRAFFICKING BY UKRAINIAN LAW ENFORCEMENT AGENCIES (1991 – 2014)

Abstract. *The purpose* is to do the research on the organizational and legal foundations of combating human trafficking, the activities of the Ukrainian law enforcement agencies in this area from independence of Ukraine (1991) to the beginning of the Russo-Ukrainian war (2014). **The methodology of the research** is based on general and special methods of scientific knowledge. In the process of the research, general scientific methods of deduction and induction, analysis and synthesis have been used. The comparative legal method has been applied during the analysis of regulatory legal acts related to the problem of human trafficking. The historical comparative method has been used to study the patterns and prerequisites of human trafficking. The qualitative and quantitative analysis of the issue under study has been done due to the use of the statistical method. **The scientific novelty** of the study consists in a retrospective analysis of the legal counteraction means to human trafficking in the national legislation of Ukraine and its practical implementation in the activities of law enforcement agencies.

Conclusions. Human trafficking is a manifestation of a transnational crime and at the same time one of the most shameful violations of human rights and freedoms. Given the international scale of this problem, democratic states focus on combating this phenomenon, adopting a number of international

legal acts aimed at prohibiting human trafficking in all its possible manifestations and interstate cooperation. Ukraine has implemented conventions and protocols aimed at preventing and combating trafficking in human beings of the UN and the Council of Europe. Ukraine is also one of the first countries in Europe to criminalize trafficking in people in 1998. Gradually, Ukraine updated national legislation, in particular the Criminal Code, to comply with international standards on the specified issue. The internal affairs bodies of Ukraine play an important role in combating human trafficking. Since 2000, specialized units for combating crimes related to human trafficking had operated within the structure of the Criminal Investigation Department of the Ministry of Internal Affairs and regional departments. Later, it was transformed into the Department for Combating Crimes Related to Human Trafficking. The Main Department for Combating Organized Crime (HUBOZ) is also within the structure of the Ministry of Internal Affairs. The Ukrainian law enforcement officers cooperate with international law enforcement agencies and national law enforcement agencies. Joint operational developments are implemented regarding transnational criminal organizations involved in human trafficking, exchange of operational information; planning and implementation of joint operations, which are carried out under the leadership of Europol, the Regional Centre of the South-East Europe Cooperation Initiative (SECI) in the fight against international crime, with HUAM, etc. A new challenge for the state was the beginning of the Russian Federation's war against Ukraine in 2014, as the number of people "vulnerable to human trafficking" increased, especially among internally relocated people. Data from international organizations show a quantitative increase of several percent at the beginning of the conflict, while qualitative studies have shown the emergence of new types of exploitation: recruitment into the military formations of the LPR-DPR, work under military conditions.

Key words: law enforcement agencies, Ministry of Internal Affairs, regulatory documents, combating human trafficking, combating crimes related to human trafficking, Main Department for Combating Organized Crime, military aggression of the Russian Federation in Ukraine in 2014.

БОРІТЬБА ОРГАНІВ ПРАВОПОРЯДКУ УКРАЇНИ З ТОРГІВЛЕЮ ЛЮДЬМИ (1991 – 2014)

Анотація. *Мета роботи* висвітлити організаційно-правові засади протидії торгівлі людьми, діяльність органів правопорядку у цій сфері. **Методологія роботи** складають загальні та спеціальні методи наукового пізнання. У процесі роботи використано загальнонаукові методи дедукції та індукції, аналізу та синтезу. Застосовано порівняльно-правовий метод під час аналізу нормативно-правових актів, які стосуються проблеми торгівлі людьми. Використано історико-порівняльний метод для вивчення закономірностей і передумов торгівлі людьми, якісний та кількісний вимір вивченої проблеми уможливило застосування статистичного методу. **Наукова новизна роботи.** Здійснений ретроспективний аналіз засобів правової протидії торгівлі людьми в національному законодавстві України, його практичне втілення у діяльності органів правопорядку.

Висновки. Торговля людьми є проявом транснаціонального злочину та водночас одним із найбільш ганебних порушень прав та свобод людини. Зважаючи міжнародний масштаб цієї проблеми, демократичні держави надають значну увагу протидії цьому явищу, приймаючи низку міжнародно-правових актів, спрямованих на заборону торгівлі людьми у всіх можливих її проявах, міждержавному співробітництві. Україна імплементувала конвенції та протоколи, спрямовані попередженню та протидію торгівлі людьми ООН, Ради Європи. Також була однією із перших країн Європи, яка ще у 1998 р. встановила кримінальну відповідальність за торгівлю людьми. Поступово оновлювала національне законодавство, зокрема Кримінальний Кодекс, аби він відповідав міжнародним стандартам з окресленої тематики. Важливе місце у протидії торгівлі людьми відіграють органи внутрішніх справ України. Від 2000 р. в структурі Департаменту карного розшуку МВС та обласних управліннях діяли спеціалізовані підрозділи боротьби зі злочинами, пов'язаними з торгівлею людьми, що згодом був трансформований у Департамент боротьби зі злочинами, пов'язаними з торгівлею людьми. Також у структурі МВС діє Головне управління боротьби з організованою злочинністю (ГУБОЗ). Українські правоохоронці співпрацюють із міжнародними правоохоронними організаціями, національними органами правопорядку. Відбуваються спільні оперативні розробки щодо транснаціональних

злочинних об'єднань, які ведуть торгівлю людьми, обмін оперативною інформацією; планування та здійснення спільних операцій, які відбуваються під керівництвом Європолу, Регіонального центру Ініціативи співробітництва в Південно-Східній Європі (SECI) у боротьбі з міжнародною злочинністю, із ГУАМ тощо. Новим викликом для держави став початок війни Російської Федерації проти України у 2014 р. адже збільшилась кількість людей “уразливих до торгівлі людьми”, особливо серед внутрішньо переміщених осіб. Дані міжнародних організацій демонструють кількісне зростання у межах кількох відсотків на початку конфлікту, натомість якісні дослідження засвідчили появу нових видів експлуатації: залучення до військових формувань ЛНР-ДНР, працю у військових умовах.

Ключові слова: правоохоронні органи, МВС, нормативно-правові документи, протидія торгівлі людьми, боротьба зі злочинами, пов'язаними з торгівлею людьми, Головне управління боротьби з організованою злочинністю, військова агресія Російської Федерації в Україні 2014 р.

Problem Statement. Human trafficking is one of the most dangerous forms of human rights and freedoms violations, a modern form of slavery, and one of the manifestations of transnational organized crime (Maliyk, & Skorych, 2024, p.117). The concept of human trafficking includes “various types and forms of human exploitation, according to international regulatory and legal documents and the legislation of Ukraine” (Luhina, & Vasylynchuk, 2020, p. 463). According to the Protocol “To Prevent, Suppress and Punish Trafficking in People, especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime” of November 15, 2000 (entered into force in Ukraine in 2004), “trafficking in people – the recruitment, transportation, transfer, harbouring of people, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation” (Protokol do Konventsii OON, 2000).

The collapse of the Soviet Union led to the opening of borders and the revival of migration processes in Eastern Europe. Along with this, a human trafficking took on a larger dimension (Pozniak, 2013, p. 2). In the 1990s and 2000s, the research was actively conducted in Ukraine by the International Organization for Migration, according to its 2011 report, “Ukraine has been classified as a source, transit country for human trafficking of men, women, and children” (Dean, 2025, p.56). A thorough quantitative study with three surveys conducted by the researchers Ronald Hampton and Duane Ball from the University of Nebraska, the USA, demonstrated that in the mid-2000s, at least 22,000 Ukrainian citizens went abroad to work and were enslaved to one degree or another. “The total number of victims of human trafficking was at least 110,000 people during three – five years before the study had been conducted” (Ball, Hampton, 2009, p. 6).

Review of Recent Research and Publications. We analyzed the historiography of the scientific problem taking into account the work of M. Haliv and V. Ilnytsky (Haliv & Ilnytskyi, 2021; Ilnytskyi & Haliv, 2022; Haliv & Ilnytskyi, 2023). The problem of a human trafficking and multi-vector counteraction has gained increasing coverage in the media and academic studies recently (Weitzer, 2014, p. 6). However, there is still no consensus on the interpretation of the concept, as some analysts advocate a somewhat broader interpretation of the concept: “in fact, any illegal migration for the purpose of obtaining work, and especially migration that leads to prostitution, is trafficking in people, regardless of whether a person consented to or was aware of the type and conditions of work in the destination” (Weitzer, 2014, p. 6; Kara, 2009, pp. 4–5). Among a number of studies by the English-speaking academic community, one can highlight the comprehensive studies by L. Shelley, who analyses the problem of

a human trafficking through the prism of studying transnational organized crime (Shelley, 2012), M. S. Burke, who also studies this issue from an interdisciplinary perspective (Burke, 2022; Pozniak, 2013).

A significant part of the studies is devoted to the Ukrainian dimension of this issue after the full-scale invasion of the Russian Federation into Ukraine, while significantly fewer publications concern the period of the 1990s and 2000s (with the exception of final reports of international organizations on the situation in the region, or more specifically in Ukraine) (Volmer, Bilan, Lapshyna, & Vdovtsova, 2010), the first stages of the Russo-Ukrainian war (Dean, 2025). In the Ukrainian historiography, V. Ivashchenko (Ivashchenko, 1999a; Ivashchenko, 1999b), T. Vozna (Vozna, 2001; Vozna, 2003; Vozna, 2004), Ya. Lyzohub (Lyzohub, 2003; Lyzohub, 2011). A. Andrushko (Andrushko, 2021), Ye. Zozulia (Zozulia, 2008; Zozulia, 2011) studied this issue.

Research Results. Human trafficking is an acute problem of our time. A growing role of modern technologies, social networks in communication, and ever-increasing international migration collectively create new challenges in the fight against human trafficking (Hordieiev, Ishchenko, & Kyselov, 2004, pp. 157–158). Counteracting this crime is also one of the priorities of the Ukrainian state. It is a convincing fact that Ukraine was one of the first countries in Europe to establish criminal liability for human trafficking in 1998 (Pyshchulina, 2003, p. 403). In accordance with the Law of Ukraine of March 24, 1998 No. 210/98 of the Verkhovna Rada, the Criminal Code was supplemented with Article 124-1 “trafficking in people”, which provided for liability for open or hidden secret appropriation of a person “related to a legal or illegal movement, with or without consent of a person across the state border of Ukraine or without such consent for further sale or other paid transfer for the purpose of a sexual exploitation, use in the porn business, involvement in criminal activity, involvement in debt bondage, adoption for commercial purposes, use in armed conflicts, exploitation of his/her labour”. The punishment for such a crime was imprisonment for a term of three to seven years with or without confiscation of property (Akhtyrskaya, 2006, p. 18). In the updated Criminal Code of Ukraine of 2001, Article 149 “Trafficking in People or Other Illegal Transaction Concerning a Person” was introduced. Articles 149 and 303 according to the Law of Ukraine “On Amendments to the Criminal Code of Ukraine to Improve Responsibility for Human Trafficking and Involvement in Prostitution” was redrafted and ratified in 2006. These articles met international standards for “respecting the rights of victims of a human trafficking” (Akhtyrskaya, 2006, p. 19; Balobanova, 2021, p. 11).

Under the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, Coordination Council for Combating Trafficking in Women and Children was established in 1999 (Voitsikhovskiy, 2013, p. 150). The following year, special units to combat crimes related to human trafficking were organized under the Criminal Investigation Department of the Ministry of Internal Affairs of Ukraine in regional departments of internal affairs. Also, in accordance with the Decree of the President of Ukraine “On Measures to Further Strengthen Law and Order, Protect the Rights and Freedoms of Citizens” dated February 18, 2002 No. 143, it is stated that the fight against human trafficking is “one of the priority areas of activity of law enforcement agencies of Ukraine” (Luhina, & Vasylynchuk, 2020, p. 464; Ukaz Prezydenta Ukrainy, 2003). At the legislative level an important step that consolidated the fight against trafficking in people was the ratification of the United Nations Convention against Transnational Organized Crime on February 4, 2004, and additionally the adoption of the Protocol “To Prevent, Suppress and Punish Trafficking in People, Especially Women

and Children”, supplementing the Convention (Vysvitlennia, 2007, pp. 51–52). On May 16, 2005, in Warsaw, the member states of the Council of Europe signed the Council of Europe Convention on Action against Trafficking in Human Beings. Ukraine ratified the Convention on 21 September 2010. This document provides a comprehensive interpretation of the concept of trafficking in people, which echoes the UN Protocol on this issue (Lutskyi, & Hazdaika-Vasylyshyn, 2023, p. 46).

In 2002 – 2005, in accordance with the Resolution of the Cabinet of Ministers of Ukraine No. 766 of June 5, 2002, Comprehensive Programme to Combat Human Trafficking was in effect. The next similar programme was approved for the period of 2007 – 2010. The main objectives of the programme are “to improve the mechanism of a regulatory and legal regulation of issues of combating human trafficking, as well as the fight against it, including them in educational syllabus for children and youth; to conduct explanatory work through the media; to ensure effective interaction between law enforcement agencies of Ukraine and other states in combating human trafficking” (Vysvitlennia, 2007, pp. 55–56).

The main role in the implementation of comprehensive practical measures to combat human trafficking is played by the internal affairs bodies of Ukraine. Since 2000, specialized units for combating crimes related to human trafficking had operated within the structure of the Criminal Investigation Department of the Ministry of Internal Affairs and regional departments. Its successor was the Department for Combating Crimes Related to Human Trafficking, established on March 30, 2005 on the basis of the Department for Combating Crimes Related to Human Trafficking; departments (divisions) of the Main Departments and Departments of the Ministry of Internal Affairs of Ukraine in the Autonomous Republic of Crimea, in the regions and cities of Kyiv and Sevastopol (Zozulia, 2011, p. 86; Dubyna, 2015, p. 35; Vysvitlennia, 2007, p. 58).

The priorities in the work of the Department for Combating Crimes Related to Human Trafficking of the Ministry of Internal Affairs of Ukraine and its regional structures “are the identification and termination of the activities of criminal groups, including those of a transnational nature, operating in the field of human trafficking, and the prevention of crimes of this nature” (Dubyna, 2015, p. 35).

In July of 2009, a separate department for combating cybercrime was formed within the Department for Combating Crimes Related to Trafficking. In order to improve the effectiveness of combating crimes committed using modern technologies and human trafficking, illegal migration, and “clearly delineate competence and eliminate duplication of functions between operational units of the internal affairs bodies of Ukraine”, in accordance with the Order of the Ministry of Internal Affairs of Ukraine No. 581 of November 24, 2010, the Department for Combating Cybercrime and Human Trafficking of the Ministry of Internal Affairs of Ukraine was established (Nakaz MVS, 2010). At the same time, this Department is directly subordinate to the units for combating cybercrime and human trafficking of the internal affairs bodies of Ukraine (Polozhennia MVS, 2010).

According to statistics from the Ministry of Internal Affairs, from March of 1998, when criminal liability for human trafficking was introduced, until the 2000s, 3.5 thousand such crimes were detected, and in the first decade of 2000, only 2.6 thousand such criminal offenses were detected. Such dynamics indicates the systematic work of the special units of the Ministry of Internal Affairs of Ukraine (Dubyna, 2015, p. 36). In 2005 – 2014, “2833 people (2065 women, 768 men, including 306 minors) were recognized as victims of human trafficking in criminal proceedings. At the same time, as Vladyslav Dubyna (Deputy Director

of the Department for Combating Crimes Related to Human Trafficking, Ministry of Internal Affairs of Ukraine) emphasized in 2015, since 2005 there had been a trend towards a decrease in “facts of human trafficking, and since 2009 – the number of victims of human trafficking among teenagers minors” (Dubyna, 2015, p. 37).

The Main Department for Combating Organized Crime also plays an important role in the structure of law enforcement agencies of Ukraine, which are also responsible for combating human trafficking (HUBOZ) (Vysvitlennia, 2007, p. 59). In order to combat human trafficking on an international scale effectively, there is interaction with international law enforcement organizations, national law enforcement agencies in the countries of export and transit, the destination of human trafficking, in particular with the “Republic of Turkey, the Russian Federation (until 2014), the Republic of Poland, the Czech Republic, Germany and the State of Israel”. Operational developments are carried out jointly with these states regarding transnational criminal organizations that traffic in people, and the exchange of operational information. It is also important to plan and implement joint operations and measures to prevent international trafficking (Zozulia, 2011, p. 86).

Under the auspices of Europol, representatives of the Ministry of Internal Affairs of Ukraine took part in the international operation “Sunflower” to “block the channels for the export of women from Ukraine to Italy for their further sexual exploitation”. Important was the participation of the Ukrainian law enforcement officers in international operations “Mirage” and “Mirage2003” under the auspices of the Regional Centre of the South-East Europe Cooperation Initiative (SECI) in the fight against international crime; as well as joint activities with HUAM – participation in operations “Chimera”, “Intercept”), in order to combat human trafficking in the territory of South-East Europe countries, and to prevent human trafficking (Zozulia, 2011, p. 86).

On September 20, 2011 the adoption by the Verkhovna Rada of the comprehensive Law of Ukraine “On Combating Trafficking in People” and many other related by-laws played a significant role in improving the Ukrainian legislation in the field of combating human trafficking. According to this new legislation, the state was better able to identify and assist “victims of human trafficking”, including in cases of lack of cooperation with law enforcement agencies, and to obtain the status of a “victim” in criminal proceedings. The defined powers of “the subjects of the National Interaction Mechanism that implement measures to combat human trafficking” are also significant. At the same time, a separate section of the Law “Combating Child Trafficking” is an innovation, which provides for articles “on special principles of combating child trafficking, preventing child trafficking, informing about children who have been victims of human trafficking, providing assistance and returning children who have been victims of human trafficking” (Sozanskyi, Hadaika-Vasylyshyn, Zakharova, 2019, p. 14). On March 21, 2012, the Cabinet of Ministers of Ukraine adopted a new State Targeted Social Programme to Combat Human Trafficking for the period until 2015 (Pozniak, 2013, p. 3).

In 2005, since its establishment the Department for Combating Crimes Related to Human Trafficking has begun cooperation with the International Organization for Migration (IOM) in Ukraine (Volmer, Bilan, Lapshyna, Vdovtsova, 2010, p. 31) and also with the newly created All-Ukrainian Coalition of Public Organizations to Combat Human Trafficking. Interaction has been established with the Office of the OSCE Project Coordinator (Organization for Security and Cooperation in Europe) in Ukraine, the International Women’s Human Rights Center “La Strada – Ukraine” (Dubyna, 2014, p. 235).

Owing to cooperation with IOM, a number of information campaigns, trainings for the media and teachers have been held, and consultation centres have been opened. These are centres for the rehabilitation of victims of human trafficking in Kyiv, Lviv, Odesa, Ternopil, and Kharkiv. Another important initiative was the introduction of a free short number “527”, which “directs all calls to the Organization’s free national information service. Professional hotline operators provide advice and warnings on finding work abroad, as well as help people who have been exploited abroad” (Dubyna, 2014, p. 236).

The turning point that negatively affected the situation with human trafficking was the military aggression of the Russian Federation in Ukraine in 2014, and the economic crisis, the number of people “vulnerable to human trafficking” increased (Dean, 2025, p. 57). The percentage of this category of people increased from 14 to 21 (according to IOM research in 2015). As of 2014 – 2015, according to the UN Office for the Coordination of Humanitarian Affairs, there were “1.7 million internally displaced people in Ukraine, and 1.4 million people had fled to neighbouring countries” (Ukraine: Overview of population displacement (as of 21 August 2015)). However, as a researcher Laura Dean rightly pointed out, these figures, while indicating “a significant increase in the displaced population, which increases vulnerability, do not necessarily lead to human trafficking” (Dean, 2025, p. 57). Similar conclusions were also made by the Ukrainian researchers Oleksiy Humin, Oleh Shmilyk, and Violetta Koliakina, who refuted media reports that noted a sharp increase in human trafficking cases due to the war in Eastern Ukraine. Noting that the military process increased hypothetical opportunities, but according to analytical data for several years there has been no significant increase in the scale of this problem. In particular, since the beginning of 2014, the increase in the number of victims of human trafficking has not exceeded a few percent. However, it is worth noting that there is a significant problem in calculating actual data in the uncontrolled territories of Eastern Ukraine. Also, according to experts, the occupation of Donbas has led to the emergence of a new method of human trafficking, including “work under military conditions, forced coercion to participate in a military conflict, the role of a human shield or informant, the use of children to participate in illegal military formations of the DPR and LPR” (Humin, Shmilyk, & Koliakina, 2021, pp. 122–123).

Conclusions. The fight against human trafficking requires systematic and coordinated work of law enforcement agencies, combining the efforts of the public sector and state authorities. The Ukrainian law enforcement agencies make great efforts to combat this complex manifestation of organized crime. Under the Commissioner for Human Rights of the Verkhovna Rada of Ukraine, a Coordination Council for Combating Trafficking in Women and Children was established in 1999. In 2000, special units to combat crimes related to human trafficking were established in the Criminal Investigation Department of the Ministry of Internal Affairs of Ukraine in regional departments of internal affairs. In 2005, on the basis of the department for combating crimes related to human trafficking there were established departments (divisions) of the Main Departments and Departments of the Ministry of Internal Affairs of Ukraine in the Autonomous Republic of Crimea, in the regions and cities of Kyiv and Sevastopol.

The war and its consequences in various areas increase the risk factors that encourage people to leave Ukraine, and at the same time, the dynamics of human trafficking is growing. New forms of exploitation have appeared, in particular, along with human trafficking for a forced labour, there are facts of a forced recruitment to participate in the military conflict on the side of illegal terrorist pro-Russian military groups.

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