

The Exploitation of Ukrainians: Additional Consequences of an Armed Conflict

Written by Sylvain Keller

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SYLVAIN KELLER, JUN 15 2023

Armed conflict may have terrible consequences for civilians especially when populated areas are directly attacked. Apart from the direct impacts of conflict, the absence of state authorities and protection mechanisms may also increase the presence of human traffickers who target those most vulnerable. Ukraine is one of those regions where human trafficking poses a serious risk for its population and is a major concern for the international community. The most recent UNODC global report on trafficking in persons demonstrated a major relationship between the people forced to flee Ukraine in 2014 and 2015 because of the conflict, and the increased detection of trafficking in persons from Ukraine. UNODC noticed that due to the escalation of violence, the number of Ukrainian victims detected in Eastern Europe quadrupled between 2014 and 2016 and, in 2022, following Russia's invasion and the escalation of the conflict, increased the risks for potential victims since it forced millions of Ukrainians to flee their homes. An updated UNODC report dating back from December 2022 also considered the potential increase of Ukrainian victims of trafficking in persons.

In June 2022, based on the high number of victims reported, Pramila Patten, the U.N.'s special representative on sexual violence in conflict stated that the "humanitarian crisis is turning into a human trafficking crisis".

The UN's 'Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children' which is the primary international instrument on the issue, defines human trafficking as

the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

In the context of an armed conflict, it may include the use of child soldiers (not directly mentioned in the definition) and it may also define others made to work as porters, cooks, and guards. Young girls can also be forced to marry or have sex with male combatants.

Historically in Ukraine, human traffickers exploit domestic and foreign victims who are transferred abroad either to different destinations, in Europe but also in the Middle East. Between 2017 and 2020, Russia was the country where most Ukrainian victims of human trafficking were identified, followed by Israel, Turkey, Germany, and Poland. Victims are exploited in sex trafficking and forced labor, either trafficked by domestic traffickers with lower levels of organization or by complex networks of individuals spanning multiple nationalities.

Ukrainians are also vulnerable in their own territory. In Zaporizhzhia, due to the Russian presence, several Ukrainians were refused the right to leave the occupied territory and are now forced to work in a nuclear power plant. In several areas, Russian occupation officials are also likely asking occupied populations to cooperate and work with them in exchange for food, notably through the conduct of demining tasks. At the same time, large-scale abductions of children conducted by Russian authorities also had a devastating impact.

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Displaced Persons/Refugees and the Threat of Human Trafficking

For predators and human traffickers, war is not a tragedy. It is an opportunity. And women and children are the targets.

Antonio Guterres's remarks to the press on March 14, 2022 demonstrate the reality of the conflict in Ukraine. The UN Secretary-General was referring to a deteriorating situation impacting all Internally Displaced Persons (IDPs) and Ukrainian refugees. In April 2022, just six weeks after the Russian invasion, UNICEF reported that almost two-thirds of Ukraine's 7.5 million children had been displaced. The situation worsened for all Ukrainians and in September 2022, UNCHR reported about 5.6 million individual refugees from Ukraine recorded across Europe since 24 February. UNHCR also recognized the fact that many refugees fleeing to the border of neighboring countries can find themselves in a state of extreme danger. Some seventy-eight per cent of the internally displaced population reports being in immediate need of cash or financial support, an indicator that had rapidly escalated since March 2022 (forty-nine per cent at that time). As of May 2022, over 13,000 unaccompanied and separated children had been registered in the EU.

Russia's attacks on transportation infrastructure caused major transport disruptions and forced refugees and IDPs to separate from their family networks and travel on their own. This vulnerability combined with the need for protection or financial support may be used by traffickers as it was reported by UNODC. In such situations, those who flee conflict are more inclined to use the services of smugglers or accept job proposals from human traffickers. In 2022, the International Organisation for Migration (IOM) warned that there was an 'Increased risk of trafficking in persons for people fleeing Ukraine'. Since then, there have been several reports in the media of such incidents. For example in 2022 the Ukrainian authorities arrested a gang that trafficked women and forced them into prostitution by offering them jobs in Turkey. In Hungary, local media reported several cases of car drivers who were offering transport and accommodation to Ukrainian people in exchange for sexual services. Authorities also warned that, in Slovenia, individuals were offering private accommodation to women from Ukraine in exchange for sexual services and household chores. Despite the cases that have been published by the media, the majority of trafficking victims remain undetected which means that the legal cases under investigation are not many.

Human Trafficking and War Crimes Committed by Russian Authorities

Some cases of human trafficking committed during armed conflict may also constitute war crimes. In November 2017, the United Nations Security Council addressed the topic in Resolution 2388 and noted that.

trafficking in persons entails the violation or abuse of human rights and underscoring that certain acts or offences associated with trafficking in persons in the context of armed conflict may constitute war crimes.

It is difficult to identify those types of acts, but for example, recent potential abductions of Ukrainian children, considered as a form of human trafficking according to the UN protocol, may be identified as a war crime. Accordingly, on 22 February 2023, ICC judges issued arrest warrants against Vladimir Putin and the Commissioner for Children's Rights in the Office of the President of Russia, Maria Alekseyevna Lvova-Belova, considering that they were:

allegedly responsible for the war crime of unlawful deportation of population (children) and that of unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation.

In 2022 the Russian government established a large-scale system of at least forty-three children's camps in Russia and Crimea (most of which previously served as children's summer resorts) to integrate abducted children from Ukraine. Thousands of Ukrainian children have been kidnapped, handed over to Russian families, and forced into the pro-Russian re-education system. Some of them have been abducted from Ukrainian state-run institutions such as orphanages, group homes care homes, hospitals, and boarding schools. Sometimes, fleeing Ukrainian children were intercepted by pro-Russian forces at checkpoints who were then put on buses and taken into Russian-held territory. Because of these ongoing abductions, in 2023, a data collection system maintained by the Government of

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Ukraine indicates that so far, 19,505 children had been deported to Russia. While many of the children did come from orphanages and group homes, the authorities also took children whose relatives or guardians want them back. Ukrainian officials accuse Russia of perpetrating genocide while, in April 2023, the Council of Europe deemed the forced transfers of children as constituting an act of genocide.

Additionally, as we mentioned in this article, the recruitment of children as child soldiers constitutes a war crime. It is important to remind here that under the UN definition, a child soldier is “any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity”.

During the conflict in 2014, there were media reports that pro-Russian militias were using children aged between 15 and 18. Even though, for the moment, the use of child soldiers by Russian armed forces in Ukraine has not been proven, it may be existing. The US State Department talks about “uncorroborated reports” but doubts remain, and different allegations warn about potential cases.

Other cases of human trafficking including sexual violence may have been committed by Russian troops since 2022 in the context of the conflict and remain underreported. Russian troops are reportedly using sexual violence as a weapon of war in Ukraine, including cases of exploitation, and long terms detention. While the use of sex slaves and direct exploitation of detained women is not part of a Russian strategy, individual cases are sometimes reported and this exploitation is part of the violence committed by Russian armed forces in several civilian areas, affecting mainly children and women.

If we just look at the UN definition mentioned in this article, human trafficking is related, before all, to any form of exploitation dedicated to “*achieve the consent of a person having control on another person*”. According to this definition, it may include several war crimes currently committed by Russian forces in Ukraine including forced detention and several cases of rapes committed targeting Ukrainian women.

OHCHR's 35th report on Ukraine also mentioned individual cases of prolonged detention including sexual violence used as a tool used by Russian combatants to achieve their means and force prisoners to carry out specific tasks. Sexual violence and human trafficking in Ukraine are interlinked and may be considered war crimes.

Recent Initiatives and Upcoming Needs

IDPs and displaced persons

Recently, a UNODC assessment report mentioned how international cooperation is crucial for the protection of refugees and for the prevention of human trafficking in Ukraine. Several examples were indicated in this report including EU initiatives to address the risks of trafficking in human beings. It was also mentioned that several countries took immediate measures to reinforce security and facilitate prosecution. Measures were notably adopted to step up police patrolling and undercover operations in places such as train stations and reception centers, where displaced persons are at a high risk of exploitation.

Increasing assistance provided to IDPs in Ukraine is ongoing and may include more information campaigns, hotlines, and training of frontline workers. Such measures are rather crucial as border areas face several gaps including volunteers who have not received training to be able to identify security risks for women and girls. Understaffed refugee reception points could facilitate the presence of human traffickers thus this risk has been highlighted by human rights organizations.

Questions also remain regarding the need for legislative measures potentially necessary to convict traffickers and several states took legislative measures to prevent human trafficking of Ukrainian people. For example, Poland passed legislation to increase the penalties for traffickers during the time of armed conflict in Ukraine while other countries such as Spain implemented measures to better protect victims of trafficking.

Civil society organizations are also playing a major role, in helping Ukrainian refugees and limiting risks of human

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exploitation. In Sweden, some organizations took the initiative to ensure that private accommodation is safe by introducing mandatory background checks and training for hosts. We can also mention, the Centre for Women's Rights in Poland, dedicated to helping Ukrainian women and girls since the start of the war. In Ukraine local organizations are also contributing to the promotion of human rights and try to prevent human trafficking in the country, raising awareness of the local population in Odesa.

Finally, just as a symbol of the consideration of this threat for the Ukrainian people, on 5 May 2022, the European Parliament issued a resolution on the impact of the war in Ukraine on women. This resolution condemned human trafficking, sexual violence, exploitation, rape and abuse faced by women and children fleeing Ukraine. It notably called EU countries to address the specific needs of victims of such violence.

War crimes committed

In the future, additional initiatives are necessary to prevent human trafficking regarding the current internal situation in Ukraine. Regarding active Russian forces in Ukraine, Pramila Patten, the U.N.'s special representative on sexual violence in conflict said that in 2023 "*impunity remains the norm and justice and accountability is the rare exception*".

This is demonstrated by the inability of Ukrainian authorities and the international community to prevent potential abductions of Ukrainian children in Russian-controlled areas and identify several war crimes committed. The lack of presence and the difficulty to obtain information in Russian-controlled areas severely impede potential initiatives to prevent Russian authorities from committing such acts in Ukraine. In some parts of the country, the Russian military presence is now preventing external assistance and the provision of humanitarian aid. It probably means that the role of international authorities to limit the abduction of children and gender-based violence in Ukraine will mainly depend on the evolution of the conflict and the potential recovery of some territories by Ukrainian forces.

At least, for the moment the situation of child abductions in Ukraine is officially considered by the ICC and the Organization for Security and Co-Operation in Europe (OSCE) is formally investigating child abductions. At the same time, several initiatives have been taken by EU member states. For example, Poland already launched a joint initiative with the European Commission to trace Ukrainian children who have been abducted by Russia during the invasion of Ukraine. Several forms of human trafficking are potentially considered a war crime and need to be treated through the collection of evidence and the work of legal authorities. In the shorter term, the international community may also continue to provide assistance to equip the Ukrainian judicial system to investigate and prosecute international crimes such as forced displacements of Ukrainian children in accordance with international law and standards.

About the author:

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