HUMAN TRAFFICKING
IN THE UKRAINE CRISIS

REGIONAL ANTI-TRAFFICKING
TASK FORCE - MARCH 2023

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TABLE OF CONTENTS

ABSTRACT

A wide range of credible anti-trafficking stakeholders have raised serious concerns about the risks of trafficking in persons in the context of the Russian Federation's invasion of Ukraine. Anti-trafficking efforts have therefore been made since the beginning of the war. Nevertheless, despite the risks, no increase has been observed in the number of trafficked persons identified in Ukraine and the surrounding/host countries.

This research paper examines why this is the case by: reflecting on the insights of anti-trafficking experts involved in the regional refugee and humanitarian responses; surveying and assessing available data sources on trafficking in Ukraine and previous crisis responses; and examining the theoretical bases underpinning the expectation that trafficking in persons increases in crises and conflict settings.

It is found that early concerns on the risks of trafficking are theoretically grounded. While data and research is limited, it is likely that the swift and large-scale response prevented widespread vulnerability to trafficking in persons. However, specific conditions or circumstances – referred to here as residual risks – have likely not been adequately addressed, and vulnerabilities remain. Furthermore, while the response has likely contributed to prevention of wide-scale trafficking, as the full-scale war continues, people's displacement is becoming protracted and their coping capacities are being stretched. Therefore, their increasing "delayed vulnerability" may render them newly vulnerable to traffickers.

INTRODUCTION

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The war in Ukraine has caused widespread devastation. Over 8 million refugees from Ukraine have been recorded across Europe since 24 February 2022,[1] and up to 6.9 million people have been displaced within Ukraine.[2]

Of those who have fled the country, 90 per cent are estimated to be women and children. This is probably due to the Government of Ukraine mobilizing men between the ages of 18 and 65 years to serve in the military and restricting them from leaving the country.

Anti-trafficking actors have been vocal about the risks of trafficking since the early days of the war. This is based on pre-existing trafficking trends within the country and region, knowledge of trafficking in emergencies gleaned from previous crises and the specificities of this crisis. In particular, the large number of refugees and displaced populations and the widespread separation of families from husbands, partners and fathers, thus leading to a highly gendered displacement, may be contributing factors.

An anti-trafficking task force was established as part of the regional refugee response, under the auspices of the Protection Working Group. The purpose of this task force, co-chaired by the International Organization for Migration (IOM) and the United Nations Office on Drugs and Crime (UNODC), is to: (a) facilitate the compilation and sharing within the task force of situational information and evidence on risks of trafficking among the refugee population, based on protection monitoring, (b) support effective and coordinated action of partners involved in anti-trafficking responses at country and regional level, in support of hosting countries' efforts, and (c) provide practical recommendations and advice at the operational level to inform responses to identify, prevent, address and respond to risks and incidents of trafficking in persons, with a focus on ensuring respect for the rights of survivors and people at risk.

This research paper is a contribution to the work of the anti-trafficking task force. In particular, it aims to examine:

- The hypothesized risk factors that increase an individual's vulnerability to trafficking;
- The hypothesized risk factors that increase an individual's vulnerability to trafficking within a crisis or conflict setting;
- The extent to which these risk factors are or were present in the Ukraine crisis, if any new risk factors have been identified and if new risk factors are expected to emerge in the future;
- If there are known cases of Ukrainian refugees and displaced people having been trafficked, and what, if anything, has been learned about potential traffickers and trafficked persons;
- What protection responses to mitigate the risks of trafficking have been implemented and what their potential impacts may have been.

This paper is an early effort to examine trafficking dynamics in the Ukraine crisis. Given the realities of conflict, trafficking and humanitarian responses, it is expected that the trafficking situation will change and evolve.

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1 As of February 2023; United Nations Refugee Agency, Ukraine emergency. January 2023. Available at www.unhcr.org/ukraine-emergency.html.

2 This figure is from the IOM Displacement Tracking Matrix report from 23 August 2022. Since that time, the number of internally displaced persons (IDPs) has decreased steadily; as of 23 January 2023, there were 5.4 million IDPs displaced across Ukraine. IOM, *Ukraine Internal Displacement Report: General Population Survey. Round 12: 23 January 2023* (Geneva, 2023). IOM, Ukraine. January 2023. Available at https://dtm.iom.int/ukraine.

METHODOLOGY

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Scope

This paper looks at trafficking in persons in conflict in general, and specifically in the context of the Ukraine crisis. It relies exclusively on existing available material and the experience and knowledge of interviewed experts and practitioners. It is not an attempt at gathering independent data or obtaining independent numbers around cases of trafficking or other types of exploitation, nor does it attempt to verify existing data. It does not consider conscription, disappearances or other similar issues.

The aim was to gather and represent previous findings from particularly United Nations entities and non-governmental organizations (NGOs) present in conflict situations, and impressions from actors operating in Ukraine after a year of war. The process of writing did not include fact finding, gathering independent data, extensive academic research and or/ verification of findings from previous conflicts. The paper is thus not a critical analysis of previous findings or reports from previous conflicts, but it uses these as a comparative basis for what appears to be differences between those and the Ukraine crisis.

Overview of existing material

The paper overviews some existing material related to trafficking in persons during crises and armed conflicts to understand what data, information and experience exist. It discusses what questions may be useful in the future to obtain better and more accurate quantitative and qualitative data. It also aims to identify how and in what ways the Ukraine crisis may differ from other experiences where there was a perceived increase in trafficking cases during or after a crisis and armed conflict.

Interviews

For the preparation of this paper, interviews were conducted with 16 practitioners and representatives from relevant United Nations agencies, NGOs and international organizations working either as subject matter experts in headquarters, regional offices and the like, and those present on the ground in Ukraine and/or neighbouring countries.

The interview pool focused on respondents with first-hand experience and/or thematic knowledge at senior level. The interviews were semi-structured around a set of questions (given in the annex) focusing on evidence for or against an increase in presumed or confirmed cases of trafficking in persons, and the reasons why the increase has or has not happened. Interviews took place during the first 2 weeks of December 2022 and were conducted mainly via videoconferences.

Questions

The following questions were investigated during preparation of this paper:

- What are typically considered to be the risk factors that make people vulnerable to trafficking in times of conflict?
    - What constitutes and/or enhances vulnerabilities?
    - What, if any, are the added or specific risk factors in times of crisis or armed conflict?
- What are the current sources of data on trafficking in persons in the Ukraine crisis? What are their strengths and weaknesses?

- Has an increase or decrease in the number of reported or identified trafficking in persons been observed since 24 February 2022?
- If no increase has been observed, is it possible that the number of trafficking cases has actually increased but that current methods of identification have not captured that?
- Is the understanding and presumption that trafficking increases in times of conflict evidence based? If so, why does the Ukraine crisis seem to be different from other crises?
- If there is a general basis for expecting that trafficking in persons increases during a conflict, but no increase has yet been observed in Ukraine, then what could be the reasons why?
- What is known, or what are the expectations, about the time frame in which trafficking in persons may increase as a result of crisis and armed conflict in general?
    - What is known or expected about potential time frames to observe changes in trafficking in persons due to crisis and armed conflict?
    - Is trafficking in persons expected to increase immediately (in the following days or weeks) following the start of a crisis or armed conflict?
    - Is trafficking in persons expected to increase in the longer term (in the following months or years) after the start of a crisis or armed conflict?
- Vulnerabilities may change over time, as can risk factors and an individual's resilience. People who have fled the crisis may lose their social resources and access to income, and therefore become more vulnerable at a subsequent stage. Should this be factored in when the number of cases caused by the conflict is discussed? If so, how can it be reflected that it is not an immediate direct effect?
- Are all forms of trafficking expected to:
    - Occur immediately and/or longer-term after the start of a crisis or armed conflict ? Why or why not?
    - Be observed immediately and/or longer-term after the start of a crisis and armed conflict? Why or why not?
- Are all forms of trafficking in persons given the same amount of attention, or has there been a focus on one specific form of trafficking, such as trafficking for the purposes of sexual exploitation?
- What can be done better and what is lacking in current understanding? How can more evidence-based responses be ensured for the future?

VULNERABILITY TO AND RISKS OF TRAFFICKING IN PERSONS

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The concept of vulnerability can be understood to mean that some people are more susceptible to harm, relative to others, as a result of exposure to some form of risk. The type of harm to which they are more susceptible varies: it may be psychological, physical, environmental and so forth. Risk factors depend on the type of harm being examined, and may or may not overlap.[3]

Vulnerability encompasses different factors – personal, situational and contextual – that interact and which may increase the risks of trafficking for certain individuals, groups and/or communities. Personal vulnerability factors are traits that are inherent to each individual, such as age, sex, gender, ability, disability, ethnicity or sexual orientation. A personal characteristic should not be understood as a vulnerability in itself, but it may become a vulnerability factor when it interacts with other personal, contextual and situational factors, thus increasing the risks of being trafficked. Situational vulnerability factors relate to temporary challenges that negatively affect the situation of a person in a specific period and in a specific context (unlike personal vulnerability factors, which are of a more permanent nature). Contextual vulnerability factors relate to the influence of the external environment and structural elements that negatively affect a person's circumstances. These may be the result of a policy; for example not granting the right to work to people with certain types of migration or other legal status, or the promotion of social norms that implicitly fuel racism towards minority groups.

Armed conflicts or other types of humanitarian crises – including those related to climate change – also often act as catalysts for increased vulnerability. More specifically, in crisis situations, contextual vulnerability factors stem from: widespread human, material and economic losses caused by crises; hampered abilities of families and communities to provide for their basic needs; limited options to seek domestic or international protection safely and regularly; erosion of the rule of law; and the breakdown of social safety nets and other social protection systems.[4]

Evidence illustrates a variety of factors can intersect to enhance the risks of being targeted and recruited by traffickers. These include poverty, marginalization due to social identity, financial exclusion, irregular migration status, low educational background, mental and physical disabilities, and dysfunctional family environments.[5] Furthermore, environmental disasters and impacts of climate change, armed conflicts, displacements, economic recessions, and health, humanitarian and other crises also notably contribute to increasing the vulnerability of individuals to trafficking – especially where these are connected to erosion of the rule of law or a sharp increase in unemployment rates or where social safety nets are disrupted. Against this background, it is apparent that understanding vulnerability is relevant in responding to and preventing the crime of trafficking in persons.[6]

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3 IOM, *IOM Handbook on Protection and Assistance to Migrants Vulnerable to Violence, Exploitation and Abuse* (Geneva, 2019).

4 Inter-Agency Coordination Group against Trafficking in Persons, Addressing vulnerability to trafficking in persons. *Issue Brief*, 12 (2022).

5 Ibid.

6 Ibid.

Heightened vulnerability and increased risks

Understanding the factors that can lead to heightened vulnerability and exposure to trafficking can improve the ability to identify (potential) victims of trafficking and develop strategies to prevent and respond to this crime more effectively.

Vulnerability refers to the relative condition of a person in a specific context. A response to vulnerability therefore needs to consider the external conditions of an individual and the coping mechanisms that enable the individual to protect themselves against a negative impact from those external conditions.

Since its 2017 debates on trafficking in persons, the United Nations Security Council has examined on several occasions the severity of human trafficking in conflict and post-conflict situations and the nexus between terrorism and trafficking in persons. Examples include the debate on the maintenance of international peace and security,[7] the debate on children and armed conflict[8] and the United Nations Secretary-General's report on instances of conflict-related sexual violence that encompass trafficking in persons when committed in situations of conflict for the purpose of sexual violence or exploitation.[9]

One of the features that characterizes trafficking in persons during an armed conflict is that it takes place in the context of high levels of violence and coercion. In conflict situations, traffickers can operate with even less fear of consequences than in peacetime. In environments marked by high levels of violence and abuse, the more frequently reported forms of trafficking in persons include trafficking for sexual exploitation, sexual slavery, forced marriage, forced labour and the recruitment of children into armed groups.[10]

A combination of elements inherent to armed conflicts would logically be seen as increasing the risks of trafficking. Armed conflicts amplify the social and economic vulnerabilities of the people affected. In addition, erosion of the rule of law, which safeguards and protects individuals in peacetime, is a common consequence of armed conflict. The breakdown of State institutions and resulting impunity contribute to generating an environment where trafficking in persons can thrive.

Risks related to trafficking in persons in conflict

Trafficking in persons is directly related to armed conflict when it is part of the violence and hostilities perpetrated by parties to the conflict. This encompasses human trafficking in the areas where hostilities are taking place and perpetrated by armed groups or other actors involved in hostilities.

Trafficking in persons is indirectly related to armed conflict when traffickers are targeting victims who are in vulnerable situations due to the conflict. Examples include in postconflict societies, people fleeing conflict or communities living at the margins of the conflict. Trafficking may thus be indirectly related to the crisis, such as displaced populations being targeted or intercepted while fleeing the crisis or trafficked at their destination for domestic servitude, forced labour or sexual exploitation.

People living in areas affected by armed conflict may be vulnerable to trafficking in persons in different and mixed ways, often reflecting their sex and age profiles. With the eruption or escalation of armed conflict, people are forced to flee or find coping mechanisms to tackle heightened levels of insecurity. Being forcibly displaced or discriminated against for ethnic, religious or political reasons are some of the factors that typically increase the risks of being trafficked. The fragmentation of social structures and families is a consequence of armed conflict. Such fragmentation erodes support networks and subsequently renders individuals more vulnerable to trafficking and potential revictimization.[11]

Furthermore, conflict tends to fuel impunity, the breakdown of law and order, and the destruction of institutions and communities. This fosters conditions within which trafficking can flourish, often beyond the point when hostilities have ceased. The lack of access to safe and legal migration options forces many persons fleeing conflict to use the services of illegal facilitators. This increases their exposure to exploitation, including trafficking.

Examples of previous experience and evidence from other conflicts

The United States of America *2021 Trafficking in Persons Report (TIP Report): Syria* identified high vulnerability to trafficking among the Syrian refugee population in neighbouring countries, particularly Iraq, Jordan, Lebanon and Türkiye, thus linking, or at least identifying a link, between vulnerability to trafficking and displacement due to the conflict.[12]

According to the TIP report, "international organizations reported a high number of child and early marriages of Syrian

7   United Nations, Security Council, Provisional 8114th meeting (S/PV.8114 of 28 November 2018) .

8   United Nations, Security Council, Provisional 8305th meeting (S/PV.8305 of 9 July 2018).

9   United Nations, Security Council, Report of the Secretary-General on conflict-related sexual violence (S/2018/250 of 23 March 2018).

10   United Nations Office on Drugs and Crime (UNODC), Global Report on Trafficking in Persons 2018 (Vienna, 2018).

11   UNODC, Trafficking in Persons in the Context of Armed Conflict 2018 (Vienna, 2018).

12   United States of America, Department of State, 2021 Trafficking in Persons Report: Syria (2021).

girls among refugee populations, which increases their vulnerability to trafficking. Syrian refugee women and girls were also vulnerable to forced or "temporary marriages" – for the purpose of commercial sex and other forms of exploitation – and other forms of sex trafficking in refugee camps in Jordan, Lebanon and cities in the Iraqi Kurdistan Region, including Sulaimaniya. Illicit prostitution rings in Lebanon and Türkiye compel Syrian refugee women and girls into sex trafficking. In Türkiye, some female Syrian refugees are reportedly exploited in sex or labour trafficking after accepting fraudulent job offers to work in hair salons, modelling, entertainment or domestic situations. In Jordan, Lebanon and Türkiye, Syrian refugee children continue to engage in street begging or peddling goods, some of which may be forced or coerced. Syrian children are also observed working in the agricultural sector in Türkiye and informally in textile workshops and the service sector, where they experience long working hours, low wages and poor working conditions; children in these sectors may be vulnerable to forced labour. In Jordan and Lebanon, traffickers force Syrian refugee children to work in agriculture alongside their families. In the Bekaa Valley in Lebanon, Syrian gangs force refugee adults and children to work in agriculture under harsh conditions, including physical abuse, with little to no pay. People with diverse gender identities among the Syrian refugee population in Lebanon are reportedly vulnerable to sex trafficking".[13]

The TIP report also linked cases of trafficking to the ongoing conflict stating that "over the past five years, human traffickers exploit domestic and foreign victims in Syria, and traffickers exploit Syrian victims abroad. The situation in Syria continues to deteriorate amid the ongoing conflict with sub-state armed groups of varying ideologies exerting control over wide geographic swaths of the country's territory. As of December 2020, human rights groups and international organizations estimate between 220,000 and 550,000 people have been killed since the beginning of protests against the Bashar al-Assad regime in March 2011. This vast discrepancy is due in large part to the number of missing and disappeared Syrians whose fates remained unknown. More than half of Syria's pre-war population of 23 million has been displaced; as of September 2020, the UN High Commissioner for Refugees reported there were 6.6 million IDPs [internally displaced persons], 2.6 million of whom were children, and more than 5.5 million Syrian-registered refugees outside the country. Syrians that remain displaced in the country and those living as refugees in neighbouring countries are extremely vulnerable to traffickers."[14]

A study of trafficking cases in the Syrian conflict conducted by the International Centre for Migration Policy Development in 2016 concluded that in most of the cases, trafficking was not a cross-border phenomenon related to the migratory movement itself, although cross-border trafficking was present in some cases. Rather, the trafficking process commonly began when victims were already displaced, targeting their vulnerability. The war and displacement have also caused added vulnerability for migrants and refugees who were in the Syrian Arab Republic when the war broke out, including Iraqi and Palestinian refugees, and domestic workers from East Africa and South-East Asia. The research showed there is need for a paradigm shift in how trafficking, refugee, migration and child protection policy are viewed in terms of access to protection. While policymakers and practitioners might see themselves as working in distinct fields, on specific topics, the human beings in need of protection do not always fall under one single, clear-cut category. The research concluded that there must be concentrated efforts to provide access to basic needs and safety for people displaced from and within the Syrian Arab Republic.[15]

The IOM *Addressing Human Trafficking and Exploitation in Times of Crisis* report from 2015 discusses specific cases of previous/ongoing conflicts.[16] One of these was the Libya crisis. At that time, by January 2015, it was estimated that 400,000 individuals had been forcibly displaced since the outbreak of hostilities in 2011, that at least 2 million people were affected by the conflict and that hundreds of thousands of Libyans had sought refuge in neighbouring Tunisia. In addition, migrant workers, irregular migrants, asylum-seekers and refugees had been subjected to trafficking and exploitation.

Trafficking took place in Libya before 2011, although less frequently and more covertly, partially due to the severe punishment for being caught. The erosion of the rule of law created a state of impunity, where traffickers acted without fear of arrest or condemnation. Militias and armed groups broadly took control of human trafficking activities related to migrants, asylum-seekers and refugees. They infiltrated government-run detention centres, thereby further abusing migrant vulnerability.[17] Asylum-seekers, refugees, labour migrants and irregular migrants transiting through Libya were considered to have been the most vulnerable migrants to fall victim to trafficking, and a main target for traffickers.

The report identified that traffickers took advantage of vulnerabilities caused by irregular migration status in Libya. The forms of exploitation faced by migrants in Libya were identified as "numerous" and included: "forced labour intended for private

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13 Ibid.

14 Ibid.

15 International Centre for Migration Policy Development, How are the war in Syria and the refugee crisis affecting human trafficking? Policy Brief, January 2016. Available at https://www.icmpd.org/news/archive/new-research-how-are-the-war-in-syria-and-the-refugee-crisis-affecting-human-trafficking.

16 IOM, Addressing Human Trafficking and Exploitation in Times of Crisis: Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations (Geneva, 2015).

17 IOM, Addressing Human Trafficking and Exploitation in Times of Crisis.

companies, individuals and households (domestic and agricultural work), Libyan officials, criminal networks, armed groups and militias; exploitation related to sexual and gender-based violence, including sexual exploitation of women; rape and sexual violence related to the conflict[18]; and extortion of money/racketeering through the use of so-called 'torture camps".[19]

In the case of the crisis in the Syrian Arab Republic, the same report concluded that the protracted nature of the conflict was affecting host communities and migrant workers in neighbouring countries. The Syrian conflict led to heightened vulnerabilities of many groups. To cope with the situation, and constrained by the lack of opportunities, many families and individuals adopted risky behaviours and coping mechanisms. These often resulted in exploitation and trafficking inside the Syrian Arab Republic and in neighbouring countries that hosted Syrians. Families reportedly resorted to practices such as forced early marriage as a "protective" coping mechanism, and it was further documented in Syrian communities in Jordan that "existing trends in early marriage within this community have certainly been influenced by the current crisis, but are strongly rooted in traditional and primarily rural practices that originate in Syria".

Hence, a combination of factors – historically accepted ones and those related to crisis – create important risk factors for exploitation and potential trafficking. Suspicions of labour exploitation especially related to the informal sector have been reported to IOM in the region outside the Syrian Arab Republic. Because of the increased pressure on the labour market, employers decreased wages, and refugees were forced to accept exploitative practices such as longer working hours and lower salaries. Coercive measures were also most likely to be adopted in the informal sector.[20]

A 2018 UNODC report concluded that "persons forced to flee conflict or otherwise displaced are particularly vulnerable to forced labour or related services".[21] For instance, "while fleeing their country, members of the Rohingya Muslim minority population have been trafficked into forced or bonded labour or held captive in countries of South-East Asia until their families pay ransoms. Syrian refugees fleeing conflict have been trafficked into labour in agriculture, industry, manufacturing, catering and other sectors in States neighbouring the Syrian Arab Republic."[22] The same UNODC report referred to instances referred to Security General Reports documenting when migrant workers, having fallen prey to deceptive and fraudulent recruitment practices, have been trafficked into conflict zones in situations amounting to forced labour, including, for example, cases in which South Asians have been deceptively recruited into conflict areas in the Middle East.[23]

Such practices have sometimes been used by private contractors engaged by States and their military forces to recruit migrant workers to support large-scale military operations.[24] In Myanmar, a worsening security situation and overcrowded camps have increased the risk of internally displaced persons (IDPs) along border areas crossing international borders without legal status and subsequently falling victim to sexual exploitation or forced labour.[25]

The UNODC *Global Report on Trafficking in Persons 2022* finds that conflicts increase the number of trafficking victims inside and outside the crisis-affected area. It suggests that Member States and international organizations take steps to reduce vulnerability to trafficking within conflict areas by: (a) ensuring safe access to essential services and humanitarian support for affected populations, (b) systematic integration of counter-trafficking measures in emergency humanitarian assistance for displaced populations and (c) extending humanitarian support and durable protection measures to all populations fleeing from countries in conflict.[26]

The 2016 United States *Trafficking in Persons Report* concluded armed conflict amplifies the risks of human trafficking for vulnerable populations by increasing economic desperation, weakening the rule of law, decreasing the availability of social services and forcing people to flee for their safety.[27] Armed conflict often results in broken governments, judicial systems, job markets and community support structures that would normally offer citizens protection from disasters and crime, including human trafficking. Many contributing factors, such as high unemployment rates, homelessness, limited social services and weak law enforcement oversight, are amplified in conflict zones and manipulated by traffickers. Without formal options and services to maintain their livelihoods, people are more likely to resort to illicit activities or risky, informal means to survive – sectors in which traffickers thrive. During armed conflicts, governments redirect existing resources to respond to the imminent crisis, with a resulting loss in facilities and personnel for peacetime governmental services. This exacerbates existing

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18 Ibid.

19 Ibid.

20 Ibid.

21 UNODC, Countering Trafficking in Persons in Conflict Situations (Vienna, 2018).

22 United Nations, General Assembly, Note by the Secretary-General on trafficking in persons, especially women and children (A/71/303 of 5 August 2016).

23 United Nations, Security Council, Report of the Secretary-General on the implementation of measures to counter trafficking in persons (S/2016/949 of 10 November 2016).

24   United Nations, General Assembly, Note by the Secretary-General on trafficking in persons, especially women and children (A/71/303 of 5 August 2016).

25 Ibid.

26 UNODC, Global Report on Trafficking in Persons 2022 (Vienna, 2022).

27 United States, Department of State, Trafficking in Persons Report June 2016 (2016).

limitations and creates new gaps in a government's structures to protect and provide for its citizens. Some militias use human trafficking to generate income and obtain new combatants. The national and civil disorder caused by such conflicts make trafficker recruitment tactics – including false offers of jobs, shelter or education – more enticing to vulnerable populations.

In 2010, a policy brief published by the Institute for Security & Development Policy concluded that the impact of conflicts on human trafficking is extensive and widespread. Human trafficking has been connected to conflicts in almost all regions of the world. The situation was at the moment of writing reported as alarming in countries like Afghanistan, Cambodia and the Democratic Republic of the Congo, as well as in the Balkans and Latin America. Criminal gangs were identified as the main perpetrators in Latin America; independent militias were identified as being often responsible in African conflicts, while organized criminal groups operated in Asia and Europe.[28]

The examination of evidence from previous conflicts carried out for this paper is not exhaustive nor does it cover all the data and relevant conflicts globally. Nevertheless, there appear to be ample examples from previous crises (conflicts and other humanitarian crises) that show the breakdown of the rule of law exacerbates existing vulnerabilities and that a general situation of widespread violence and breakdown of support systems increases the risks to trafficking and individual and group vulnerabilities. Hence, the number of cases of trafficking increases. Several factors such as a State's capacity to continue to function seem to have an influence on resilience and thus the number of cases reported.

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28 Institute for Security & Development Policy, Human trafficking and conflict. Policy Brief, No 49, 15 December 2010.

VULNERABILITY AND RISK FACTORS OF TRAFFICKING IN THE UKRAINE CRISIS

A steady stream of people fleeing conflict pick up supplies from the Save the Children istribution. © Save The Children

As the UNODC *Trafficking in Persons in the Context of Armed Conflict 2018*[29] report highlights, there are at least four key factors associated with conflict and an increased vulnerability to human trafficking, including:

- State collapse, deteriorating rule of law and impunity;
- Forced displacement;
- Humanitarian need and socioeconomic stress;
- Social fragmentation and family breakdown.

This section examines each of these factors within the context of the Ukraine crisis and the impact they may have had on the presence or absence of trafficking in persons to date.

State collapse, deteriorating rule of law and impunity

Conflict weakens vital social and institutional structures, thus increasing the risks of trafficking in persons and the sizes of vulnerable populations. Nevertheless, in the Ukraine crisis, State institutions have remained functional. This may have been a potential factor preventing the initial spike in trafficking in persons from and within the country. The State infrastructure remains in place to address the issues around trafficking in persons, which also allows for NGOs and other non-State actors to continue their work to raise awareness and provide assistance.

Unlike in many other current and recent conflicts that involved fighting among national forces, the State in Ukraine remains intact, and there is clarity in "who the State is and who has State responsibility". Moreover, Ukraine is seeking to expand and improve its State institutions as part of its aim to join the European Union, in an effort to align as much and as quickly as possible with the European Union requirements, including on human rights and anti-trafficking obligations.

There is no internal conflict among national forces. The State has not devolved into waring internal factors, and remains united against external forces. This makes the delineation of "who is the State and who has State responsibility" much less complicated than in some other current and recent conflicts.

Furthermore, there is evidence that anti-trafficking programmes remain in place in Ukraine, and have adapted to address risks in a crisis and armed conflict setting. Numerous respondents indicated that State institutions, for example the labour inspectorate, have continued working on prevention of trafficking in persons, including the development and distribution of information materials. Some existing programmes implemented by governmental and non-governmental actors addressing forced labour and work health and safety were reported to be "repurposed" to address the dangers of exploitation and trafficking in the conflict context.

Overall it appears that the first factor – State collapse – has not occurred in Ukraine and that there is movement in the opposite direction, with the State aiming to improve its institutions and align with human rights and other standards. Furthermore,

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29 UNODC, *Trafficking in Persons in the Context of Armed Conflict 2018*.

there is evidence that specific anti-trafficking programmes and the functioning of dedicated counter-trafficking bodies, including specialized police units, remain in place and have adapted to address risks in a crisis and armed conflict setting.

Forced displacement

Over 8 million refugees have been recorded across Europe since 24 February 2022,[30] and nearly 7 million people have experienced displacement within Ukraine.[31] Forced displacement has occurred on a massive scale, mainly for women and children. Furthermore, much of this displacement is becoming protracted. As of 23 January 2023, IOM estimated that 5.4 million people remained displaced within Ukraine, and that 58 per cent of all IDPs in the country had been displaced for 6 months or more.[32] Conditions for safe and dignified return to Ukraine are not yet in place, given the continued armed conflict.

Many European countries have taken initiatives to accommodate refugees from Ukraine and implemented protection measures. On 2 March 2022, the European Commission proposed activation of the Temporary Protection Directive (TPD) to offer rapid, effective assistance to people fleeing the full-scale Russian invasion. Under this proposal, temporary protection was granted to people from Ukraine arriving in the European Union, with immediate access to residence permits, education and the labour market. The European Commission also put forward operational guidelines to help national border guards to efficiently manage arrivals at the borders with Ukraine. The Council of the European Union (Justice and Home Affairs) unanimously approved the TPD on 4 March 2022. The European Union also adopted the 10 Point Action Plan to better coordinate European Union actions for welcoming people fleeing the war in Ukraine and the European Union Anti-Trafficking Plan to protect people fleeing the war in Ukraine.

Such a swift establishment and implementation of a humanitarian and protective refugee response by the European Union was unprecedented.[33] Refugees from Ukraine do not have to go through lengthy asylum procedures, nor are they subject to the Dublin III Regulation,[34] under which refugees must apply for protection in the member State where they entered the European Union. Rather, they are able to access visa-free travel to the EU and to other European countries. Governments, with the support of international actors, humanitarian partners, local civil society organizations and thousands of individuals and volunteers, started to quickly provide assistance and increase reception capacity.

Refugees have been provided with humanitarian support, food, accommodation, transportation, and access to other basic services and support. Protection mechanisms to strengthen the identification and provision of support to the most vulnerable refugees have been set up and communication campaigns strengthened to ensure refugees have access to critical information. Refugees have also been provided with mental health and psychosocial support, and cash assistance. The relocation of refugees, to reduce pressure on several neighbouring countries, in particular Poland, the Republic of Moldova and Romania, was also rapidly organized. Respondents in these countries confirmed that many refugees had moved on to other European countries.[35]

It is clear that the second factor associated with an increase in trafficking in a conflict context – forced displacement – is very much present in Ukraine. However, a swift response to this displacement has occurred. Refugees and persons fleeing the country had almost immediate access to regular mobility pathways – including freedom of movement into and within European Union countries – and to protection and assistance services. Respondents consistently identified this as a reason why cases of trafficking did not immediately increase as much or as drastically as first expected.

Humanitarian need and socioeconomic stress

In Ukraine, people are facing severe humanitarian needs and socioeconomic stress. According to the United Nations Office for the Coordination of Humanitarian Affairs, the "intense military escalation has resulted in loss of life, injuries, and mass movement and displacement of civilian population throughout the country and to neighbouring countries, as well as severe destruction and damage to civilian infrastructure and residential housing. Public service provision - water, electricity, heating and emergency health and social services - is under severe pressure, and people's access to health care continue to be limited by growing insecurity and shrinking humanitarian space. The ongoing armed violence and rapidly deteriorating security environment throughout the country has put hundreds of thousands of people's lives at risk. The expansion of the conflict is projected to deepen and expand humanitarian needs among millions of Ukrainians and other community members. It is also exacerbating human suffering in eastern Ukraine, an area which has already been exposed to eight years of armed conflict, isolation of communities, deteriorating infrastructure, multiple movement restrictions, high levels of landmine and unexploded ordnance-

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30 United Nations Refugee Agency, Ukraine emergency. January 2023. Available at https://www.unhcr.org/ukraine-emergency.html.

31 IOM, *Ukraine Internal Displacement Report: General Population Survey. Round 12: 23 January 2023.*

32 Ibid.

33 Sarah Sschlaeger, *6 Takeaways on Europe's Protection Challenge: Preparing for the Next Stage.* Vienna Migration Conference 2022. Available at https://www.icmpd.org/file/download/58309/file/VMC2022%2520Berlin%2520Takeaways%2520%2528v.3%2529.pdf.

34 As per Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the member State responsible for examining an application for international protection lodged in one of the member States by a third-country national or a stateless person (recast), OJ 2013 L 180/31 of 29 June 2013.

35 Suzanne Hoff and Eefje de Volder, *Preventing Human Trafficking of Refugees from Ukraine: A Rapid Assessment of Risks and Gaps in the Anti-Trafficking Response* (La Strada and The Freedom Fund, 2022).

contamination, and the impact of COVID-19. In these conflict-affected oblasts, some 2.9 million people were already in need of humanitarian assistance prior to the latest escalation in violence."[36]

The International Labour Organization (ILO) has estimated that 2.4 million jobs were lost in Ukraine in 2022. This is a downward revision from earlier estimates of 4.8 million jobs lost, reflecting a partial, modest and highly fragile labour-market recovery. The ILO further notes that as the war continues, more Ukrainians could lose their jobs and millions could be pushed into poverty, which could offset the country's development efforts.[37]

While over a third of refugees from Ukraine are working, most are employed at a lower level than previously, with a higher prevalence among women than men. Many are working in low-skilled jobs, and a small but considerable percentage is working in the informal sector, potentially linked to information gaps on accessing the labour market. Over one fifth of refugees are unemployed and actively looking for work opportunities. Although childcare has been identified as a barrier for accessing employment, limited knowledge of the local language, skills mismatches, difficulties in skills recognition and lack of decent work opportunities are prevalent.[38]

Outside of Ukraine, UNODC research found that certain factors have helped Ukrainians avoid making hasty decisions about their next steps, which is a major source of resilience to trafficking in persons. These factors include ability to travel through Europe regularly, quickly, safely and cheaply (or for free); access to employment (although in reality this has been challenging); access to social services and housing/accommodation; and clarify on the duration of temporary protection – initially one year but since extended. .[39] However, criminal networks operating between Ukraine and countries in Central Asia and Europe[40] may take advantage of people separated from their support networks and with an acute need to identify alternative methods of income generation. UNODC research has found that economic need is one of the most often identified vulnerability factors for trafficking in persons.[41]

However, there is an overwhelming agreement among actors who have contributed to this paper that as time passes and people remain displaced for longer, savings run out, and access to housing and labour becomes more difficult, there may be a "delayed vulnerability". This may lead to cases of exploitation and/or trafficking. It is therefore crucial that protection and assistance do not diminish, and that this danger is kept in mind by all actors, including labour inspectors and law enforcement in destination countries. In this context, there is also a need to speed up the verification of professional qualifications and recognition of diplomas of refugees by national authorities, to enhance prevention of vulnerabilities and reduction of risks.

This third factor is also present in Ukraine. Although there have been efforts to address them, significant humanitarian needs and socioeconomic stresses remain.

Social fragmentation and family breakdown

As noted by Human Rights Watch, "Russia's full-scale invasion of Ukraine on February 24 and the ensuing war had a disastrous impact on civilians, civilian property and energy infrastructure, and overshadowed all other human rights concerns in the country. Russian forces committed a litany of violations of international humanitarian law, including indiscriminate and disproportionate bombing and shelling of civilian areas that hit homes and healthcare and educational facilities. In areas they occupied, Russian or Russian-affiliated forces committed apparent war crimes, including torture, summary executions, sexual violence, and enforced disappearances. Those who attempted to flee areas of fighting faced terrifying ordeals and numerous obstacles; in some cases, Russian forces forcibly transferred significant numbers of Ukrainians to Russia or Russian-occupied areas of Ukraine and subjected many to abusive security screenings."[42]

In addition, women, children and the elderly are separated from husbands, partners and fathers – inside and outside Ukraine – due to the participation of men in the national defence. When the full-scale invasion began, families had difficult conversations and even harder decisions about who would stay behind and who would flee. Consequently, many older persons and men between the ages of 18 and 65 years stayed, while other family members fled to other parts of Ukraine or other countries. Families who sought refuge abroad might have split again, with some of them staying in the place of refuge and others returning to Ukraine, not always to the place of origin.

36 United Nations Office for the Coordination of Humanitarian Affairs, Ukraine Flash Appeal Available at https://ukraine.un.org/en/174703-ukraine-flash-appeal.

37 International Labour Organization, ILO response to the Ukraine crisis. November 2022. Available at https://www.ilo.org/budapest/what-we-do/projects/ukraine-crisis/lang--en/index.htm.

38 United Nations Refugee Agency, Lives on Hold: Intentions and Perspectives of Refugees from Ukraine (Geneva, 2023).

39 UNODC, Conflict in Ukraine: Key Evidence on Risks of Trafficking in Persons and Smuggling of Migrants.

40 Other routes may also be used, but were not specifically mentioned during the interviews conducted, as this paper focuses on the more immediate refugee response.

41 UNODC, Conflict in Ukraine: Key Evidence on Risks of Trafficking in Persons and Smuggling of Migrants. UNODC, Global Report on Trafficking in Persons 2020 (Vienna, 2020). https://ukraine.iom.int/sites/g/files/tmzbdl1861/files/documents/Survey%20results_ENG_web.pdf

42 Human Rights Watch, Ukraine: Events of 2022. n.d. Available at https://www.hrw.org/world-report/2023/country-chapters/ukraine.

The impacts of the invasion on society and family structure are profound, resulting in social fragmentation and family breakdown. This fourth factor is therefore evident in the Ukraine crisis.

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ADDITIONAL FACTORS IN UKRAINE

Existing programmes and awareness

Before the war, according to data collected by partners of the Counter-Trafficking Data Collaborative from 2002 to 2021, the most frequently occurring citizenship among victims of trafficking exploited in the Russian Federation and in Poland was Ukrainian. Of the 11,210 trafficking victims identified in the Russian Federation, 63 per cent were Ukrainian citizens. Of the 2,460 trafficking victims identified in Poland, 86 per cent were Ukrainian citizens. It was therefore not unreasonable to think that full-scale war would make the Ukrainian population even more vulnerable to trafficking due to pre-existing trafficking dynamics. It was also important to consider the impact of 20 years of counter-trafficking programming on levels of awareness of the phenomenon and the dangers among the population, civil society and government.

The existing awareness and the work done by actors, international, national and United Nations organizations and NGOs, as well as State entities, over the past decade or more has been highlighted numerous times as a factor that has influenced the numbers of trafficking cases once the war began. This is in terms of existing awareness among the population, in terms of programmes and projects already in place that could be and were repurposed or intensified or slightly modified, and also in terms of the capacity of actors already present to address this specific issue.

Response to risks

A significant number of policy and programmatic responses have been established since Russia's invasion of Ukraine. Some of these have been in neighbouring countries and centred around assistance and thus protection of individuals. This included through the legal framework that allowed for regular movement into neighbouring countries, but also direct assistance that responded to the immediate humanitarian needs of those displaced. Other responses have focused on preventing trafficking through targeted awareness-raising activities, on supporting access to the labour market for refugees, on continuing or expanding social protection and social welfare schemes, and on supporting capacity of law enforcement to detect and investigate trafficking. This section highlights some of these efforts, focusing on the traditional "3P" paradigm often used in anti-trafficking programming.

Prevention activities

Prevention in settings affected by conflict requires measures to reduce the demand for exploitative labour and services, particularly as conflict disrupts or depletes the regular workforce. Prevention measures can also include raising awareness of the risks of trafficking and other forms of exploitation. Messages must be targeted and actionable. People receive no benefit from being told that smuggling situations can descend into trafficking when they are in situations in which they have no choice but to use the services of smugglers to flee conflict.[43]

The prevention activities in Ukraine could be divided into what has happened since February 2022 and what happened before. Existing programmes around prevention of trafficking by, for example, raising awareness on trafficking and on

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43 UNODC, *Countering Trafficking in Persons in Conflict Situations*.

improving compliance to labour standards in the country, were already ongoing at the onset of this current phase of the war. Respondents considered that this had a positive impact on the response, as experience and programmatic structures were already in place.

It is clear that the prevention response following the invasion was quick and intense. Many respondents also mentioned that it has been "spot on" – potentially also due to the existing and ongoing programmes and projects, which, with slight changes, were used to target prevention in the context of the war. An example could be the awareness-raising campaigns and information provided online and at border crossing points and transportation hubs.

This existing level of awareness may have contributed to a quick response to potentially problematic behaviour at border crossings. For example, respondents who had been present at border crossing points mentioned that some suspicious activity had been noted by purported volunteers at the beginning of the crisis, but that in some instances law enforcement reacted to this. Furthermore, some respondents noted that some of the people leaving Ukraine appeared to be cognizant of the potential risks and took steps to protect themselves. The international community also demonstrated awareness of potential risks and issued guidance, for example on vetting and registering volunteers and volunteer organizations supporting the Ukraine refugee response.[44]

Protection activities

Any response to trafficking must be victim centred, meaning that the safety and well-being of victims are paramount. And so therefore is identification of trafficked persons. The international community and national and local actors have roles to play in supporting States in their efforts to fulfil their obligations to protect and assist victims of trafficking. Protection and assistance obligations are not diminished by the onset of conflict. Under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and particularly under other applicable international laws (specifically the nine core human rights conventions), victims, potential victims and broadly speaking every human being have the same rights to protection and assistance in conflict and post-conflict situations as they have otherwise. However, in reality, conflict may drastically reduce a State's capacity to fulfil its protection and assistance obligations. This underscores the important role other actors can play in filling gaps in the provision of protection and assistance.[45] In the case of Ukraine, the international response was quick and the focus on assisting victims and potential victims of trafficking was a high priority for all actors.

The response included provision of immediate services aimed at addressing acute humanitarian needs such as shelter, food and health care, as well as access to labour markets and free movement into and within the European Union. A November 2022 report of the European Migration Network[46] notes that Member States reported providing a wide range of services to beneficiaries of temporary protection, including access to social benefits, education, employment and health care, going beyond the standards set out in the TPD (mentioned above).

Nearly all States who contributed to the report stated that they provided financial allowances to beneficiaries of temporary protection, either through their national basic welfare packages or allowances specifically dedicated to the target group. When it came to facilitating access to employment, most responding States opted not to prioritize European Union citizens and citizens of States bound by the European Economic Area (EEA) Agreement or legally residing third-country nationals receiving unemployment benefits over beneficiaries of temporary protection (as allowed for under TPD Article 12). The most common measures reported in support of access to employment include counselling, language courses, skills validation, recognition of qualifications and skills mapping.

Over half of the responding member States provide integration support, including language courses. Some member States provide additional educational capacity and school places, in response to the high numbers of incoming students.

Member States provide different levels of medical care to beneficiaries of temporary protection. These range from full access to the health-care system on a par with nationals, to basic or to enhanced forms of emergency care. In some member States, health-care coverage may differ depending on the level of contribution to the national health insurance scheme. Several member States that do not provide full medical coverage to all beneficiaries reported providing special health-care services for certain vulnerable groups, such as children or victims of violence, granting them full medical coverage regardless of their living situation or other status. However some respondents note that there are barriers to health care, including lack of language capacities at health facilities. There are also limitations in access to sexual and reproductive health services.

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44 Regional Refugee Response for the Ukraine Situation, *Vetting and Registration of Volunteers and Volunteer Organisations Supporting the Ukraine Refugee Response* (Regional Protection Working Group, 2022).

45 UNODC, *Countering Trafficking in Persons in Conflict Situations*.

46 European Migration Network, *Access to Services for Beneficiaries of Temporary Protection*. European Migration Network Inform (Brussels, 2022).

All responding member States provide mental health care, albeit to different degrees. Many have put in place specific measures to assist those fleeing the war in Ukraine.[47] However, there is a question about whether the support provided might be sufficient to respond to the situation of refugees and their respective vulnerability to exploitation and trafficking in persons. The question is whether financial allowances and benefits can possibly cover the basic needs of the refugees within the initial period of time (while they learn the language, prove their qualifications and diplomas, and find affordable childcare), without pushing them into the grey labour market and/or trafficking.

Article 13(2) of the TPD requires member States to make provision for persons enjoying temporary protection to receive necessary social welfare and means of subsistence if they do not have sufficient resources. Social benefits and financial allowances can support beneficiaries of temporary protection who may not be able to use their right to access the labour market immediately, due to language or childcare issues, for example. Most member States reported providing financial allowances to beneficiaries of temporary protection, in different forms and subject to varying conditions. Some member States reported that the financial allowances fell within the basic social welfare package. These are not provided exclusively to beneficiaries of temporary protection but are also available to eligible nationals or legally residing migrants.

For example, Slovenia provides a financial allowance to beneficiaries of temporary protection in private accommodation who cannot access the labour market. The amount granted is based on the national minimum income: 100 per cent of the minimum income for the first adult (in the family), 70 per cent for every next adult (in the same family), 30 per cent for a child (up to 18 years old) and 100 per cent for an unaccompanied child.

Some other member States reported that they provide allowances to beneficiaries of temporary protection under similar conditions as those applied to asylum-seekers. Some provide dedicated allowances such as subsidies or allowances allocated specifically to beneficiaries of temporary protection.[48]

Article 12 of the TPD requires member States to authorize, for a period not exceeding that of temporary protection, persons enjoying temporary protection to engage in employment or self-employment activities (subject to rules applicable to the profession), as well as in activities such as educational opportunities for adults, vocational training and practical workplace experience. Article 12 allows member States to give priority to European Union citizens, citizens of States bound by the EEA Agreement and legally residing third-country nationals receiving unemployment benefits. However, most member States do not give such priority.[49]

Prosecution, investigation and law enforcement activities

Bringing perpetrators to justice requires that all relevant actors, in addition to the law enforcement and criminal justice agencies, gather evidence of trafficking in persons and refer relevant information to those who conduct investigations and prosecutions. For example, financial monitoring agencies have a role to play in "following the money" in order to identify and disrupt trafficking-related financial flows to, through, from and within areas affected by conflict.[50]

In contexts with underdeveloped anti-trafficking capacities, victim testimony continues to constitute the main evidence in trafficking in person investigations. This was mentioned by respondents as a possible, and probable, factor leading to the low number of proven trafficking in person cases in the Ukraine crisis. This may also be because trafficking is a complicated crime to investigate and prove, which often translates into slow progress of such cases through the criminal justice process. In situations of instability and violence, gathering the necessary evidence may take even more time.

Some respondents working primarily on law enforcement and/or prevention noted that the focus on the issue from the outset of the war has had an impact on potential victims and also on the ability of the perpetrators to operate. Furthermore, key informants noted that there is a real possibility that, until now in the context of movement out of Ukraine, other types of illicit cross-border activities may be seen by criminal networks as more appealing from the cost–benefit perspective.

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47 Ibid.
48 Ibid.
49 Ibid.
50 UNODC, *Countering Trafficking in Persons in Conflict Situations*.

RESIDUAL RISKS IN THE UKRAINE CRISIS

Respondents generally agreed that the response to the Ukraine crisis so far has likely been effective in reducing the immediate, overall vulnerability to trafficking resulting from large-scale displacement and family separation. However, they also generally agreed there are some additional risks that require maintained vigilance and prevention and protection measures. These risks pertain to specific subsets of the affected population and/or to specific situations, locations or conditions.

Children – separated, unaccompanied, in care institutions or forcibly transferred

Some children are, or have been, separated from their families. While there are no exact figures on the number of separated or unaccompanied children, anecdotal reports indicate that some children were taken to the border and left by family members who then returned to collect others, or were handed over to neighbours and acquaintances to be taken to safety. Respondents remained concerned that such children are at heightened risk of trafficking, particularly if they were not identified by national child protection systems in the countries of transit and destination, or if the ability of caretakers to maintain their support wanes over time.

Respondents underlined numerous times that there is a need for establishing a system to exchange information about the children on the move within the European Union and between the European Union and other relevant countries, including in Ukraine. Furthermore, family reunification in cases of children evacuated from Ukraine and envisaged to live with relatives in Europe also requires attention, to ensure this does not endanger children or is against the principle of their best interests.

This leads to an issue that is linked to free movement within the European Union and that once in the European Union, these children can effectively move – or be moved – within all member States without being tracked. While there is a lack of evidence to support any large-scale abuse of the possibility to bring children out of Ukraine who are not members of the family, the potential for abuse is most certainly present and deserves special attention.

Respondents also noted there are many children in institutional care who were taken out of the country for their own safety. While there is again a lack of evidence that such children have been targeted or trafficked, respondents remained concerned that, as time goes by, these children may remain vulnerable.

Finally, many respondents were deeply concerned about the situation of Ukrainian children who are reported to have been taken to the Russian Federation, either forcibly or under duress.[51] While respondents lacked detailed information on the situation, they were concerned that such movements violate children's rights and could increase their vulnerability to harm, including trafficking.

Unregistered refugees

Refugees from Ukraine not registering for temporary protection due to confusion about the rules for registration or concerns over the implications of registration were flagged by interviewed key informants as being vulnerable to trafficking in the future. Lack of registration can hinder refugee access to bank accounts, the formal labour market and some services. This leads to a potential increase in refugees from Ukraine seeking or being in informal labour, which heightens the risks of trafficking and exploitation.

Non-registered refugees lose their legal status after spending 90 days in the Schengen area, which shifts them into a grey zone of irregular migration, thus prone to exploitation and trafficking. Again, this underlines the need to inform about the registration process and its associated benefits.

A related issue is refugee access to information about the registration process, which may vary in each European Union member State. While it is possible for Ukrainians to travel within the European Union and work within the EEA, the process is not fully harmonized. This can lead to refugees not registering and therefore remaining in a situation of informality. This can obscure who is actually employed where and under which conditions. This issue therefore requires further monitoring for fuller understanding and identification of potential solutions.

Implications of free movement

The usually positive element of the European Union having no internal border controls has been identified as something requiring sustained vigilance in the Ukraine crisis. Anti-trafficking efforts focus on external borders, and it is difficult to follow up on abuses perpetrated in different countries.[52] This can affect the efficiency of investigations bilaterally and may make it difficult, if not impossible, for investigators, prosecutors and judges to ultimately determine that a case suspected of being a

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51 Conflict Observatory, *Russia's systematic program for the re-education and adoption of Ukraine's children*. 14 February 2023. Available at https://hub.conflictobservatory.org/portal/apps/sites/#/home/pages/children-camps-1.

52 UNODC, *Conflict in Ukraine: Key Evidence on Risks of Trafficking in Persons and Smuggling of Migrants*.

trafficking case can be proven to be so. This may allow trafficking operations to continue unchecked and increase the risks of exposure to them. Nevertheless, free movement into and within the European Union has been and continues to be a key factor of resilience, preventing trafficking in persons and other abuses.

Men

Preventive efforts in terms of information and awareness-raising activities have generally been deemed to have had a great level of success. However, it has been mentioned that the focus on trafficking in women and not more broadly may have negative consequences around having adequate protection for men who have been trafficked and/or exploited, as well as on the understanding of the scope of what may be taking place.

There may be specific risks for men who are not entitled to leave Ukraine and who may instead turn to criminal networks to help them leave the country. No evidence was available to respondents that this is a widespread issue or that any such instances are leading to trafficking, but this could still constitute a risk factor for trafficking.

Internal displacement and internal trafficking

Much of the response efforts to the war have focused on cross-border movement. Some respondents indicated that the potential for internal trafficking inside Ukraine, particularly of IDPs, might be insufficiently addressed. Respondents flagged the need for better understanding of potential exploitation and trafficking within Ukraine borders, and the potential for improving protection activities and responses within the country.

Trafficking and exploitation facilitated by information and communications technology

Some respondents highlighted the need to effectively address trafficking and exploitation stemming from online activities. There were two key observations: that online trafficking and exploitation is widely accepted to have increased in recent years, particularly as a result of the coronavirus disease (COVID-19) pandemic, and that many Ukrainians used or are using social media to look for help and support. The second observation can reveal important information about their locations and situations, and also expose them to traffickers who identify and contact them under a pretext of assistance. Some respondents noted that instances of attempted recruitment of Ukrainians online have been reported.

Demand for sexual services

Recent research indicates potential demand for sexual services from refugees from Ukraine. According to research conducted by Thomas Reuters, together with the Organsation for Security and Co-operation in Europe (OSCE), there has been an increase in interest in pornography claimed to feature Ukrainian refugees, who are increasingly being targeted for sexual exploitation.[53] Further, female Ukrainian refugees have been approached with requests for sexual favours, proposals to work in the sex industry, offers of surrogacy and offers to produce pornographic materials, and have suffered sexual violence.[54]

Border crossing points

Some interviewed practitioners noted that while the awareness-raising activities at borders were important and likely had positive impact, the provision of basic immediate assistance at borders could have been better. Numerous respondents identified the border crossing process as a point of danger. Although movement has been facilitated by legislative actions and regulations, in practice, it is slow and exhausting. This makes people prone to accept any offer of shelter, food and rest. As one respondent noted "in those circumstances what is needed most is a bed to nap in and a shower, not a leaflet".

Another issue flagged by respondents was the presence of unregistered and unvetted actors at the border. There were concerns that systems for registering and vetting individuals involved in the response – at the borders and more broadly – remain weak.

Informal labour

Internally within Ukraine, some enterprises have relocated from eastern parts of the country towards the relative safety in western regions. Within the context of the general situation of upheaval, this may result in increased situations of informality and thus in increased vulnerability and risk of exploitation. It is therefore important that the national labour inspectorate continues its duties and is capacitated to do so in the context of this relocation. This would avoid/reduce informality in the labour market as much as possible and increase the possibility of finding bridging solutions.

Law enforcement

Most issues identified as problematic in terms of law enforcement are not necessarily issues that can be easily addressed

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53 Taylor, Diane. "Ukrainian refugees increasingly targeted for sexual exploitation, research finds." The Guardian. 26 March 2023. Available at https://www.theguardian.com/world/2023/mar/26/ukrainian-refugees-increasingly-targeted-for-sexual-exploitation-research-finds.

54 Organization for Security and Co-operation in Europe, ODIHR survey on the safety and security of women refugees from Ukraine. 2023. Available at https://www.osce.org/odihr/536359.

or resolved in a time of armed conflict. They relate to the practical obstacles that an ongoing armed conflict poses to the operations of law enforcement in terms of gathering evidence, and perhaps even accessing certain areas of a region physically. They also relate to technical difficulties due to, for example, power cuts and disturbances in electronic communications and information technology systems, which, while confined to law enforcement, also affect collaboration among law enforcement agencies across borders.

While there may have been reports of some suspicious activity at Ukrainian border crossings, this has been identified and addressed. However, subsequently, after initial crossing and later in the displacement, there may be less law enforcement attention or even presence at the points where refugees may be recruited, and the trafficking will happen farther away, where law enforcement is not necessarily having the same acute attention to the issue. There is thus a potential that trafficking may happen later, because attention to the issue may be less.

Respondents reported being wary of giving more attention to the dangers of sex trafficking than trafficking for labour exploitation. It was mentioned that law enforcement may be less attentive to labour exploitation, which can be conducted over longer times and which may evolve gradually. In the cases known to IOM, men and women were almost equally affected, mostly for labour exploitation.

Law enforcement is not only about investigation and potential punishment for perpetrators. It is also about redress for victims. While this may take time, it is important that access to redress and redress mechanisms for victims are ensured and facilitated. This is for victims of proven trafficking cases, and also for victims of all crimes and of labour exploitation – including for example for unpaid wages or unpaid contributions to social schemes.

DELAYED VULNERABILITIES IN THE UKRAINE CRISIS

The full-scale war has now entered its second year, and the cost of protracted displacement is felt within and outside of Ukraine. Savings are running out, and those who are unable to access sufficient employment or material support may find themselves in increasingly vulnerable situations. This is likely to create a fertile environment for traffickers and exploitative employers to promise employment, education or skills training.

Most respondents identified the time factor as being of key importance. Immediate vulnerability to trafficking and exploitation may have been addressed by the protection measures put in place and the awareness-raising efforts. However, prolonged economic precarity, the lack of long-term security, and being outside a person's social, economic and communal safety zone will affect people's vulnerabilities and abilities to cope. Many of the risk and vulnerability factors present in other conflicts are likely to appear and/or intensify over time in the Ukraine crisis, unless the level of anti-trafficking – and broader protection – effort is maintained or even increased.

Concerns have been reported over unfair recruitment, where employers and intermediaries may be offering contractual conditions that are not in line with the ILO or national labour standards to people who have been present outside of Ukraine for a while. Some actors working on preventing labour exploitation have detected fake job adverts, in addition to reports of refugees who have a labour contract but who are being pressured by employers to accept substandard conditions.[55]

Secondary movement linked to exploitation or recruitment in the place of destination has been identified as a specific threat for refugees from Ukraine and IDPs. All respondents underlined the need to monitor protection needs on arrival and in the context of onward movement, as well as to increase surveillance of the informal labour market, to understand the risks.

Shrinking livelihood opportunities within Ukraine are likely to increase vulnerabilities and create new domestic and cross-border trafficking in person risks, especially if the capacities of law enforcement authorities continue to be overstretched as the war continues.

These issues need to be factored into the continued refugee and humanitarian responses to the Ukraine crisis.

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55 While this is not a case of trafficking but a case of an employer taking advantage of a vulnerability and violating labour legislation and labour standards, it is clearly a sign that the exposure to exploitation and/or trafficking may well set in at a later stage and that the attention towards this should not diminish.

CONCLUSION

This research paper has explored the apparent gap between the expected increase in trafficking cases identified occurring as a result of the war in Ukraine and the actual number of cases of trafficking identified since the war began. It has done so by assessing the theoretical underpinnings that lead to expectation of the increase, analysing risks and vulnerabilities within the context of the war, and by reflecting the views of expert practitioners engaged in the Ukraine response on this apparent gap and their thoughts on reasons behind it. No attempt has been made to research the scale or extent of trafficking occurring as a result of the war.

Key findings

Expectations of an increase in trafficking are grounded in theory and based on previous experiences from other conflicts.

Anti-trafficking experts were right to raise the alarm about risks of trafficking in the Ukraine crisis. The literature on vulnerability to trafficking has been well elaborated and researched. There is general agreement among the experts and practitioners consulted in the preparation of this paper that conflict, displacement, family separation, socioeconomic hardship and other extant factors increase vulnerability to trafficking.

The high proportion of women and children within the refugee flows – separated from husbands, partners and fathers – and the size of the displacement create additional specific risk factors. Online interest in sexual services and materials appears to have increased, and female Ukrainian refugees have been approached with requests to produce or provide these services.

Data and research for assessing the scale of trafficking in this crisis (and likely in others) are lacking.

While the theoretical basis for expecting an increase in trafficking in times of crisis is solid, data on the number of trafficked persons in this and other crises are lacking. There are several likely reasons for this.

A crisis disrupts a wide range of activities, including those focused on anti-trafficking. In the early stages of a crisis, States, civil society and representatives of the international community are often focused on immediate safety and security issues, including those of their own staff. Those that remain operational often face a new set of concerns, expectations and responsibilities that are frequently different from their normal day-to-day reality. They often find themselves overstretched and lacking sufficient human, technical and financial resources to immediately respond to new operational realities. This is an issue cited frequently by a range of actors in the Ukraine response that may result in a decrease or even stoppage of outreach and other activities to proactively identify victims of trafficking, at least temporarily.

The immediate and large-scale response was likely effective at addressing key factors of vulnerability, including forced displacement, humanitarian need, socioeconomic stress, social fragmentation and family breakdown.

The massive scale of displacement and humanitarian need has prompted an unprecedented response, particularly by surrounding countries, the European Union and its member States, and, critically, the Government of Ukraine itself. Safe and regular access to territory was granted to most – but not all – people fleeing Ukraine. Efforts were made to ensure the safety of people fleeing the war. The green corridor through the Republic of Moldova, which facilitated movement of refugees to European Union countries, is an example.

Since 24 February 2022, the Government of Ukraine has spearheaded evacuations of civilians to safety in the country, coordinating between ministerial and local authorities to prepare humanitarian aid for the arrivals. Social security payments and cash distributions are being made within Ukraine, and Ukrainian refugees reaching surrounding and European Union countries are entitled to social assistance.

Law enforcement actors have a relatively high baseline capacity and awareness of human trafficking issues. There were anti-trafficking programmes already in place that were repurposed for awareness-raising and outreach. Examples include awareness-raising at transport hubs and at border crossing points, and online and protection monitoring and response through mobile outreach teams. Respondents largely agreed that this response was likely broadly protective against a range of protection concerns, including trafficking in persons.

Some remaining or residual risks exist that require greater attention, additional investigation and/or targeted intervention.

Although the combination of the general humanitarian response and specific anti-trafficking programming is likely to have contributed to the non-occurrence of widespread trafficking in the shorter term, respondents noted that specific risks remain, and/or are not sufficiently understood.

These risks pertain to specific subsets of the displaced and refugee populations, including: children, particularly separated and unaccompanied children and children with specific needs; men who may be exposed to trafficking or other protection risks; and refugees and third-country nationals who have either chosen or failed to register for temporary protection, or who are not entitled to temporary protection (for example, those who left the country before 24 February 2022). Other factors and situations include internal displacement within Ukraine, forced movements into the Russian Federation, and vulnerability to online trafficking.

Respondents noted that there are gaps in knowledge on many of these issues, and that they require specific targeted interventions.

Delayed vulnerability is likely to increase as coping capacities are stretched – for displaced persons and refugees and for the individuals, families and communities hosting them.

The war has now entered its second year. Savings have been depleted and the coping capacities of displaced persons, refugees and those hosting them are being stretched. As people take stock of their options, there are longer-term issues to be considered, such as how to educate children and how to earn an adequate income.

Despite a relatively high skill set, many Ukrainians lack the language skills to gain access to higher-paid and skill-appropriate employment. Difficulties around proving qualifications and providing diplomas also remain. Given the high proportion of women and children, there are specific issues to consider. Many women may need to balance childcare against employment, and may also be expected to earn to remit money and support those who stayed behind in Ukraine. If they are in lower and poorly paid occupations due to language or skills limitations and/or the channelling of Ukrainians into such jobs in the local labour markets, they may not earn enough to afford quality childcare. This creates risks for women and their children, as women may accept poorer or riskier working conditions to generate more income, and children may be in poor-quality, unsafe and/or unregulated childcare settings.

Many Ukrainians have returned, or are considering returning, to Ukraine. Given the conditions and uncertainty in Ukraine, this is a clear indicator that they are facing constrained circumstances in their host countries. Taken together with the findings that demand for sexual services and exploitative labour exists, there are clearly people with remaining vulnerability.

Recommendations

1. **More and better proactive identification measures should be put into place.**

Detection (including online) and screening of human trafficking cases and identification of trafficked persons is a well-documented obstacle in anti-trafficking responses around the world, regardless of if it is a conflict/crisis setting or not, if it is a developing or developed setting, the type of trafficking and so forth. According to UNODC global data, the most common way in which victims of trafficking are identified is self-referral. This demonstrates that anti-trafficking responses are falling short.[56]

In the Ukraine crisis, it is likely that numerous cases of trafficking in persons are going undetected. Media monitoring has picked up on many instances of trafficking in persons, sexual violence and labour exploitation.[57]

Research efforts focused on gathering information on the experiences of female refugees indicates significant exposure to risks of sexual exploitation. Many risk factors such as widespread displacement, family separation, socioeconomic vulnerability and social disruption remain in place. The response to the Ukraine crisis has almost certainly reduced vulnerability to trafficking, but it is unlikely to have completely eliminated the risk. It is therefore reasonable to conclude that trafficking is occurring but is not being detected, and that improvements to proactive identification measures should be made.

2. **More information should be gathered on persons trafficked within the context of the war – their profiles, experiences and needs.**

There have been at least several dozen cases of trafficking in Ukrainian refugees detected since the Russian Federation's invasion of Ukraine, and dozens of investigations have been opened. However, due to data protection concerns and lack of formal procedures for information-sharing, anti-trafficking actors have not yet managed to develop a clear picture of who is being trafficking, how, for what purposes, in which sectors and so forth. This hampers anti-trafficking efforts, which need such data to develop and implement appropriately targeted responses.[58]

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56 UNODC, *Global Report on Trafficking in Persons 2022*.

57 Reuters, Ukraine security forces smash prostitution ring run by migration officials. 2 February 2023. Available at https://www.reuters.com/world/europe/ukraine-security-forces-smash-prostitution-ring-run-by-migration-officials-2023-02-01/. Euronews, Spain dismantles Ukrainian refugee exploitation network. 22 January 2023. Available at https://www.euronews.com/2023/01/22/spain-dismantles-ukrainian-refugee-exploitation-network. *The Times of Israel*, Raped, abused, exploited: Ukrainian women seeking refuge in Israel find no haven. 4 January 2023. Available at https://www.timesofisrael.com/raped-abused-exploited-ukrainian-women-seeking-refuge-in-israel-find-no-haven/.

58 IOM, Migration data portal, Human trafficking. 6 May 2021. Available at https://www.migrationdataportal.org/themes/human-trafficking.

Significant technical guidance and expertise on harmonized and ethical collection and analysis of trafficking data and indicators exist, including in crisis and emergency settings. Examples include the Human Trafficking Case Data Standard[59] and the IOM *Counter-trafficking in Emergencies: Information Management Guide*.[60] However, proper implementation of these standards in guidelines requires skilled human resources and appropriate support.

The regional anti-trafficking task force has established tools and modalities for collection and analysis of depersonalized case data. However, the initiative requires support and additional efforts. In addition, it focuses only on case data; modalities for integrating case and investigations data do not yet exist. Furthermore, coordination and collaboration across anti-trafficking responses within and outside of the country remain disjointed. These issues should be addressed to enable production of real-time analysis to inform the efforts of law enforcement and protection actors to identify, refer, protect and assist trafficked persons.

3. **Targeted, gender-specific and age-sensitive interventions should be developed to address specific vulnerabilities and vulnerable groups.**

The large-scale humanitarian response to the war has reduced widespread vulnerability to trafficking, at least in the shorter term. This is because it addresses some of the key factors increasing vulnerability to trafficking in crisis and conflict settings – in particular access to rapid, safe and regular border crossings and entry to other countries, access to social protection schemes, and access to information.

However, some specific groups have been identified as being particularly at risk, or not adequately covered by these measures. These include children and unregistered refugees.

There are additional vulnerability factors that have not been adequately researched and addressed – such as the situation of persons with disabilities and persons with diverse sexual orientation, gender identity, gender expression and sex characteristics. Furthermore, the specific needs of women must be more specifically addressed, as they are carrying the load of caring for children and elderly persons while at the same time dealing with the consequences of sexual violence, trauma and family separation, and navigating new labour markets.[61] More research and analysis are needed into specific vulnerabilities and situations, to allow for development of evidence-based and tailored programmes that address specific needs.

4. **Anti-trafficking efforts should adapt and reflect current vulnerabilities and support system-strengthening approaches.**

Initial anti-trafficking efforts appropriately focused on vulnerabilities associated with the immediate impact of displacement and large-scale movement. This included responding to information needs through public information campaigns, hotlines and information services at border points and transportation hubs. As the situation becomes protracted, these efforts should shift to addressing current or delayed vulnerabilities.

Preliminary analysis indicates that these vulnerabilities include access to: safe, dignified and fairly remunerated livelihoods; appropriate longer-term housing options; and quality education for children.

Anti-trafficking activities – at least outside active conflict zones – therefore need to shift from immediate crisis interventions to longer-term system-strengthening initiatives. These initiatives should ensure information, protection and assistance needs are systematically implemented, and are aimed at addressing immediate and longer-term needs and vulnerabilities. This will require ongoing support for new or existing anti-trafficking and protection systems and structures to allow them to operate at scale.

5. **Lessons learned should be applied to future crises.**

The importance of the response to the Ukraine crisis in preventing trafficking in persons should not be minimized or forgotten. Access to safe and regular transportation, rapid and regular border crossings and entry to other countries when required, regular status in host countries, and access to social welfare and protection schemes are integral components of efforts to prevent trafficking in persons in times of crisis and conflict. They should become standard components of future responses.

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59 GitHub, HTCDS introduction. 2023. Available at https://github.com/UNMigration/HTCDS.

60 IOM, *Counter-trafficking in Emergencies: Information Management Guide* (Geneva, 2020).

61 HeForShe, Standing in solidarity with the women of Ukraine: Collecting women's stories and experiences of life during the war. 2023. Available at https://www.heforshe.org/en/standing-solidarity-women-ukraine-collecting-womens-stories-and-experiences-life-during-war. Social Europe, Ukrainian women in Poland—an insecure sanctuary. 16 September 2022. Available at https://www.socialeurope.eu/ukrainian-women-in-poland-an-insecure-sanctuary.

ANNEX: SEMI-STRUCTURED INTERVIEW QUESTIONS

1. Please explain and expand on what you have witnessed in terms of what makes people vulnerable to trafficking over your years of activity.

2. What have you noticed specifically in terms of correlation between identification or increase in risk factors – specifically external risk factors such as environmental degradation (if relevant for the person's experience), displacement generally and conflict specifically, and actual increase in trafficking cases?

3. In the specific context of Ukraine, is it identified who is responsible for counter-trafficking actions, as well as actions and programmes related to prevention and protection of trafficked persons?

4. Do we determine what is direct "counter-trafficking" in terms of countering the criminal activity and making a distinction between this/these activity/ies and the equally important but different activities around protecting victims and assisting them? If the direct "counter-trafficking" activities are hampered because of the conflict, does this influence the possibility to offer protection and assistance to victims of exploitation? If you see the risks are objectively increasing but the numbers of cases are not, what do you ascribe that to? Lack of identification? Lack of attention to the phenomenon? Lack of data? Others?

5. In the current gathering of data on numbers of trafficked persons, what are the indicators? Do they remain unaltered from before the crisis so that we are certain we are measuring the same thing? What was our baseline based upon? Do we have a reasonable timeline? And are we measuring trafficking to the same destinations as before? Is it possible that trafficking destination has changed or that people trafficked to certain destinations are not captured?

6. Have we taken into account that Ukrainian law enforcement may be diverting to other areas? So while they may be capable of carrying out counter-trafficking activities (in the sense of investigation, data gathering for evidentiary purposes and prosecution), they are focused on other areas of security and safety of the population? Who, if any, is filling that gap?

7. How compromised are bilateral investigations because of the change in working circumstances for Ukrainian law enforcement? Does this influence data? Without investigations into recruitment and proof thereof, investigators and prosecutors in other jurisdictions are forced to rely on other evidence – how does that influence assistance to identified victims in other countries as well as success in proving cases of trafficking?

8. If you have worked in other conflict situations, can you identify differences that could explain why there is not yet evidence that trafficking is increasing in this conflict? Do you think that the assumptions made in other conflicts were wrong or inflated?

9. What do you think can be done better to ensure protection from trafficking and assistance to victims in situations of conflict?

10. Do you think that the data saying that trafficking cases did not significantly increase, contrary to initial predictions, are erroneous or are there specific actions/pre-existing conditions that may explain this?

11. Do you have access to relevant and adequate data? If not, what are the major obstacles? Does this affect your capacity to carry out your work effectively?

Open discussion on the specificities to the Ukraine war, the respondents experience and impressions and any other relevant information.

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