



Human Trafficking and Satellite Crimes in Wartime Ukraine: Trends, Victims, Perpetrators and Prevention

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RESEARCH



ABSTRACT

More than 6.2 million refugees from Ukraine moved to Europe and other states after the Russian military aggression against Ukraine (the war) began in February 2022. Against this background, trafficking in human beings (THB) appears to be a (trans) national problem in Ukraine. In contrast to this assumption, formally declared statistics related to these crimes in Ukraine are limited to a small number of registered criminal proceedings. According to our criminological hypothesis, THB crimes are often of a transnational and organised nature. However, Ukraine seems to demonstrate a deeply incorrect representation of THB crimes in police and court statistics, as THB crimes tend to be described as being committed by individuals rather than organised crime groups. Corruption may be a hidden but influential enabler of human trafficking, our findings show. Consequently, one can presume that the true number of THB crimes is higher than what the police statistics show. At the beginning of the war, especially, border restrictions obstructed existing patterns of human trafficking on the one hand, but opened up new opportunities for traffickers on the other. We also consider the increase in satellite crimes, such as pimping or engaging a person in prostitution. Therefore, the reshaping of THB crimes—from ‘export supply’ to ‘internal supply’—is analysed.

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INTRODUCTION

At the end of February 2022, a refugee wave began in Ukraine following the start of the Russian military aggression (the war). By July 2023, nearly 18 months after the start of the war, 6.2 million Ukrainian refugees had been recorded globally and more than 5 million—of whom most were women with their children—had registered for temporary protection in Europe (UNHCR, 2023; US Department of State, 2023). Owing to the risk of being trafficked during flight, the Council of Europe’s anti-trafficking body—Group of Experts on Action against Trafficking in Human Beings (GRETA)—published a guidance note to detect potential victims and traffickers and to provide protection to refugees in European states (GRETA, 2022). In December 2023, the risk of Ukrainian citizens being trafficked was officially declared to have increased significantly since the start of the war (Ombudsman of Ukraine, 2023).

The focus of this paper is not on developments abroad, but rather on crime trends in Ukraine from January 2013 to March 2024, with special attention being paid to the impact of the continued war on human trafficking and so-called ‘satellite’ crimes in Ukraine. The aim of the paper is to progress knowledge about human trafficking, especially in light of the challenges brought about by the war.

Building on existing research findings (Kuryliuk and Khalymon, 2020; Yagunov, 2022a; Yagunov, 2022b; Yagunov, 2022c; Yagunov et al., 2023; Yagunov, Gamzyan and Haverkamp, 2023), we highlight the personal characteristics of offenders and victims of crimes related to trafficking in human beings (THB), particularly as pertains to crime trends in Ukraine from 2022 to 2023, and also consider the prevention of THB crimes and satellite crimes.

We also show that Ukrainian criminology and crime statistics are often based on media reports of ‘ideal victims’ of human trafficking. As developed by Nils Christie, the stereotype has the following attributes: the victim is weak (female, sick, old or young); reputable; blameless; controlled by an evil perpetrator; not acquainted with nor related to the perpetrator; and self-identifies as a victim. In sum, the ideal victim is seen as innocent and vulnerable (Christie, 1986). However, self-identifying as a trafficking victim or survivor cannot be considered normal behaviour, as the persons concerned do not always recognise their trafficking situation, owing to misplaced loyalty or fraud. Furthermore, in a desperate situation, feelings of fear, isolation, guilt or shame may keep someone from seeking help (Haverkamp, 2019).

In the analysis based on police and court statistics, we consider the occupation of territories in both the eastern parts of Ukraine and the Autonomous Republic of Crimea in 2014, as the Russian invasion of Ukraine in 2014 impacted the court statistics, owing to crime and court data being lost from the occupied territories. The same could be said about frontline territories from where no data are available. Therefore, our analysis reflects a decrease in registered crimes, owing to fewer statistical indicators being available.

LEGAL FRAMEWORK AND TERMINOLOGY

In 2004, Ukraine ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (the so-called Palermo Protocol), and in 2010, the Council of Europe Convention on Action against Trafficking in Human Beings.

THB was declared an offence in the Criminal Code (GRETA, 2014) in 1998. The current Criminal Code was adopted in 2001 and THB was introduced as a separate offence in Article 149 (GRETA, 2014), with forced marriage and forced begging being added as forms of THB in September 2018 (Law 2539-VIII). Since then, Article 149 of the Criminal Code has established criminal liability for THB. In accordance with the international framework, human trafficking is criminalised in paragraph 1 as ‘recruitment, transportation, harbouring, transfer or receipt of a human being committed for the purpose of exploitation, with the use of coercion, abduction, fraud, blackmail, material or other dependence of the victim, his/her vulnerable condition or bribery of a third-party controlling victim, to obtain consent for his/her exploitation’.

The 2011 Law on Combating Trafficking in Human Beings (hereafter Anti-Trafficking Law) describes the competencies of cabinet ministers and other public bodies to counter or prevent THB, prosecute perpetrators, support victims and engage in international cooperation (GRETA,

2014). Pursuant to Article 1 of this law, human trafficking is defined as an illegal transaction involving a human being or the recruitment, transportation, harbouring, transfer or receipt of a human being for the purpose of exploitation—including sexual exploitation—with the use of deception, fraud, blackmail or exploiting the vulnerable state of a person, or with the use or threat of violence, abuse of office or material or other dependence on another person, which is recognised as a crime under the Criminal Code of Ukraine. The 2018 Law on Amending Certain Legislative Acts of Ukraine to Strengthen Combating Trafficking in Human Beings and Protection of Trafficking Victims tightened the legislation against human trafficking (GRETA, 2018).

The analysis in this paper also includes ‘satellite crimes’ (Yagunov *et al.*, 2023), which in this terminological context can be regarded as a hidden form of human trafficking or the basis for further THB crimes, and would include, among others, pimping or engaging a person in prostitution (see Criminal Code, Article 303), setting up or running a brothel, and procuring services (see Criminal Code, Article 302).

STATISTICS

We took data from two main sources: (i) police statistics, accumulated by the Office of the General Prosecutor (2023a) and (ii) court statistics, accumulated by the Supreme Court (2023). Police statistics are updated every month, but the court statistics for 2023 and 2024 are still unknown. Police statistics post 2022 include crimes committed by Russian occupiers. However, they are all categorised as ‘war crimes’ in a special section of the record sheet.

The police statistics are the nearest to the offence and therefore reflect the highest number of offences. The numbers reduce along the subsequent chain of criminal proceedings, with court statistics already being somewhat removed from the immediate offences. Owing to the understood dark nature of these crimes, the data do not reflect the true reality of THB, but do, nonetheless, serve as an indicator for officially recorded human trafficking. Both police and court statistics point to the high workload of law enforcement officers and justice officials. Far-reaching consequences of the poor quality of data on THB in Ukraine have been highlighted in the past, and in a 2020 report: ‘GRETA once again urges the Government of Ukraine to develop and maintain a comprehensive and coherent statistical data on presumed and identified victims of trafficking and measures to protect and promote their rights, on compensation claimed and awarded to victims, as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination’ (GRETA, 2020, p. 10).

The notification of suspicion should be taken into account with regard to court statistics. According to Article 276 of the Ukrainian Code of Criminal Procedure, a notification of suspicion is issued in the following cases: (i) apprehension of an individual at the scene of a criminal offence or immediately after the commission of a criminal offence, (ii) enforcement of a measure of restraint against an individual as prescribed by this Code or (iii) upon availability of sufficient evidence to suspect a person of having committed a criminal offence.

Therefore, we describe the current crime trends in Ukraine based on three main indicators of the Ukrainian criminal justice system: (i) the general number of criminal proceedings opened and registered by the Ukrainian law enforcement agencies, (ii) the number of criminal proceedings in which concrete suspects were issued with notifications of suspicion and (iii) the number of suspects in criminal proceedings.

In corresponding figures, we use the term ‘notifications’ to reflect the number of criminal proceedings in which suspects were issued with notifications of suspicion.

CRIME RATES

In 2022, the Ukrainian law enforcement agencies registered 362,636 crimes with corresponding criminal proceedings according to police statistics. This number reflects all criminal proceedings, meaning those with suspects as well as so-called ‘factual’ criminal proceedings (without suspects) (Figure 1).

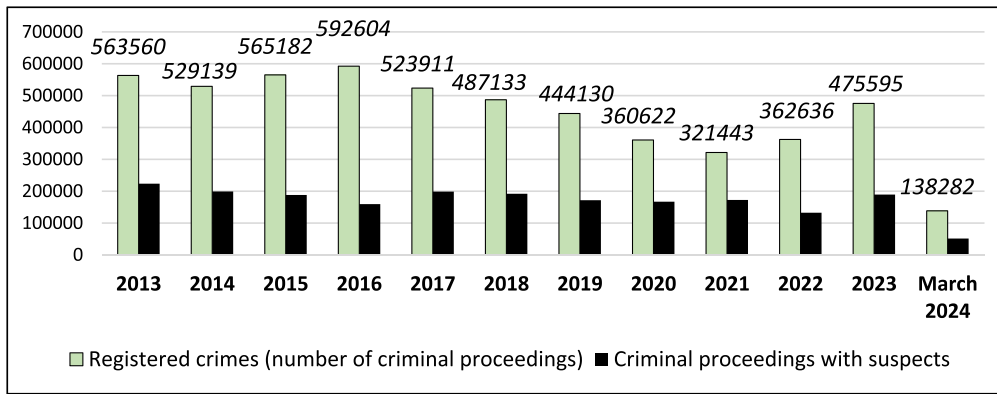


Figure 1 Number of registered crimes and proceedings with suspects in Ukraine (2013–March 2024).

During the observation period, the number of registered crimes was highest between 2013 and 2017, with well over 500,000 cases each year. The number of recorded cases peaked—at almost 600,000—in 2016. In contrast, crime numbers have dropped markedly since 2020, with fewer than 400,000 cases recorded each year, except in 2023.

The first year of the war in 2022 marks the low point (321,443). The year 2023 indicates a different trend: the number (475,595) has exceeded the number of cases since 2019, which demonstrates the challenges faced by the Ukrainian criminal justice system during the war.

Furthermore, 2023 shows a high ratio between registered criminal proceedings and cases in which suspects were served with notifications, which is typical for the Ukrainian criminal justice system (Figure 2).

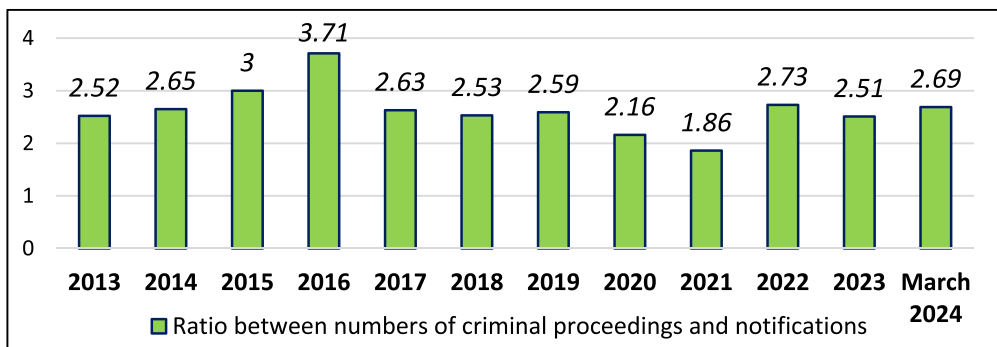


Figure 2 Ratio between criminal proceedings and notifications (2013–March 2024).

In 2022, the ratio between the number of registered criminal proceedings (crimes) and the number of criminal proceedings with concrete suspects was 2.73, which was the third highest during the observation period. In 2023, the ratio dropped slightly to 2.51 but again increased (to 2.69) during the first three months of 2024. The development since 2022 could also point to the reduced effectiveness of the criminal justice system during the war.

The first wave of the Russian military aggression in 2013 (occupation of the Crimea, Lugansk and Donetsk regions) largely destabilised the national criminal justice system, which led to an increase in the ratio. It can be presumed that the Ukrainian criminal justice system started showing signs of a more stable criminal justice system, typical for the peacetime state, only in 2021, which then disappeared again in 2022 owing to the full-scale Russian invasion of Ukraine.

HUMAN TRAFFICKING IN UKRAINE: NEW ‘OLD’ MARKETS

According to evaluations of international actors, the Government of Ukraine does not fully meet the minimum standards for combating trafficking, but is making significant efforts to do so (GRETA, 2018; US Department of State, 2023).

The history of THB goes back to 1991, when Ukraine emerged as an independent state after the fall of the Soviet Union. Since then, Ukraine has been described both as a transit country, especially trafficking to Poland, the Czech Republic, Germany and France, with several similarities noted with the route to the United Kingdom (ECtHR, 2021), and as a country of origin (UNODC,

2022b, 56), with victims being exploited in local sex trafficking and forced labour, as well as being trafficked to Russia, Poland, Germany and other parts of Europe, China, Kazakhstan and the Middle East.

Between 2014 and 2017, a total of 418 victims of trafficking were identified by the Ministry of Social Policy (27 in 2014; 83 in 2015; 110 in 2016; 198 in 2017), including 209 men, 169 women and 40 children (25 girls and 15 boys) (GRETA, 2018). Most of the victims were trafficked for the purpose of labour exploitation (256), followed by sexual exploitation (87) and forced begging (42). In addition, 17 victims were found to have been trafficked for the purpose of forced criminality (in 2017) and six for unlawful removal of organs (one in 2015 and five in 2016) (GRETA, 2018). All identified victims were Ukrainian nationals. The main countries of destination of Ukrainian trafficking victims were the Russian Federation, Poland, Turkey, Ukraine, Germany, Israel, Greece, and the United Arab Emirates. No foreign victims were identified from 2014 to 2017 (GRETA, 2018).

Over the last 10 years, the number of illegal migrants in Ukraine, waiting to enter an EU country, has been estimated at between 800,000 and 1.6 million (Luptakova, 2008). Therefore, with a good geographical location and lacking effective mechanisms for combating illegal migration and THB, Ukraine offers significant opportunities for human trafficking (Kuryliuk and Khalymon, 2020).

The US Department of State's TIP report notes that more than 4 million people fled Ukraine in response to Russia's full-scale invasion of the country in the first five weeks of the war and displaced almost 6.5 million more within its borders—a total of almost one quarter of Ukraine's population (US Department of State, 2022). Experts estimate that as many as 90% of refugees abroad are women and children, and that more than half of Ukraine's children—4.3 million out of 7 million—have been displaced. These refugee and displaced populations are especially vulnerable to human trafficking (US Department of State, 2022).

The earlier invasion of Crimea and the eastern part of Ukraine already led to a marked increase in trafficking victims within and outside the conflict areas, with a fourfold increase noted in Western Europe (UNODC, 2022b). Owing to the war, a large number of Ukrainian people were displaced in 2022—more than 5 million sought temporary protection across Europe, compared with the peak of 16,000 recorded in 2015.

Two groups of traffickers might profit from the war, namely armed groups in war zones and traffickers who know how to exploit the desperation of refugees and displaced persons (UNODC 2022b). Statistical models based on 'the numbers recorded between 2007 and 2020 would suggest such a number of displaced populations would theoretically result in more than 100,000 trafficking victims from Ukraine to Europe only' (UNODC, 2022b, 56). In contrast to the past, awareness about this risk has been raised in European countries and measures have been taken to ease individual vulnerabilities (UNODC, 2022b).

Personal sources note that some purely humanistic initiatives of several NGOs and individuals aimed at bringing Ukrainian refugees to new homes or at least safe places in the EU states were halted because new 'opportunities' of sheltering were proposed by persons who could arguably be suspected of engaging in human trafficking (Yagunov et al., 2023).

According to the Global Initiative against Transnational Organized Crime (GI-TOC), human trafficking seems to be a well-organised criminal activity, which demands different forms of deep 'cooperation' among perpetrators, 'brokers' and other actors in various border states (GI-TOC, 2023)

In trying to control the wave of refugees, the Ukrainian government severely restricted border crossing for men at the beginning of the war, although men were mostly involved in this criminal activity as perpetrators. It is unclear from the available statistics how the war has changed THB in Ukraine.

HUMAN TRAFFICKING IN LIGHT OF POLICE STATISTICS

Police statistics demonstrate low levels of registered THB crimes and number of suspects in related criminal proceedings between 2013 and 2016, which suggest it was a stable period. However, a rapid increase in human trafficking crimes was seen in 2017, which also represented

the peak of the observed period. Thereafter, the numbers moved between 206 and 320 cases in 2019 until 2021. In 2022, the year in which the war started, a similarly low number of cases (133) was reported as between 2013 and 2016 (Figure 3). The number of THB crimes has risen in 2023 (147 crimes) and was already quite high in the first three months of 2024.

The ratio of crimes (criminal proceedings) to notifications (i.e., criminal proceedings that include suspects) was considerably higher between 2017 and 2019 than in the two war years. Despite the small number of cases of THB, more suspects were recorded in relation to all registered cases than in previous years.

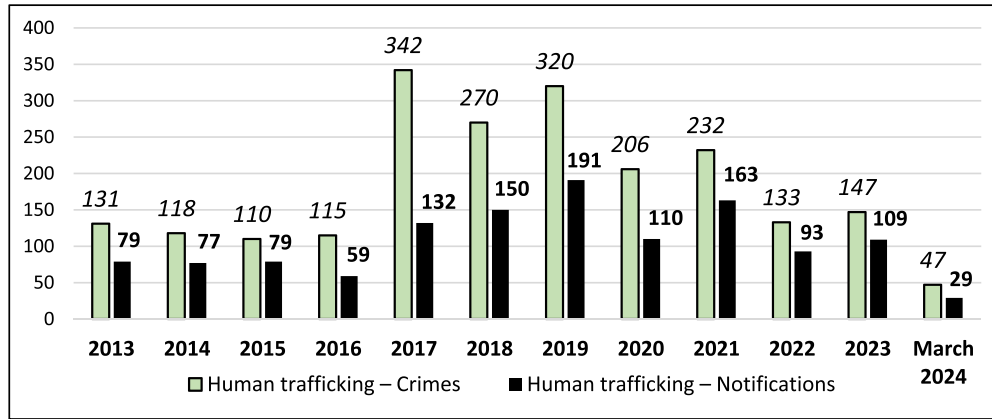


Figure 3 Human trafficking: crimes and notifications (2013–March 2024).

When monthly figures for THB crimes during the war are compared (Figure 4), a similar number appears to have been committed in January and February 2022 as in the same months in 2023. We assume that the THB crimes in February 2022 were detected before the total closing of the Ukrainian borders on 24 February 2022. However, considering the marked reduction (more than 40%) in THB crimes compared with figures from 2020 and 2021, closing the borders for males and the immediate defence of the country might have had a partially positive effect on preventing human trafficking crimes in Ukraine early in the war.

Over the first three months of 2024, which are included in the observation period, 47 criminal proceedings were recorded in cases of human trafficking. This is a number similar to the corresponding period in 2022 and 2023 (57 and 49, respectively).

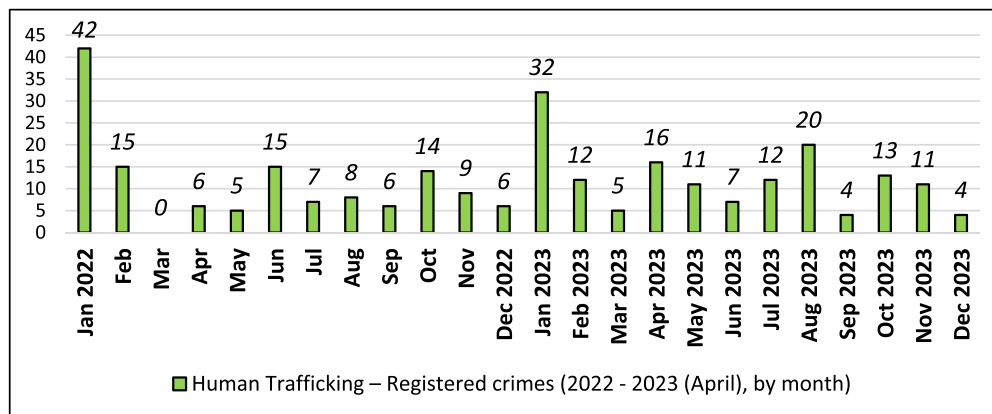


Figure 4 Human trafficking: registered crimes (2022–2023, by month).

Given the relatively low numbers of registered crimes, it is not possible to define to what extent human trafficking was affected by the war. On the one end of the spectrum, no THB crimes were registered immediately after the Russian invasion crossed the Ukrainian border (Figure 4). On the other end, it is of concern that THB continues despite seemingly totally closed state borders, police checks, curfews and hundreds of military and police roadblocks. A total of 133 THB crimes in 2022 seem insignificant in relation to the 6.5 million displaced persons in Ukraine. The observed numbers suggest that police intelligence with regard to THB prevention and supervision of border services are ineffective. Therefore, THB crimes might be much more latent than what law enforcement agencies declare. Although the war caused many problems for human traffickers, it also seems to have created new opportunities for them, which cannot

be detected in the police statistics. Therefore, the Ukrainian criminal justice system is unlikely to be effective enough to prevent THB, as the (new) structures are mostly hidden and unknown.

A glimpse of how human trafficking functions in Ukraine can be gleaned from media coverage.

HUMAN TRAFFICKING: SOME CASES IN THE MEDIA

Police statistics on THB rarely get attention. In contrast, spectacular cases of human trafficking attract the media and stir up the public's emotions. Some cases uncovered during the war are presented here.

In September 2022, a female suspect was arrested in Kyiv. She was accused of recruiting women in the Kyiv region for prostitution abroad. According to the news report, the suspect recruited a woman for a job involving sex work in a hotel in Istanbul and offered USD 3,000–5,000, part of which was to be transferred to her (Voron, 2022).

In June 2023, a woman was arrested in Western Ukraine for trafficking in minors for the purpose of exploitation, an offence defined in the Ukrainian Criminal Code (Part 2 of Article 15 and Part 3 of Article 149). According to the investigation, the suspected resident of Zakarpattia approached parents with young children and persuaded them to sell them for adoption in EU countries. A woman from Zhytomyr was promised USD 5,000 for the sale of her one-year-old son. The suspect provided an advance payment of USD 1,000. A successful deal with the child was supposed to yield USD 25,000 (Office of the General Prosecutor, 2023b).

In April 2023, a foreign national was arrested for establishing an international human trafficking channel. The male suspect recruited vulnerable women to work as prostitutes abroad (Vechirniy Kyiv, 2023).

In March 2023, the Ukrainian law enforcement agency arrested a 21-year-old female suspect who, together with accomplices, recruited and trafficked Ukrainian women aged 17–35 for sex work abroad. More than 10 women fell victim to this crime (Zmina, 2023).

In May 2023, the Kyiv Region Police arrested a male suspect who recruited and trafficked Ukrainian women for prostitution. The perpetrator was a 34-year-old resident of the Sumy region who, together with his accomplices, offered young women high-paying jobs in Europe and the United Arab Emirates on Telegram channels. The perpetrator bought tickets, rented accommodation and transported the recruited women across the state border of Ukraine. Victims were promised an income of EUR 1,000 per day (Svyrydyuk, 2023).

In September 2023, police officers from the Lviv Region Police and investigators from the Kyiv City Police arrested a 36-year-old female suspect who regularly promised women assistance in finding employment with decent remuneration abroad. However, after crossing the border, victims were trafficked into sexual slavery. The police and border guards detained the perpetrator while she was trying to smuggle a victim across the border (NPU, 2023).

In April 2024, in the Volyn region, law enforcement officers rescued three women who were being trafficked to Europe and the United Arab Emirates, allegedly for sexual exploitation (one of the women was a minor). According to the police, a 23-year-old woman from the Volyn region, who recruited women from low-income families, was detained on suspicion of human trafficking (Voskresenska, 2024).

Reports in popular media contribute to describing a stereotype of an ideal victim. The cases presented here partly feed into this stereotype with descriptions of young children and young women in a desperate situation being trafficked. It is noticeable that women are often mentioned as the suspects in these THB media reports, contrary to the common image of traffickers being male.

VICTIMS OF HUMAN TRAFFICKING

According to court statistics, a total of 1,608 persons were declared THB victims by the Ukrainian courts in corresponding proceedings between 2008 and 2013 (Figure 5). The peak occurred in 2009, with 355 victims that year. A notable decline is seen since 2013: only 545 persons were identified as victims in THB cases heard at national courts between 2014 and 2022. In the first year of the war (2022), the number of victims halved compared with the previous year; only 23

persons were recognised as victims by national courts in THB criminal cases. However, the court statistics of 2022 reflect criminal cases that were opened before the war started. Nevertheless, we presume that some of the cases that were tried by national courts in 2022 were opened in that year.

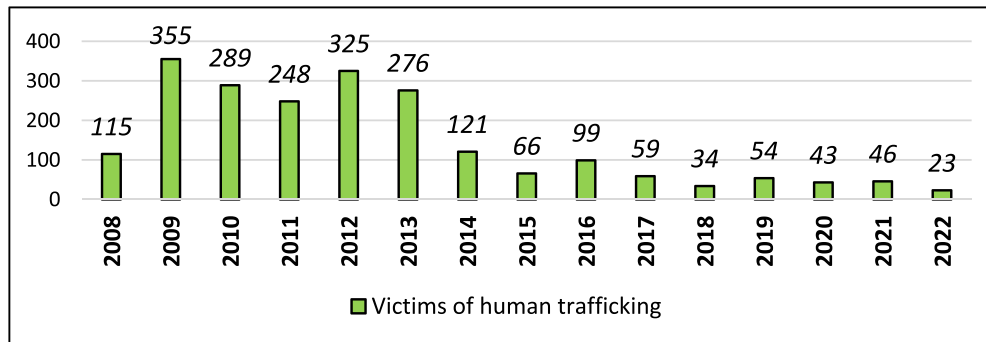


Figure 5 Victims of human trafficking (2008–2022).

From a victimological perspective, human trafficking in Ukraine remains a female-oriented crime. Between 2008 and 2022, 520 men (22.75%) and 1,765 women (77.25%) were declared as THB victims in criminal cases in court cases. In 2020, the number of female victims was almost the same as the number of male victims (21 men and 22 women). In different periods, proportions between men and women in the general structure of victims of human trafficking varied from 1.05 to 22, with women making up the majority (2008 – 6.7; 2009 – 1.7; 2010 – 4.98; 2011 – 7.27; 2012 – 1.78; 2013 – 3.06; 2014 – 2.56; 2015 – 12.2; 2016 – 8.08; 2017 – 8.83; 2018 – 3.25; 2019 – 9.8; 2020 – 1.05; 2021 – 1.7; 2022 – 22) (Supreme Court, 2023). From a potential perpetrator’s perspective, trafficking of a male victim to a foreign country in light of closed state borders and wartime restrictions would pose a serious risk of being detected and detained.

Gender norms and masculine stereotypes may also hinder identification of male trafficking victims. Men tend to perceive themselves, and to be perceived by others, as victims of unfortunate circumstances rather than trafficking (UNODC, 2022a). The assumed breadwinner role and socially ascribed masculine qualities of strength and control contradict the victim status (UNODC, 2022a). Male victims do not match the image of an ideal victim as they are usually not described as ‘innocent’ and ‘helpless’. Individuals (including women) who do not conform to society’s expectations of victimhood may struggle to access justice, as they may not be recognised as victims or may not see themselves as victims.

Globally, the majority of victims exploited for forced labour are men (UNODC, 2022a), with women and girls making up only about a third of persons trafficked for this purpose. In the Ukrainian context, the domination of female trafficking can be partly explained as a result of the war. Many male jobseekers, who previously could have fallen prey to THB, joined the military forces of Ukraine or other governmental military regiments.

Children seem to have largely disappeared from the general number of THB victims since 2015. This could be considered as additional evidence of the generally latent character of THB crimes committed in Ukraine (Figure 6). In addition, the unlawful deportation of Ukrainian children to Russia is not treated as human trafficking but rather as war crimes by the International Criminal Court (ICC, 2023).

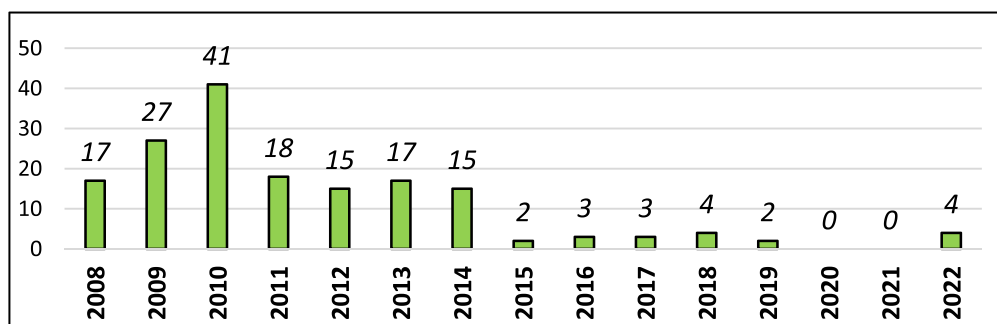


Figure 6 Children as victims of human trafficking (2008–2022).

A sufficient monetary compensation scheme for victims of human trafficking does not exist in Ukraine. On the one hand, the government does not offer any state-managed schemes focused on financial aid for victims, and on the other, as court statistics demonstrate, courts refuse to take financial compensation from perpetrators, and rarely provide victims with more than modest sums of satisfied civil claims (Figure 7). The highest sum of compensation for victims of trafficking is seen in 2013. Afterwards, a steep decline in compensation is noticed.

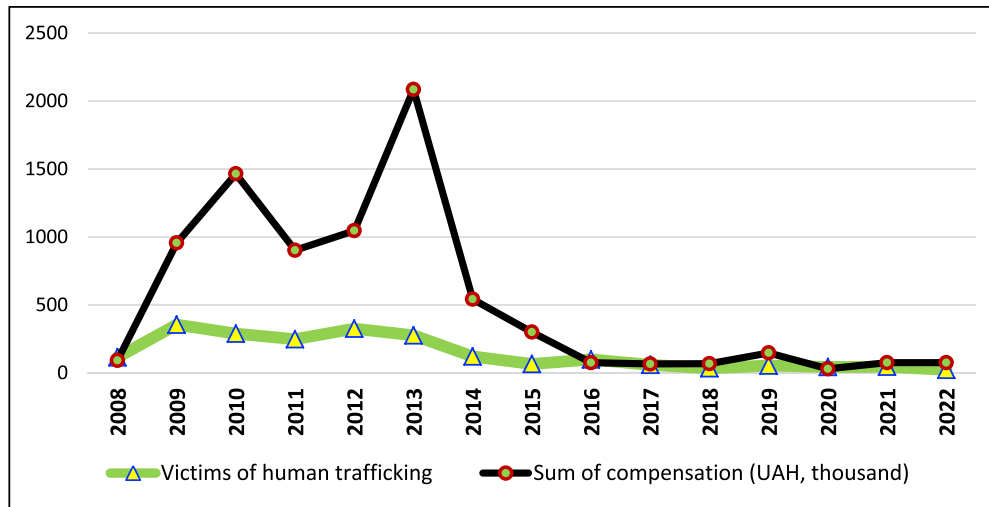


Figure 7 Compensation for victims of human trafficking (2008–2022).

Between 2008 and 2022, the average amount of financial compensation taken from a perpetrator was UAH 2,693 (EUR 40–100, depending on the exchange rate) (Figure 8). The maximum seen in 2013 is striking and falls into a crucial phase: Ukraine faced the Maidan Revolution and Russia’s invasion of Crimea and Donbass was imminent. Compensation amounts increased after 2020, when the lowest average amounts were paid out. It may be that 2022 marks a trend reversal as the total turns out to be significantly higher and catches up with the sum in 2021, despite the sum of compensation still being low.

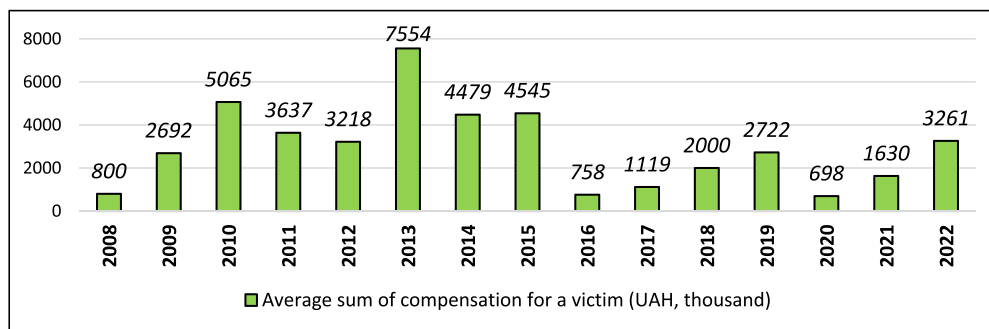


Figure 8 Average sum of compensation for a victim, UAH (2008–2022).

It is therefore not surprising that in 2018, GRETA strongly recommended that the amount of the one-time financial grant paid to formally identified victims of human trafficking be increased and that more victims were to receive such a grant (GRETA, 2018).

CONVICTIONS FOR HUMAN TRAFFICKING

Between 2006 and 2022, a total of 677 persons were convicted of THB crimes (on average, 85 persons per year), although most of the convictions occurred between 2006 and 2013 (Figure 9). Afterwards, until 2022, only 243 persons were convicted of THB crimes (on average, 27 perpetrators per year).

The highest number of convictions was in 2012 (107) and the lowest in 2018 (15). The conviction of 40 traffickers in 2019 is the highest number during the down phase and seems to be an exception. After the 2014 Russian occupation of Crimea and several regions of eastern Ukraine, a trend of consistently low numbers of convictions for THB crimes is seen for the subsequent decade.

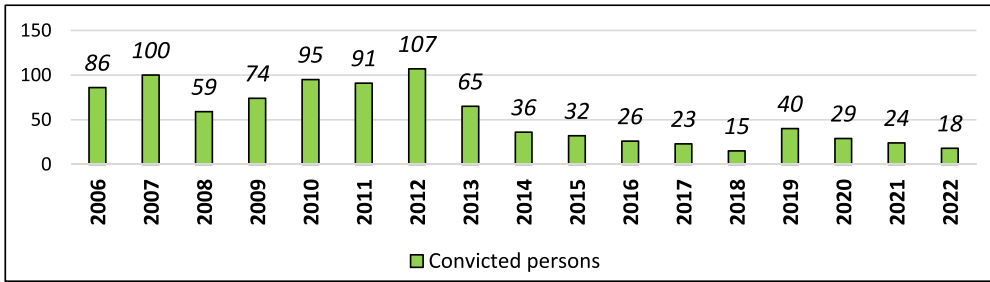


Figure 9 Number of persons convicted of THB crimes according to court statistics (2006–2022).

Most of the traffickers convicted are Ukrainians (Figure 10), with foreigners making up only a small number. This observation applies to the full period shown in Figure 10. The high rate of traffickers being nationals agrees with trends reported by the United Nations Office on Drugs and Crime (UNODC, 2022b), which show that the majority of people convicted of THB crimes are citizens of the country of conviction. Accordingly, most trafficking victims are recruited and exploited within their countries of origin (UNODC, 2022b).

Nevertheless, the question arises as to whether the small number of foreigners convicted of THB crimes is compatible with the findings that Ukraine is not only a country of origin but also a transit country in cross-border human trafficking. Rather, we assume that the data on convicted traffickers do not correspond to reality, with THB crimes possibly being of an international and organised nature to a large but not quantifiable extent. Hence, the absence of foreigners in the overall number of traffickers convicted points to the constrained resources and limited activities of Ukrainian law enforcement with regard to preventing and prosecuting THB crimes, underscoring the weakness of the country’s criminal justice system and mechanisms for preventing human trafficking (including international cooperation with the EU and law enforcement agencies of other states).

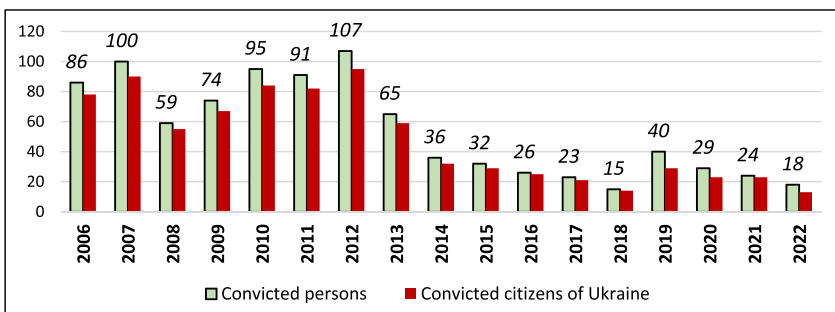


Figure 10 Number of persons convicted for human trafficking in Ukraine (2006–2022).

The role of women as offenders of human trafficking is, to a large extent, still unknown in criminology (Wijkman and Kleemans, 2019, p. 53). Figures 11 and 12 illustrate the number and proportion of women convicted for human trafficking in Ukraine between 2006 and 2022. Both sets of statistics demonstrate an extraordinarily high conviction rate of women for human trafficking compared with men, especially in the earlier years. More women were convicted than men in eight of the 17 years of the shown period. The numbers peaked in 2008, with 62.7% of the convicted perpetrators being women. The average percentage of female perpetrators of THB crimes in Ukraine is 47% for the period from 2006 to 2022. Compared with the statistics in the earlier years of the period, the share of women in all THB convictions was unusually low in 2021 (12.5%) and 2022 (22.2%). Although the beginning of the war can be a reason for the decline in 2022, the reason for the much lower proportion in 2021 is unclear.

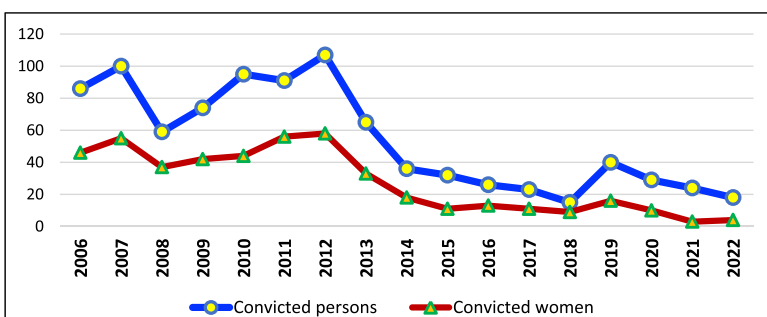


Figure 11 Number of women convicted for human trafficking in Ukraine (2006–2022).

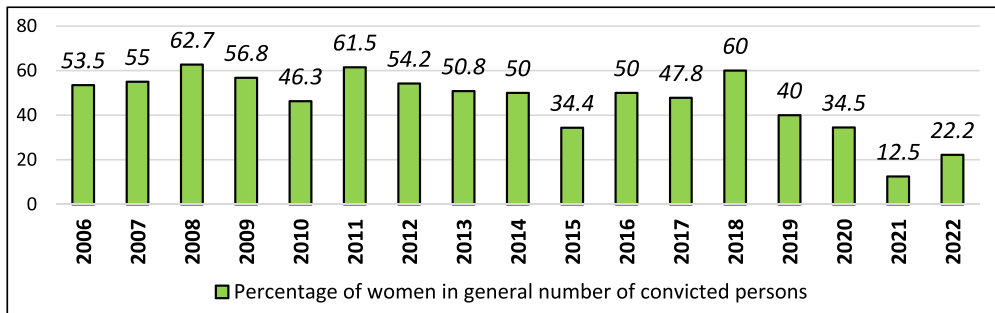


Figure 12 Percentage of women convicted for human trafficking in Ukraine (2006–2022).

Compared with what is seen from police statistics, the high percentage of women convicted for THB crimes (Figure 12) is unusual regarding their share in crimes in general. This also applies to 2021 and 2022.

According to the police statistics, female suspects accounted for 23% (25,067) of all suspects (106,929) in 2021, less than 11% (10,026) of all suspects (85,285) in 2022 and 20.6% (22,322) of all suspects (108,271) in 2023. The decrease in female suspects in 2022 and 2023 can be associated with the impact of the war, when a large number of potential female perpetrators fled the country.

International findings show that in 2020, women accounted for 40% of convictions in human trafficking cases, which is a higher share than in the case of other crimes (UNODC, 2022b). According to the UNODC report, ‘[c]ountries of origin tend to convict more females [...] than countries of destination. A possible explanation for this disparity is the role females play in the recruitment phase of trafficking as well as in specific activities at high risk of detection (such as collecting money) during the exploitation phase of trafficking for sexual exploitation’ (UNODC, 2022b, 58). This interpretation makes sense as Ukraine is known as a country of origin. However, there is not much information available about the gender of traffickers convicted in Eastern European countries (UNODC 2022a), which further points to hidden trends and the incorrect representation of the phenomenon in court statistics.

Country-of-origin female offenders might support male offenders during the recruiting process in Ukraine because ‘a female recruiter can more easily gain trust than a male recruiter, simply because she is a woman’ (Wijkman and Kleemans, 2019, p. 57). This image strengthens the perception of the ideal victim, which presupposes an ideal offender as a counterpart (Christie, 1986; Haverkamp, 2019). According to a Dutch study—the Netherlands is known as a country of destination—most of the women convicted (94.7%) worked with co-offenders ‘with whom [they (72.7%)] had or had had a romantic relationship’ (Wijkman and Kleemans, 2019, p. 67). Other studies show that ‘[w]omen often have a supporting role and have been instructed by their male partner to use their femininity and female characteristics when committing the offence’ and that ‘female perpetrators of sexual exploitation were convicted for criminal activities at a lower level and that they are also more exposed to detection by investigative authorities’ (Wijkman and Kleemans, 2019, pp. 56–57). Consequently, we assume that a remarkable share of women convicted for human trafficking could serve as ‘figureheads’ in criminal proceedings and that men, as ‘string pullers’, might remain unchallenged.

In addition, we suspect that the high percentage of convicted female offenders of THB crimes might hint at the organised character of human trafficking.

HUMAN TRAFFICKING AS ORGANISED CRIME

From a common view, human trafficking brings high profits to criminals and carries with it enormous human, social and economic costs (European Commission, 2023). THB is often linked with other forms of organised crime such as migrant smuggling, drug trafficking, extortion, money laundering, document fraud, payment card fraud, property crimes and cybercrime (European Commission, 2023).

In 2023, the GI-TOC published its assessment of organised crime in Ukraine as part of the Global Organized Crime Index, which confirmed the existence of an established illicit market in human trafficking and the influence of corrupt officials (GI-TOC, 2023). Moreover, GI-TOC

argues that drugs, human trafficking and weapons trafficking emerged as core illicit markets in Ukraine with domestic and transnational dimensions (GI-TOC, 2023).

Pursuant to Article 28 of the Ukrainian Criminal Code, a criminal offence shall be deemed to have been committed by an organised group where several persons (three or more) participated in its perpetration or commission, have previously established a stable association for the purpose of committing this and other offences, and have been consolidated by a common plan with assigned roles designed to achieve this plan known to all members of the group.

A criminal offence shall be deemed to have been committed by a criminal organisation when it was committed by a stable hierarchical association of several persons (five and more), members or structural units that have organised themselves, upon prior conspiracy, to act jointly in order for their members to commit (special) serious criminal offences, supervise or coordinate criminal activity of other persons, or to support the activity of this criminal organisation and other criminal groups.

In Ukrainian criminal law and criminology research, investigators have asked whether human trafficking is controlled by transnational criminal organisations (Kuryliuk and Khalymon, 2020). This does not appear to be the case based on an analysis of judgements of the national courts against convicted human smugglers (Kuryliuk and Khalymon, 2020). As human trafficking and human smuggling have similarities and might go together, the finding may also apply when court statistics are analysed. The authors of that study conclude that their findings suggest that ‘smuggling of migrants in Ukraine is controlled by organised criminal groups or organisations at [a] level of 8%, which is also confirmed by research of foreign scientists’ (Kuryliuk and Khalymon, 2020, p. 207). According to the study, convicted human smugglers usually act in groups that are not associated with organised crime (Kuryliuk and Khalymon, 2020). Owing to the study design, which limited the analysis to court judgements, the authors could not comment on the hidden structures of human smuggling in Ukraine, which resembles the situation seen in human trafficking.

Owing to the notoriously high number of unreported cases, court statistics provide only a small sample, which does not reveal the organised nature of THB (Figure 13). From 2006 to 2022, a total of 920 persons were convicted in Ukraine for human trafficking. Only 438 perpetrators (48%) were defined as members of criminal groups, and 174 perpetrators (19%) were defined as members of organised criminal groups. Individual perpetrators made up a considerable proportion (33%). As the court statistics show no cases, no traffickers of criminal organisations were convicted during the observation period.

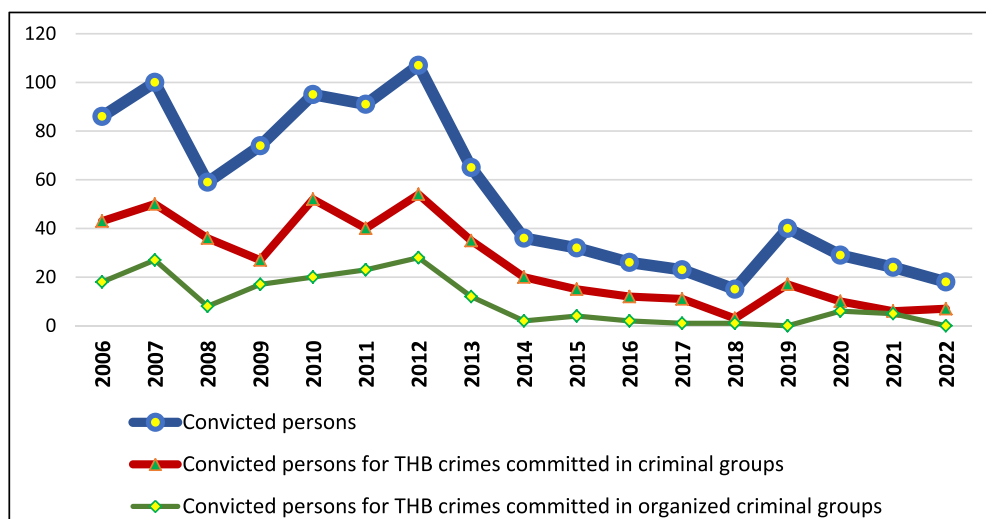


Figure 13 Organised forms of THB crimes (2006–2022).

The UNODC report (2022b) concludes from an analysis of 79 cases pertaining to the situation in Eastern Europe and Central Asia that most of the traffickers convicted worked with two or more perpetrators in a systematic way. They understood human trafficking as their main criminal business. Only in rare cases could more structured criminal organisations or a dominant position over territories be identified.

Traffickers seemed to be less entangled in a highly organised criminal structure than is the case in other European regions. Nevertheless, the case narratives of Eastern Europe and Central Asia exhibit a higher degree of criminal organisation than the court statistics in Ukraine. According to the case narratives, traffickers cluster into four categories in Eastern Europe and Central Asia: 4% belonged to an association of traffickers but not organised crime; 5% engaged in a governance type of organised crime; 10% acted alone; and 81% were members of business-type organised crime. As victims from Ukraine especially face cross-border trafficking more often than other foreign victims (UNODC, 2022b), a higher degree of organisation in Ukraine is likely than shown in the court statistics.

Therefore, we question the high percentage of individuals ('loners') and of criminal groups without structures, considering the dark figure of THB. Owing to their organisational capacities and resources, it makes sense for criminal organisations to stay in the shadows. The nature of transnational human trafficking seems to demand, at the very least, suppliers and recipients (even without considering the involvement of 'middlemen' or 'brokers'). Crossing state borders is associated with several difficulties: in brief, the necessity to organise the logistics and also to corrupt officials of at least two national states, which presuppose sufficient financial means. The corruption of civil servants and border guards supports the hidden nature of human trafficking.

SENTENCING FOR HUMAN TRAFFICKING

Given the low probability of detection, the comparatively harsh prison sentences for human trafficking are hardly a deterrent.

Pursuant to Article 149 of the Ukrainian Criminal Code, the sentencing structure for THB spans three levels. Paragraph 1 describes imprisonment for three to eight years for basic human trafficking. Paragraph 2 describes a more severe sentence: imprisonment for five to 12 years when the offence is committed repeatedly; against a minor or against several persons, by prior conspiracy by a group of persons; by an official using their official position; combined with violence that is not dangerous to the life or health of the victim or their relatives; or with a threat of such violence (with or without confiscation of property). Paragraph 3 stipulates imprisonment for eight to 15 years in the case of actions described in paragraphs 1 and 2 being committed against a minor by their parents, adoptive parents, guardians or custodians, or an organised group, or combined with actual or the threat of life- or health-threatening violence targeted at the victim or their relatives, or if serious consequences (with or without confiscation of property) followed from the action.

As human trafficking is considered a serious crime with a severe penalty in the Criminal Code, it is important to know whether this harsh level of punishment is reflected in the sentencing practice. According to the court statistics, 405 traffickers were sentenced to unsuspended imprisonment from 2006 to 2022, while 491 traffickers were sentenced to probation (conditional imprisonment) (Figure 14). Proportionally, these numbers translate to 44% of unsuspended imprisonment sentences, 53% of probation sentences and 3% of sentences ordering other community punishments. Judges often apply Article 69 of the Criminal Code, which allows them to impose less severe sentences.

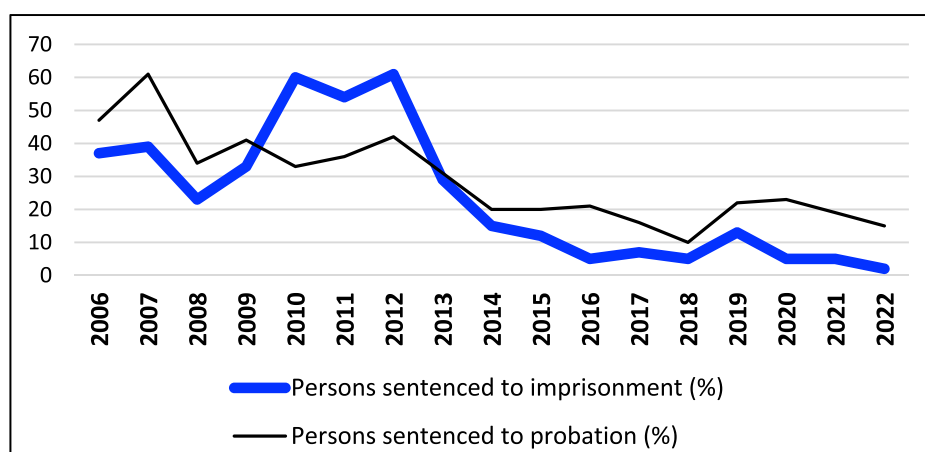


Figure 14 Number of persons convicted for THB crimes (2006–2022).

However, the period 2010–2012 is an exception. In these three years, the number of persons sentenced to unconditional imprisonment notably surpassed the number of those sentenced to conditional imprisonment. Since 2014, both the number of persons sentenced and the number of persons sentenced to unsuspended imprisonment have decreased markedly. This decline is most striking in the first year of the war. To conclude, the sentencing level appears to be low.

Therefore, the previous trends in court statistics remain topical. The 2023 Trafficking in Persons Report for Ukraine note that the country’s ‘[a]uthorities prosecuted and convicted fewer traffickers, and most convicted traffickers avoided imprisonment’ (US Department of State, 2023). Moreover, ‘many [Ukrainian] judges underestimated the severity of trafficking crimes and continued to hold entrenched stereotypes about what constitutes trafficking in persons, while others engaged in corrupt practices. These lenient sentences weakened deterrence, did not adequately reflect the nature of the crime, created safety concerns and undercut broader efforts to fight trafficking’.

SATELLITE CRIMES

In Ukrainian criminal law and criminology, the focus lies on transnational human trafficking with its external illegal markets. However, the aforementioned 2022 UNODC report stresses that victims of THB crimes are often recruited and exploited in their home countries. In Ukraine, human trafficking might often be a transit stage for a further criminal activity (e.g., involvement in prostitution). In addition, human trafficking does not require a movement of victims: victims can be recruited and trafficked in their hometowns, or even their own homes (Polaris, 2023).

We suspect that closing the state borders as part of the wartime restrictions resulted in a reshaping of the illegal market. Consequently, ‘satellite’ crimes could gain more importance than human trafficking. However, police statistics do not indicate such a transformation when the offence of setting up or running brothels and procuring is considered (Figure 15). While the peak phase of this offence occurred in the first three years of the observation period, a continued decline followed. The fewest such cases (61) were recorded in the first year of the war. However, a marked increase (129) occurred in 2023. A greater demand for sexual services can probably be ascribed to the influx of soldiers in Ukraine.

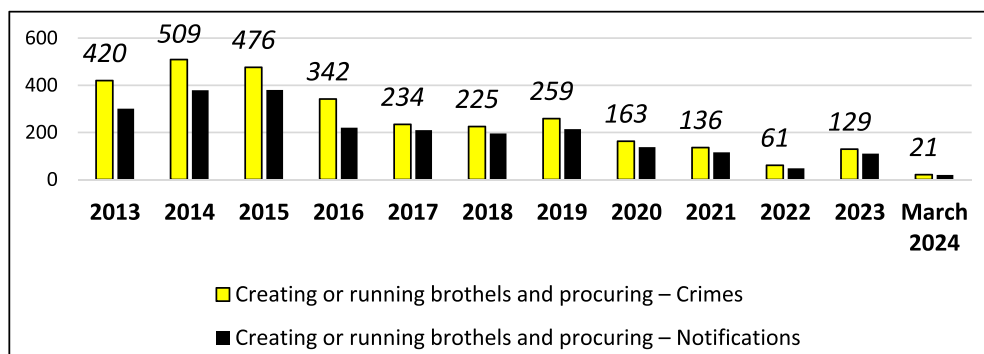


Figure 15 Cases recorded for creating or running brothels and procuring (2013–March 2024).

Yet a considerable decrease in the number of these cases is seen in the first three months of 2024 (Figure 15), which might be associated with a ‘hunt’ for shirkers (*uhylayntiv*); many penitential clients of brothels had to hide from being seen on streets and other public places. Military men were also required to be in their regiments, not in big cities.

Another reason could be that the police might have lost their ‘interest’ in this type of crime in light of the difficulties on the frontline and the orientation to war crimes committed by the Russian military forces. In 2024, a wave of missile strikes demanded more and more police officers and investigators for recording and investigating these crimes.

However, the considerable growth in pimping or engaging a person in prostitution in 2023 compared with the previous years (Figure 16) supports the assumption of a reshaping of the illegal internal market. Police statistics show 348 crimes of this type in 2023, but only 195 in 2022. This is the second-highest number in the preceding decade. This trend seems to be ongoing: police statistics show 85 crimes of pimping or engaging a person in prostitution being recorded in the first three months of 2024.

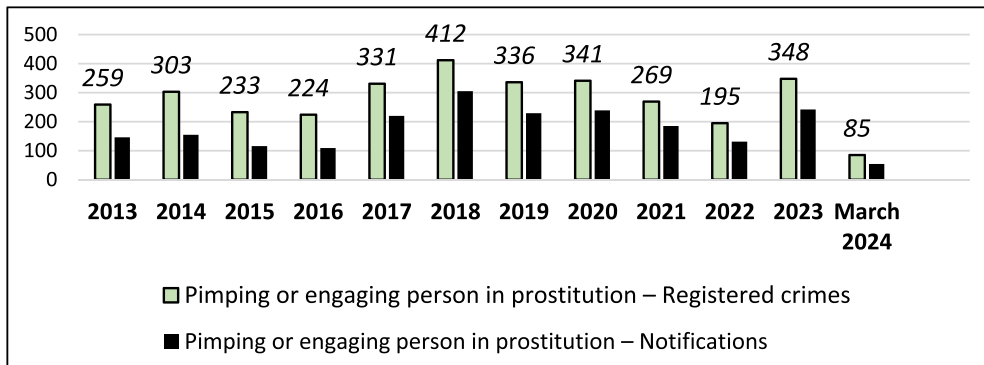


Figure 16 Cases of pimping or engaging a person in prostitution (2013–March 2024).

After Russia’s full-scale military invasion in February 2022, the number of cases recorded for pimping and engaging a person in prostitution as well as for setting up or running a brothel reduced to a zero point. These offences are typical ‘control crimes’: as the victims usually do not report the crime to the police, the numbers depend on control activities by the police (e.g., police raids), which form part of the everyday police routine in Ukraine. The onset of the war probably affected such control activities negatively.

This assumption is confirmed by the GI-TOC’s research into organised crime in Ukraine, which concluded that sexual exploitation as a form of human trafficking has continued with little interruption after the war started (GI-TOC, 2023). Moreover, sexual exploitation as a form of human trafficking ‘may even have expanded, although the curfew may have forced brothels and other sites of exploitation to alter their hours of operation’ (GI-TOC, 2023, p. 26). Observations show that ‘online listings of sexual service providers in Ukrainian cities have begun appearing in English as well as in Russian and Ukrainian, indicating an expanding client base drawn from the diverse international actors now in-country. [...] As the [w]ar continues, it is likely that human trafficking within Ukraine will expand as poverty and hardship increase’ (GI-TOC, 2023, p. 26).

The police themselves have also been found to be involved in such offences. For example, on 4th March 2023, the Pechersk District Court of Kyiv arrested the deputy head of the migration police department of the National Police of Ukraine, who ‘covered up’ the activities of a criminal group of pimps. He was given a notice of suspicion under three articles of the Ukrainian Criminal Code—Article 255 (setting up or management of a criminal community or criminal organisation), Article 302 (setting up or running brothels and procuring) and Article 303 (pimping or engaging a person in prostitution)—for recruiting women to provide sex services for money, including as ‘escorts’ (Petrenko, 2023). The criminal organisation consisted of 15 people, who provided brothels in Kyiv and were engaged in pimping in Ukraine and abroad (Romanenko, 2023). This case shows well the overlap with human trafficking.

The UNODC stresses that refugees from Ukraine are at risk of several forms of THB, including sexual exploitation, forced labour, illegal adoption and surrogacy, forced begging and forced criminality (UNODC, 2023). In view of millions of displaced people in Ukraine, human trafficking and ‘satellite’ criminal activities in the slipstream of THB also take place within the country.

CONCLUSION

The European Court of Human Rights (ECtHR) views THB as modern slavery, stating that ‘trafficking in human beings, by its very nature and aim of exploitation, is based on the exercise of powers attaching to the right of ownership. It treats human beings as commodities to be bought and sold and put to forced labour, often for little or no payment, usually in the sex industry but also elsewhere. It implies close surveillance of the activities of victims, whose movements are often circumscribed. It involves the use of violence and threats against victims, who live and work under poor conditions’ (ECtHR, 2010, pp. 59–60).

Many Ukrainian representatives are aware of the negative consequences of human trafficking for the victims and its spread in the country. Despite efforts and progress to combat human trafficking in Ukraine in recent years, many shortcomings still exist (GRETA, 2018; US Department of State, 2023). For example, GRETA ‘urges the Ukrainian authorities [...] to ensure that all presumed and identified victims of trafficking receive adequate assistance and support, according to their needs. This should include measures to provide a sufficient number of places

around the country for all victims of trafficking who need safe accommodation, which are adapted to the specific need of victims of THB and provide specialised support and services' (GRETA, 2020, p. 26).

However, the shortcomings already begin with the detection, identification and recording of human trafficking, as our analysis of police and court statistics reveals (see also GRETA, 2020). The dark figure appears to be large in view of the small number of THB cases and of 'satellite' crimes included in police statistics. This finding carries through to court level: few convictions for THB are seen and few THB victims are acknowledged. Contrary to the statutory sentences, the level of punishment is lenient, as many convicted traffickers are let off with suspended imprisonment. The reason is the broad use of Article 69 of the Criminal Code, which allows for a lesser penalty to be imposed than what is provided by the law. Few victims receive compensation, which is also insufficient. Consequently, the scarce and incomplete data from the analysed statistics provide a distorted and inaccurate picture of human trafficking in Ukraine.

According to the court statistics, no traffickers convicted were members of a criminal organisation, and instead, perpetrators appear to have acted alone or in a criminal (organised) group. In 2019, the Ukrainian Ministry of Social Policy stated that '[t]rafficking in Ukrainians accounted for 65% abroad and for 35% at home' (GRETA, 2020, p. 3). In view of this high proportion of cross-border THB, it makes sense to assume larger organisational and sophisticated networks being at work, which conceal themselves from the prosecution authorities given their clandestine and ramified structures.

However, the media discovered a police scandal in February 2023, involving probably the first and only criminal organisation in human trafficking and forced prostitution in Ukraine. The top-level migration police officer was identified as the head of the criminal organisation, working with other top-ranking police officers. The police's own involvement as perpetrators—including with regard to corruption—counteracts effective combatting of human trafficking. The anecdotal evidence of the mentioned case indicates that efforts should also focus on the lawful functioning of the police and border guards.

The statistics show a continuous decline in traffickers convicted since the Russian invasion of Crimea and several eastern regions of Ukraine. Following the start of the war in February 2022, the number of cases of human trafficking fell to zero owing to border closures and other restrictions, and defence of the country. In light of this situation, which jeopardised the existence of the country, it is comprehensible that the prosecution and recording of THB cases initially no longer functioned.

However, it is more difficult to outline how human trafficking was affected by the war. Serious concerns arise because THB cases continue to be registered despite borders seemingly being completely closed, police checks, curfews and hundreds of military and police roadblocks. Furthermore, 133 THB crimes in 2022 do not reflect the real situation with regard to millions of refugees and displaced persons. This points to insufficient or ineffective police intelligence, investigation and prevention of THB crimes, as well as inadequate supervision of the border service at the state borders. No information about the extent of THB or changes in its structures can be gleaned from the analysed statistics.

So-called 'satellite' crimes accompany human trafficking. Their development can therefore provide indirect information about the existence of human trafficking. For the most part, the police statistics do not contain any further disclosures in this regard. This applies in particular to setting up or running brothels or procuring, while the rise in cases involving pimping or engaging a person in prostitution increased markedly in the second year of the war. This increase might also hint at hidden human trafficking. As there is a demand for sexual services among soldiers and other international actors in Ukraine, we suspect THB and 'satellite' crimes will grow more in the near future.

In light of millions of displaced persons in Ukraine, the current anti-trafficking policy is developed and implemented poorly. Consequently, an effective national prevention strategy against THB appears to be overdue and demands a more transparent and coordinated approach. First of all, anti-trafficking prevention needs more financial resources for its implementation. Further shortcomings relate to the focus at the central level, which neglects local authorities. Local

authorities lack the capacity to cope with the phenomenon, although they face human trafficking directly and have to deal with its consequences. Therefore, more support to local authorities from the central government is indispensable.

A future prevention strategy should pay special attention to the victims of THB crimes, who are not adequately protected in Ukraine and should be equipped with sufficient financial resources. The general absence of public-funded compensation schemes stimulates secondary victimisation. Trafficking victims must be granted their rights under criminal and civil law, which means providing effective access to legal aid throughout the criminal proceedings as well as improving victims' potential to access restitution in criminal cases and compensation in civil proceedings. Given the image of the 'ideal victim', they need protection against stigmatisation and stereotypes, which are still powerful in Ukrainian society.

Furthermore, the sentencing policy concerning human trafficking might be questioned owing to the gap between the harsh sentencing law and the lenient case law. A tightening of the sentencing procedure would require action by the legislator in order to respect and protect judicial independence. An amendment could restrict lesser penalties than provided for by the law (Article 69 of the Criminal Code) being imposed, combined with a reasoning criterion for probation.

For an effective future anti-trafficking and prevention strategy in Ukraine, it is crucial to ask: *Quis custodiet ipsos custodes?* Corruption is widespread in the country, with Ukraine placed 116th out of 180 on the Corruption Perceptions Index (Transparency International, 2023), and the US Department of State noting that in 2023, 'corruption remained a serious concern in the police and judiciary, which enabled trafficking and exacerbated impunity for trafficking crime' (US Department of State, 2023). In this respect, it is important not only to keep an eye on the development of corruption, but also to tackle the phenomenon in Ukraine. Uncovering corruption in the police force and border control requires the deployment of sufficient financial and human resources as well as the further establishment and strengthening of existing authorities against corruption, such as the State Investigation Bureau and the National Anti-Corruption Bureau.

The main question of the paper, namely how law enforcement within Ukraine can be expected to prevent, detect and investigate THB crimes, remains open. Currently, Ukrainian police forces are not seen as a tool of crime prevention but as a resource for saving the state from Russian military aggression. Unfortunately, considering the lack of police resources, human traffickers had additional opportunities to broaden their illegal activities without being punished. It can be presumed that over the next couple of years, only the most blatant or unsophisticated cases of human trafficking might be registered, especially if there is already an identified suspect against whom action can be taken. Moreover, it can be presumed that the Ukrainian police will not be able to participate in international police operations against human trafficking in light of the lack of resources and priorities concerned with the victims of war crimes.

Finally, the situation on the frontline in Ukraine is more than difficult, and government efforts aim to mobilise as many men as possible. For example, the new law on mobilisation intends to promote mobilisation (Visit Ukraine, 2024), yet more Ukrainian men wish to escape military service and leave the country. This opens up further opportunities for human traffickers and smugglers. Consequently, human trafficking (including satellite crimes) is becoming more complex and affected by other social factors than before 24 February 2022.

COMPETING INTERESTS

The authors have no competing interests to declare.

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