



Counter Trafficking in Persons (CTIP) Assessment

For USAID/Ukraine

December 28, 2012

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Executive Summary

The purpose of this Assessment was to document the current CTIP operating environment in Ukraine so as to inform the future design of a follow-on CTIP program that will be funded by USAID/Ukraine. In order to determine what has changed in Ukraine since an evaluation of the USAID-funded IOM program was carried out in 2009¹, the SOW included a series of specific questions (see Annex A for the complete SOW) that the Team was asked to answer. In addition, the Team was asked to make overall recommendations about the direction that future USAID-funded CTIP work should take. The assessment was carried out by a four person team, carried out over a two week period, from December 4-15, 2012. The assessment methodology was based on a combination of a desk review of relevant documents, key informant interviews, observation of a CTIP NGO Coalition meeting, and attendance at the annual IOM CTIP Awards Ceremony. Over 25 total meetings were held, including meetings with USAID/Ukraine staff, IOM, the Government of Ukraine (GoU), six NGOs that are members of IOM's extensive CTIP network, other donors (e.g., SIDA, the EU), and other civil society organizations (for a complete list of meetings, see Annex B). The Team generated an extensive list of questions (see Annex C) that was used to structure and guide the key informant interviews.

Snapshot of some of the key findings of the assessment:

- **CTIP Operating Environment:** Much has changed in the CTIP operating environment in Ukraine since USAID/Ukraine's CTIP program was evaluated in 2009. The overarching legislative framework for CTIP efforts is now in place, although implementation of the legislation is still in the early stages. The Law of Ukraine on Combating Trafficking in Human Beings was adopted in September 2011. This Law lays out the basis for the mechanism of cooperation by which all relevant State Agencies and Departments at the central and local levels will work in concert with civil society to provide assistance to VoTs (this mechanism is commonly referred to as a National Referral Mechanism (NRM)). The State Program on Combating Trafficking in Human Beings for the Period Until 2015 was adopted in March 2012; this document lays out the specific activities that the State plans to implement in order to protect VoTs, prevent trafficking, and prosecute traffickers. There have been follow-on regulations issued as well.
- **New CTIP Trends:** Of the new trends that have been identified, increased trafficking of men and increased trafficking for purposes of labor are the most robust and widespread phenomenon. It also seems probable that far more children and youth are being trafficked than are typically identified. Although there have been some increases in the numbers of people trafficked to Ukraine as a destination, trafficked for internal organs, and trafficked internally, these numbers appear to still be relatively modest. Changes in how victims are recruited and in the conditions of their exploitation are posing challenges in victim identification and for law enforcement seeking to prosecute traffickers.

¹ Cozzarelli, C., Cazacu, D., and Novikau, J. (March 2009). Countering Trafficking in Persons in Ukraine Project: Final Evaluation.

- **GoU and Civil Society cooperation on CTIP:** The GoU is cooperating with NGOs at both the local and the national level, but this cooperation is inconsistent in the regions and is much more developed in some oblasts as compared to others. At the national level, the USAID-supported NGO CTIP Coalition is in the process of signing a MoU with the MoSP, a very positive development. The Coalition is still young but shows promise as an advocacy and watchdog civil society organization that can present a unified front when interacting with the government on CTIP issues.
- **Gender Issues:** The current USAID/Ukraine CTIP Program is already quite gender sensitive, with considerable attention being paid to the needs of VoTs of both sexes. The future CTIP program should continue on with this approach and carefully monitor the sex composition of the VoT caseload to ensure that the available services are a good match for the needs of the VoTs.
- **NRM Rollout:** Initial pilot testing of the draft NRM was supported in two oblasts by OSCE and later by IOM in three additional oblasts. Results of these pilots were examined for lessons learned and a standard model for NRM implementation was derived. IOM and OSCE are now cooperating in rolling out (and monitoring) the standard model in five oblasts, including the oblasts that served as pilots. Implementation of the NRM is in the beginning stages and there are numerous issues still to be worked out before sustainable functioning of the NRM can be assured. Some of these issues are as follows:
 - Due to variations in the structures of local governments in some oblasts in Ukraine, the chain of authority that was envisioned in the Law in order to determine whether a given individual will be granted official status as a VoT does not work properly.
 - The provisions related to child VoTs in the NRM are considered by many to be weak and the details of how services will be provided to this particularly vulnerable group are not well-articulated.
 - USAID has invested (through IOM) considerable funding in building the capacity of the NGOs who have heretofore been providing services to VoTs in many oblasts across Ukraine. Their precise role in a fully functioning and sustainable NRM is not yet clear and they do not appear to be envisioned as “equal players” by the Law, which places a priority on services that are provided by the GoU. The Law does allow for the possibility that the government can contract with NGOs to provide some services, but it does not guarantee any such funding, and the mechanism by which social contracting could take place is not yet fully functional.
 - The IOM Reintegration Center (which USAID has also heavily subsidized over the years) currently plays a central role in providing services to VoTs and is, in effect, the hub of the current system of assistance. Many VoTs receive extensive and comprehensive services at this Center before returning to the regions for further reintegration assistance from one of the NGOs in IOM’s assistance network. The future of this Center is unclear. Funding to keep the Center open has only been secured until the end of next year. As part of the implementation of the NRM, the State plans to take over the Center but the timeline and the terms of this takeover remain to be determined.

- One of the common, recurring themes emerging from numerous interviews was that although donors (including IOM and OSCE) have been training some State service providers at the oblast and rayon level, much more training needs to be done and it needs to be available to staff in all relevant Agencies. Staff in many oblasts have not yet received such training and the overall assessment is that the skill levels of many local social services providers remains low when it comes to identifying and assisting VoTs.
- GoU funding for implementing the NRM and the State Program is insufficient. There is no funding available for this year and low levels of funding available for the next three years. The budgeting for the Program assumes that local governments will provide the same level of funding as the Central government (but whether they do so is essentially voluntary on their part) and the GoU relies on donors or other sources to contribute matching funding as well.
- **Capacity of Local NGOs to Directly Implement CTIP Funding:** Although there are some CTIP NGOs that may be in a position to directly implement USAID CTIP programming in the future, they are small organizations that operate only at the local level. There is no local CTIP NGO with the national reach and high level of capacity that has been demonstrated by IOM, nor is there any other organization as crucial to the nationwide system currently providing VoT assistance.
- **Importance of Economic Empowerment for VoTs:** Nearly all informants agree that it is very important to provide economic opportunities for VoTs and that doing so successfully is a major contribution to their successful reintegration and the concomitant decrease in the likelihood that they will be re-trafficked. The IOM entrepreneurship program appears to employ a very strong model that has been honed over time to select the VoTs who are most likely to succeed as entrepreneurs in market niches that are compatible with sustainable business operations.
- **Integration:** There are numerous opportunities for USAID/Ukraine to integrate small CTIP activities across the Mission's portfolio, especially in conjunction with the civil society program, the media program, the LEP program, AgroInvest, and the current entrepreneurship program.
- **Technology:** Fighting trafficking in persons is an area that is ripe for technological innovation, although support for some of these activities may be too expensive to support under the Mission's upcoming programming. USAID/Ukraine's CTIP program already has experience in setting up PPPs with Ukrainian cell phone service providers such as KyivStar, GSM, UMC, and Astelit to support a toll-free anti-TIP phone number through which callers identified as victims of trafficking can be routed to relevant groups for assistance. Additional PPPs with providers of various forms of new media could be explored and USAID/Ukraine could support efforts to develop new applications for smart phones or other mobile phones that can be used to prevent or respond to TIP. One possibility is to support a local version of USAID's CTIP Campus Challenge.

Glossary

CTIP	Counter-Trafficking in Persons
DV	Domestic Violence
GBV	Gender Based Violence
GDA	Global Development Alliance
GoU	Government of Ukraine
IOM	International Organization for Migration
J/TIP	State Department's Office to Monitor and Combat Trafficking in Persons
MoE	Ministry of Education
MoFYS	Ministry of Family, Youth and Sports
MoH	Ministry of Health
MoI	Ministry of the Interior
MOU	Memorandum of Understanding
MoSP	Ministry of Social Policy
NAP	National Action Plan
NGO	Non-Governmental Organization
NRM	National Referral Mechanism
OSCE	Organization for Security and Cooperation in Europe
PPP	Public Private Partnership
TIP	Trafficking in Persons
UMB	Ukraine, Moldova and Belarus
VoT	Victim of Trafficking

TIP Assessment Report for USAID/Ukraine

Background

Much has changed in the CTIP operating environment in Ukraine since USAID/Ukraine's CTIP program was evaluated in 2009. The overarching legislative framework for CTIP efforts is now in place, although implementation of the legislation is still in the early stages. In 2010, Ukraine ratified the CoE Convention on Action in Trafficking in Human Beings and the Law of Ukraine on Combating Trafficking in Human Beings was adopted in September 2011. This Law lays out the basis for the mechanism of cooperation by which all relevant State Agencies and Departments at the central and local levels will work in concert with civil society to provide assistance to VoTs (this mechanism is commonly referred to as a National Referral Mechanism (NRM)). The State Program on Combating Trafficking in Human Beings for the Period Until 2015 was adopted in March 2012; this document lays out the specific activities that the State plans to implement in order to protect VoTs, prevent trafficking, and prosecute traffickers. A series of clarifying follow-on decrees have been issued as well that elaborate the concrete processes that are required to fully operationalize the CTIP Law. These have included Governmental Decrees: naming a National Coordinator for CTIP (the MoSP; adopted in January, 2012²), elaborating the specific procedures required to grant official status as a CTIP victim and the necessary certificate (adopted in May, 2012³), and specifying the procedures for granting one-time financial aid to VoTs (adopted in July, 2012⁴). The Decree of the Cabinet of Ministers of Ukraine (August 22, 2012) on Approval of the Procedure for interaction of Agents for Combating Trafficking in Human Beings⁵ includes a much more detailed set of standard operating guidelines and procedures for enacting the NRM, with detailed instructions about the steps to be taken to provide assistance once a VoT has been identified and who should do so at each step. The Decree includes the possibility of NGOs providing assistance and also has a few specific provisions related to child VoTs.

Methodology of the Assessment

The purpose of the Assessment was to document the current CTIP operating environment in Ukraine so as to inform the future design of a follow-on CTIP program that will be funded by USAID/Ukraine. In order to determine what has changed in Ukraine since an evaluation of the USAID-funded IOM program was carried out in 2009⁶, the SOW included a series of specific questions (see Annex A for the complete SOW) that the Team was asked to answer. In addition, the Team was asked to make overall

² Decree of the Cabinet of Ministers of Ukraine "On the National Coordinator for Combating Trafficking in Human Beings", <http://zakon2.rada.gov.ua/laws/show/29-2012-%D0%BF>

³ Decree of the Cabinet of Ministers of Ukraine "On Approval of the Procedure of the Declaration of the Status of Trafficked Persons", <http://zakon1.rada.gov.ua/laws/show/417-2012-%D0%BF>

⁴ Decree of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Payment of a One-time Benefit to Trafficked Persons", <http://zakon2.rada.gov.ua/laws/show/660-2012-%D0%BF>

⁵ Decree of the Cabinet of Ministers of Ukraine "On Approval of the Procedure for Interaction of Agents for Combating Trafficking in Human Beings", <http://zakon1.rada.gov.ua/laws/show/783-2012-%D0%BF>

⁶ Cozzarelli, C., Cazacu, D., and Novikau, J. (March 2009). Countering Trafficking in Persons in Ukraine Project: Final Evaluation.

recommendations about the direction that future USAID-funded CTIP work should take. The assessment was carried out by a four person team, carried out over a two week period, from December 4-15, 2012. The assessment methodology was based on a combination of a desk review of relevant documents, key informant interviews, observation of a CTIP NGO Coalition meeting, and attendance at the annual IOM CTIP Awards Ceremony. Over 25 total meetings were held, including meetings with USAID/Ukraine staff, IOM, the Government of Ukraine (GoU), six NGOs that are members of IOM's extensive CTIP network, other donors (e.g., SIDA, the EU), and other civil society organizations (for a complete list of meetings, see Annex B). The Team generated an extensive list of questions (see Annex C) that was used to structure and guide the key informant interviews.

Structure of the Report

Answering the questions in the SOW in some cases required only a statement of findings, whereas answering others implied the need to include recommendations. All questions in the SOW are clearly and individually answered although they have been re-ordered to maximize the flow of the material. Findings are presented for each question, but recommendations are included only for questions that require them. A final section is included in the paper in which all of the recommendations are gathered together, combined with additional information and recommendations, and presented as a coherent package.

1. "What is the current CTIP operating environment in Ukraine? How do emerging trafficking trends influence the implementation of the GOU's anti-trafficking efforts as well as USAID's CTIP assistance program?" and "Which of the emerging trends in TIP in Ukraine are not being addressed by USAID's current CTIP efforts?"

In addition to the legislative shifts described in the background section above, there have also been some changes since 2009 in the characteristics of VoTs in Ukraine.⁷ The major trends are as follows:

- **Trafficking for labor:** Prior to 2008, the majority of TIP cases in Ukraine had involved sexual exploitation. Starting a few years ago, the number of such cases began to decline, presumably at least partially as a result of prevention efforts in Ukraine but also because of changes in the global distribution of prostitution as well as the greater relative ease of trafficking women from new EU member states like Bulgaria and Romania. In 2008, there were almost the same number of cases where Ukrainian victims were trafficked for labor as for sexual exploitation, and since that time, the number of cases where victims were trafficked for labor has far outstripped the number that were trafficked for sexual purposes. For example, in 2011, IOM assisted 203 victims of sexual exploitation and 574 victims of labor exploitation. As of September 2012, 94 victims of sexual exploitation and 573 victims of labor exploitation had received assistance. The Director of the IOM Reintegration Center mentioned that those who have been exploited for labor in the past few years have had higher levels of and more specialized skills than those who were exploited earlier.

⁷Except where noted, statistics taken from IOM Mission in Ukraine (September 30, 2012). *Combating Trafficking in Human Beings: Ukraine*.

- Trafficking of men: At the time of the 2009 evaluation, a trend toward increasing numbers male VoTs had already been observed and this trend has intensified over time. In 2009, 23% of IOM's caseload was male; in 2010 it was 36%; in 2011 it was 43%; and as of September 2012, it has been 56%. Note that it is important not to conflate the sex of a VoT with a particular form of exploitation. While it is true that most adult male VoTs are trafficked for purposes of labor (only 1% of IOM's caseload of victims of sexual trafficking since 2007 has been male), female VoTs may be trafficked for sexual purposes, labor or both (90% of the victims of mixed forms of trafficking since 2007 have been female). Male youth are more likely than adult males to be trafficked for sexual purposes.
- Children: There was an increase in the number of children being identified as VoTs over the past few years, however, some interviewees attributed this to a USAID/EC-funded activity designed to increase identification of child victims. It is therefore unclear whether there is a trend toward greater child victimization or greater numbers of children are simply being identified.
- Ukraine as a country of destination: The number of foreign VoTs that have been trafficked to Ukraine and assisted by IOM has been increasing in recent years. In 2008, there were only two such victims, in 2009 the number increased to 15, in 2010 it dropped to 8, in 2011 it increased again to 21 and thus far in 2012, there have been 55. Although these numbers are small, they do suggest an unwelcome trend. Most of the identified victims have been Moldovans (70.2%), with another 20.8% coming from the CARs. The typical profile of this type of VoT is a male who has been trafficked for labor, particularly in the agriculture sector. The NGO "Successful Woman", located in Kherson, reported that some Ukrainians and a number of foreigners are trafficked to or exploited in this oblast for work in the agriculture sector – one such recent case involved 80 Moldovans.
- Trafficking for internal organs: At the time of the 2009 evaluation, trafficking for organs was a very rare event and although the numbers of such cases are still quite low, more have been reported in the past few years. Victims of organ trafficking most often knowingly agree to sell organs but they are subsequently exploited and often subjected to unprofessional and dangerous medical procedures.
- Internal trafficking: Several interviewees mentioned that there has been an uptick in internal trafficking but the Team was not provided with statistics on this issue.

Interviewees also noted that there have also been trends in the methods that are being used to exploit and ultimately traffic Ukrainians including the following:

- Trafficking for sexual purposes has become more nuanced: Victims are now trafficked for shorter periods of time than they were, they more typically travel with legitimate passports and visas and when the visa expires they are returned rather than deported, traffickers use less physical force but instead rely on psychological pressure to ensure that VoTs submit, and women who are trafficked for sex receive some payment, perhaps even an amount that appears large to those who have no way to earn a living in Ukraine. Traffickers are also becoming more adept at "breaking the chain" that appears to link the country of origin with the country of destination by arranging to have the VoT met by someone who appears to be a stranger offering

to help the “new arrival”. All of these factors are posing challenges to victim identification and may lead to grey areas where it is unclear to law enforcement, assistance organizations, and victims themselves whether they have been trafficked. Being officially recognized as a VoT is important for receiving the maximal amount of assistance from the GoU.

- Identity of traffickers: It has become much less common for Ukrainians to be trafficked by large, anonymous criminal organizations; instead, many people are trafficked by acquaintances, friends or relatives. Some interviewees said that it is much more difficult to bring such cases to court and that this is one of several reasons why the number of criminal cases has declined in Ukraine since the large organized crime rings that were engaged in trafficking were targeted by law enforcement around 2005.
- Location of victimization: Victims of trafficking for sexual purposes are less likely to be trafficked in brothels or bars, but are increasingly being trafficked in private apartments, which makes it more difficult to find and identify them.

In terms of providing victim assistance, the CTIP NGOs that the Team met with were nearly unanimous in their assertion that the IOM program is very flexible, monitors trends in CTIP, and adapts the programming accordingly. This has been the most apparent with respect to trafficking of men and trafficking for purposes of labor. IOM carried out a needs assessment of male VoTs in 2006⁸ and spent several years retooling victim assistance services to ensure that they also satisfy the needs of men. Victims of sexual and labor exploitation have many similar needs but the relative importance of these needs may vary. For example, VoTs who have experienced sexual exploitation have immediate and pressing health and psychological needs, whereas those who are trafficked for labor may have as a first priority regaining economic opportunities, with medical and psychological assistance lower on their priority lists.

Foreign victims have been receiving services when they have been identified as victims in Ukraine and children have always been able to receive services under the program, although providing services to children is more complicated because it must be coordinated with both the MoSP and the Ministry of Health (MoH). Thus overall, in terms of victim assistance, the IOM program appears to have a good understanding of the varying assistance needs of different types of victims and is able to provide services accordingly when victims are identified. IOM has also supported some small demand reduction activities via sub-grants to some of the NGOs in the assistance network.

In theory, the NRM covers all types of VoTs and thus, the GoU should be able to handle these new trends in exploitation. Foreign VoTs are eligible to receive services under the CTIP Law and the Ministerial Decree on Approval for the Procedure for Interaction of Agents in Combating Trafficking in Human Beings”, which provides implementation guidance related to the NRM, does include some specific procedures on how to handle foreign citizens who are trafficked to Ukraine. It also includes a few provisions describing specific actions to be taken in relation to child VoTs.

Conclusions

⁸ IOM. (2006). Needs Assessment for Reintegration Assistance to Male Victims of Trafficking.

Of the new trends that have been identified, increased trafficking of men and increased trafficking for purposes of labor are the most robust and widespread phenomenon. It also seems probable that far more children and youth are being trafficked than are typically identified. Although there have been some increases in the numbers of people trafficked to Ukraine as a destination, trafficked for internal organs, and trafficked internally, these numbers appear to still be relatively modest. Changes in how victims are recruited and in the conditions of their exploitation are posing challenges in victim identification and for law enforcement seeking to prosecute traffickers. The USAID/Ukraine program implemented by IOM appears to have been very flexible and they seek to provide services to all VoTs regardless of sex, age, country of origin, or type of victimization. Dealing with those who have been trafficked for organs has posed some challenges. In theory, the NRM provides guidelines that facilitate the provision of assistance to all types of VoTs, whether of domestic or foreign origin.

2. “How does the core group of NGOs involved in CTIP efforts and relevant GoU personnel work together to undertake CTIP work?”

The GoU and the NGOs that focus on CTIP work together in numerous ways at both the local and the national level, although the efforts at the local level vary considerably. In some oblasts, especially those with a strong NGO that is part of the IOM network, the State has partnered in one form or another with civil society to combat TIP for years. Most often, this collaboration appears to occur in the form of the government providing in-kind services (e.g., buildings, reductions on rent) for NGO trainings or premises for the NGOs themselves. For example, in Vinnitsa, the NGO “Dzherelo Nadii” established the Center for Social Partnerships, a center for victim reintegration that will bring together a series of assistance activities with diverse partners including local authorities and businesses; in this case, the local authorities provided the building on an in-kind basis. Other NGOs have described successful partnerships with the State Employment Services in addressing VoTs’ needs related to job skills training and job seeking. NGOs have also provided trainings to large numbers of State employees in some oblasts; often this has been occurring under the auspices of the donor-funded NRM roll-out efforts (see Question 6 for more on this issue).

At the national level, with the support of IOM, the CTIP NGO Coalition (comprised of 27 members) was recently formed. This group is intended to bring together NGOs that individually have only local impact to create a CTIP civil society organization with national reach and influence. The Coalition has signed a MoU with the MoSP to work together on CTIP, which is viewed as a great success and should help to ensure that the NGO community is able to speak with one voice when working with the government on furthering the NRM process. The Coalition is intended primarily as an advocacy group, but they also support small projects and are currently drafting an annual action plan. The Assessment Team attended a quarterly meeting of the Coalition; the event was well-attended and the NGOs seemed very engaged. They discussed future plans for trainings and fund raising ideas, shared information with each other, and banded together to brainstorm solutions to challenges being faced by individual Coalition members. At the moment, the Coalition is being supported through IOM (with USAID and Danish government funding), although the Coalition has drafted some proposals for funding from other sources.

Conclusions

In conclusion, the GoU is cooperating with NGOs at both the local and the national level, but this cooperation is hit or miss in the regions and is much more developed in some oblasts as compared to others. At the national level, the USAID-supported NGO CTIP Coalition has signed a MoU with the MoSP, a very positive development. The Coalition is still young but shows promise as an advocacy and watchdog civil society organization that can present a unified front when interacting with the government on CTIP issues.

3. “How can the future design address the differing needs of men and women VoTs as they exist?”

The VoT caseload in Ukraine has transitioned from being almost completely female to one that includes more than 50% men. As was outlined in response to question 1, males are overwhelmingly likely to have been trafficked for labor, whereas females are trafficked for sex, labor or mixed purposes. The IOM program has been quite flexible in handling this transition and since the time of the 2009 assessment, has devoted considerable attention to ensuring that the needs of male VoTs are met. They carried out an assessment of the needs of male VoTs in 2007⁹ and spent several years re-tooling the assistance program to assure that it worked equally well for victims of both sexes. At the time of the 2009 assessment, Donetsk oblast had pioneered some initial pilot work on addressing TIP in men, but multiple NGOs now work routinely with male VoTs. According to IOM, male VoTs are likely to require economic assistance early in the reintegration process, because they perceive it as imperative to regain their livelihood. Some males are assisted by the provision of job training courses, small grants to purchase tools or other materials to facilitate self-employment, or they may participate in the entrepreneurship program. (Female VoTs in many cases also receive these services.) Staff at IOM mentioned that it would be useful to develop more ways to help male VoTs quickly find jobs, especially in cutting edge or high demand sectors. For female VoTs, depending on the type of exploitation they experienced, locating employment may be a less urgent concern early in the process.

Men may also have different needs for medical attention as compared to women, since they often sustain chronic injuries related to unsafe working conditions. Both male and female VoTs have a need for psychological support although it is more difficult to successfully convince men to participate in counseling, probably because being seen as needing psychological help is at odds with the cultural male gender role. However, IOM staff has found that sometimes men will participate in activities that de facto result in some counseling if the approach to is subtle and built into other program components in which men are interested. Currently, there does not seem to be a complete understanding of whether there are sex differences in the preference for a male versus female therapist, and although there are anecdotal reports that different therapeutic techniques may work best with men versus women, this has not been substantiated. It is also unclear whether the fact that most NGOs that specialize in VoT assistance are run and staffed largely by women is a deterrent that may prevent male VoTs from coming forward to request assistance. Certainly the names of some of these NGOs would suggest that they exist to help women, but awareness raising materials about services that are available for VoTs often handle this issue by not including the name of the service provider, just a phone number.

⁹ GfK. (August 2011). Summary of the research on awareness on the human trafficking problem. Prepared for the CTIP Program of the IOM Mission in Ukraine.

A recent awareness survey funded by IOM revealed that there were no significant differences between men and women in their awareness of the major forms and patterns of human trafficking in Ukraine. However, men are more likely than women to say that trafficked people cannot trust organizations but must rely mainly on friends and family for help, whereas women are more likely to say that a variety of organizations can be relied on for assistance. This same survey also found that former migrants who had a successful migration experience are an at-risk group likely to believe that they will not fall prey to traffickers. Since 72% of the former migrants in this sample were men, this suggests that awareness efforts may need to especially target males who have migrated for labor purposes and plan to do so again.

The IOM reintegration expert mentioned that it is harder to engage male VoTs than female VoTs in providing peer to peer assistance or in doing other volunteer work that could assist other VoTs (for example, staffing a TIP hotline). It is unclear what underlies this pattern. Nevertheless, the Assessment Team did hear of some cases in which male VoTs who were assisted by one of the NGOs in the IOM network were now volunteering at the NGO themselves.

Conclusions and recommendations

The current USAID/Ukraine CTIP Program is already quite gender sensitive, with considerable attention being paid to the needs of VoTs of both sexes. The future CTIP program should continue on with this approach and carefully monitor the sex composition of the VoT caseload to ensure that the available services are a good match for the needs of the VoTs. Further research into whether the fact that the lion's share of assistance providers are female deters males from seeking assistance would be illuminating, as would additional attempts to discover the conditions under which male VoTs will accept psychological counseling since this may be a key component of successful reintegration for many, even if they do not acknowledge it. If there is additional awareness-raising work carried out under the future CTIP program, successful male labor migrants are a group that may need additional attention, especially in terms of convincing them to adopt safe migration practices.

4. "What elements are necessary for a functioning NRM? How can USAID programming institutionalize the NRM and its ability to respond to victim needs? Should future USAID programming continue to focus on the link between the GoU and the NGO network?"

The legislative base for the NRM is fairly solid at this point, especially when coupled with the more concrete details of the mechanism that were spelled out in the Ministerial Decree on the mechanics of the NRM. Although there were a few provisions omitted that some had hoped would be included in the NRM (e.g., a victim compensation fund derived at least in part from assets confiscated from traffickers, greater coverage of presumed victims of trafficking) most interlocutors agree that it is a good law and that is consistent with international standards. Specific standard operating procedures and methodological guidelines for cooperation under the NRM are in the process of being more fully elaborated, and once they are finalized, these will be mandatory.

Initial pilot testing of the draft NRM was supported in two oblasts by OSCE and later by IOM in three additional oblasts. Results of these pilots were examined for lessons learned and a standard model for

NRM implementation was derived. IOM and OSCE are now cooperating in rolling out (and monitoring) the standard model in five oblasts, including the oblasts that served as pilots. Implementation of the NRM is in the beginning stages and there are numerous issues still to be worked out before sustainable functioning of the NRM can be assured. Some of these issues are as follows:

- **Issues that are currently impeding the smooth functioning of the NRM:** Due to variations in the structures of local governments in some oblasts in Ukraine, the chain of authority that was envisioned in the Law in order to determine whether a given individual will be granted official status as a VoT does not work properly. This happens, for example, in cases where the oblast does not have a State administrative authority but instead operates with something more like local councils (e.g., in Crimea). This can cause significant delay and confusion in processing status applications which rely on the presence of a State executive authority in the oblast. There have been other bureaucratic hurdles in granting VoTs official “status” that need to be resolved. In addition, the distinct responsibilities of various Ministries are not completely clear in the Law. As more and more actual cases are handled under the NRM mechanism, the precise areas in which responsibilities need to be clarified will likely become more apparent.
- **Gaps in the NRM:** The provisions related to child VoTs in the NRM are considered by many to be weak and the details of how services will be provided to this particularly vulnerable group are not well-articulated. As of yet, there is still no specific State authority that is clearly responsible for child VoTs and the shelters where they are placed are often inadequate and designed for other types of vulnerable children, whose needs may be quite different. In addition, trafficking for organs remains a gray area that is not well addressed by existing laws and regulations.
- **Impetus needed to implement the NRM in oblasts:** Several interviewees remarked that although the need for cooperation across central and local GoU and NGO entities is spelled out in the NRM, in order for this to become a living process and not just a document, there is a need for someone to step up and provide the direction and the “push” to get the process moving. In many cases, this push was described as coming from local NGOs, but not all oblasts have an NGO that can assume this role. Some of the NGOs that are taking on this role currently said that they could not do so without the financial backing and political clout of IOM and USAID. One NGO said that without donor funding to help implement the NRM in their oblast, things could quickly backslide and the NRM could go back to being “just on paper”. Several NGOs also mentioned that they are assuming an independent, watchdog function and ensuring that the State authorities in the oblast and the local authorities are working together to fulfill their prescribed responsibilities.
- **Role of the NGOs in implementing the NRM:** USAID has invested (through IOM) considerable funding in building the capacity of the NGOs who have heretofore been providing services to VoTs in many oblasts across Ukraine. Their precise role in a fully functioning and sustainable NRM is not yet clear and they do not appear to be envisioned as “equal players” by the Law, which places a priority on services that are provided by the GoU. The Law does allow for the possibility that the government can contract with NGOs to provide some services, but it does not guarantee any such funding, and the mechanism by which social contracting could take place is not yet fully functional. Overall, there are also concerns about how the social

contracting mechanism will work in the content of Ukraine, particularly in terms of whether GoU contracts would be awarded based on the quality of the services provided by NGOs as opposed to political “connections”. Many interviewees were skeptical that the GoU would finally approve a social contracting law for a wide variety of reasons, including that thus far, the GoU has in effect been benefitting from the NGO work without financing it. The criteria by which NGOs would be certified as eligible to receive State funds via sub-contracts have also not yet been finalized. What the precise role of NGOs should be in a sustainable NRM is a matter of debate among donors and other key players. Some believe that NGOs should provide primarily a mentoring and supportive “back-stopping” role for State social services and other State actors, whereas others believe that NGOs should continue to be service providers and case managers. Many government officials suggest that most of the services that VoTs need can be obtained from one or more State services that provide assistance to vulnerable individuals in general (e.g., State Social Services Centers, health services, Centers for vulnerable children, State Employment Services, etc). It isn’t yet clear whether these disparate services can be combined to provide the type of multi-faceted, comprehensive assistance that VoTs have been receiving from IOM and some NGOs, especially given the fact that many State service providers do not currently have a high level of skill in dealing with VoTs in particular. Some of the NGOs that were interviewed during the course of this assessment seemed anxious about their future, fearing that full implementation of the NRM could essentially mean that they would be cut out of the service provision loop, and would need to re-define themselves in other ways (for example, as human rights NGOs).

- **Future of the IOM Reintegration Center:** The IOM Reintegration Center (which USAID has also heavily subsidized over the years) currently plays a central role in providing services to VoTs and is, in effect, the hub of the current system of assistance. Many VoTs receive extensive and comprehensive services at this Center before returning to the regions for further reintegration assistance from one of the NGOs in IOM’s assistance network. The future of this Center is unclear. Funding to keep the Center open has only been secured until the end of 2013. As part of the implementation of the NRM, the State plans to take over the Center but the timeline and the terms of this takeover remain to be determined. Complications arise on many fronts in addition to budgetary ones, including that the MoSP can only provide certain types of services by law. Other services are provided by other GoU entities; for example, medical services must be provided by the MoH. How these Ministries will work together to ensure comprehensive assistance is uncertain. IOM is very invested in ensuring that when and if the State takes over the Center, they are capable of providing comprehensive and professional services for victims that are on par with what the Center has been able to provide under IOM stewardship.
- **Further need for capacity building of key state actors:** One of the common, recurring themes emerging from numerous interviews was that although donors have been training some State service providers at the oblast and rayon level, much more training needs to be done and it needs to be available to staff in all relevant Agencies. Staff in many oblasts have not yet received such training and the overall assessment is that the skill levels of many local social services providers remains low when it comes to identifying and assisting VoTs. (See earlier questions for

related discussions.) In addition, the MoSP has requested additional training for social services staff at the central level.

- **Need for the GoU to commit adequate resources to implementing the NRM:** The amount of funding that the GoU has committed to implementing the NRM and the State Program is inadequate. There is no funding available for this year and low levels of funding available for the next three years. The budgeting for the Program assumes that local governments will provide the same level of funding as the Central government (but whether they do so is essentially voluntary on their part) and the GoU assumes that donors or other sources will contribute matching funding as well. In addition to funds that are designated specifically for work related to the Law/Program, individual Ministries would also have to receive sufficient budget to be able to provide the services to VoTs for which they are responsible and local governments would need to allocate funds for CTIP in order to obtain services via contracts with NGOs.
- **Need for continued monitoring and compilation of lessons learned:** IOM and OSCE are collaborating with the MoSP, LaStrada and other key players to monitor the ongoing roll-out of the NRM. Continuing to do so and feeding lessons learned back into the standard NRM model that is being utilized is of paramount importance. Enough time should elapse before proposing amendments to the current Law so that the system that is being rolled out can be adequately tested and feedback from the field can be digested and used to inform any future recommendations.

Conclusions and Recommendations (Note that much of the information in this section is expanded upon in the Over-arching Recommendations section of this document.)

Although the NRM is being rolled out in a small number of oblasts, much remains to be done to ensure that it is sustainable. Some gaps in the procedures specified in the Law must be addressed, the NRM must be rolled out in the remaining oblasts in Ukraine, the role of NGOs as assistance providers under the NRM needs to be clarified, the future of the IOM Reintegration Center must be determined, the capacity of numerous State actors must be enhanced, and crucially, the GoU must dedicate sufficient resources to fully implementing the NRM and the State Action Plan on TIP.

USAID can help to fully institutionalize the NRM by remaining engaged in the process of rolling out the NRM to new oblasts, helping to compile lessons learned, and continuing to work with the MoSP to elaborate and disseminate standard operating procedures and guidelines for implementing the NRM in all oblasts and rayons. IOM is coordinating similar donor activities in a variety of oblasts to be part of a broad partnership with multiple donors seeking to cover as many oblasts as possible. Doing so would also fulfill a key request of the MoSP. This support would need to include training for key State and local players in oblasts/rayons.

It is also important to continue to support to the IOM Reintegration Center and IOM's broader NGO assistance network until such time as the State takes over responsibilities for victim assistance. Without further funding, the Center may close before the State is fully able to assume responsibility for it and

this would deprive Ukraine of the heart of the current assistance network. In addition, there is a vested interest in ensuring that such a transfer doesn't occur until it is clear that the State has the requisite funding, has worked out a method of cooperation across Ministries, and has staff with the skill levels that are required to be able to provide the type of comprehensive services that VoTs have been receiving from IOM. Funding to the center could presumably decrease over time, however, as the State gradually takes on more of the responsibilities for running the Center.

The NGO Coalition has only recently begun functioning. Although it is working on a MoU with the GoU (which in itself is seen as a great success), it is important to continue to monitor and provide support to the Coalition to ensure that it is sustainable. It is also important to solidify the role of NGOs under the NRM and to lobby for inclusion of NGOs in continuing to provide services in some oblasts, where their skill levels and comparative advantage over what the State can provide makes this advisable. It is important that the NGOs are not disenfranchised as service providers. In general, NGOs need support as monitors and watchdogs of NRM implementation rather than general internal capacity building.

5. "Are there local CTIP organizations that have the capacity to directly implement trafficking programming in the future? What are their strengths and weaknesses?"

The assessment team was not in a position to directly assess the strengths and weaknesses of the many local CTIP organizations in Ukraine. Thus, the information reported in response to this question was gathered from the informed opinions of some of the interviewees.

The vast majority of the CTIP organizations in Ukraine are small and work locally, typically in one oblast only, and in some cases, their activities do not cover all rayons in the oblast. Some of these NGOs, especially those that have been supported through IOM, are high in capacity in terms of delivering local services to VoTs. However, according to IOM, most if not all of these organizations have deficits in the following areas: writing grant proposals; capacity to carry out sophisticated monitoring of program outcomes; financial reporting at the level of detail required by most donors; and project management experience sufficient to effectively select sub-grantees, issue awards, monitor sub-awards, and report to donors.¹⁰ In addition, current legislation in Ukraine poses some real constraints to awarding grants directly to local NGOs. For example, NGOs cannot legally sub-contract to other local NGOs, which would limit most local NGOs from joining with others in order to achieve results at a national level. Most NGOs also cannot operate on the basis of reimbursement for services provided, both because they do not have the funds to expend "up front" while awaiting reimbursement and also because Ukrainian regulations impose some tax penalties on funds that come in to an organization at the end of a project.

The only local NGO with national reach is LaStrada Ukraine. This organization has been involved in combating TIP for many years, with a particular focus on prevention activities. For example, LaStrada has been operating a CTIP Hotline in Ukraine for many years. LaStrada has not been as involved in VoT assistance activities as has IOM and they are a small organization.

¹⁰ IOM Mission to Ukraine. (February, 2011). Grant management analysis. Hard copy obtained from IOM in December, 2012.

Conclusions

Although there are some CTIP NGOs that may be in a position to directly implement CTIP programming in the future, they are small organizations that operate only at the local level. There is no local CTIP NGO with the national reach and high level of capacity that has been demonstrated by IOM, nor is there any other organization as crucial to the nationwide system currently providing VoT assistance.

6. “Should there be continue funding for programs that support economic opportunities for the victims of trafficking?”

Twenty-five percent of the current CTIP program is focused on restoring economic livelihood opportunities to VoTs. This component *“aims at increasing the economic potential of VoTs, selected groups of at-risk population and depressed regions with the high level of human trafficking.”* The activities under the component fall into two categories: (1) the “Empowerment for Employment” activities include professional and job skills training for VoTs and economically most vulnerable groups as well as income generating grants for VoTs and (2) the micro-enterprise program helped VoTs to start up new micro-enterprises as a way of regaining their livelihoods.

Since 2009, three job-skills trainings have been held and 85 at-risk individuals who were registered with the State Employment Centers as unemployed participated. The micro-enterprise program has reached 400 VoTs since 2006. Micro-grants for business start-ups in the average amount of \$2,099 have been provided to 227 VoTs. These grants helped to open 170 businesses in agriculture, industry and services. Ninety-two (92) income-generating grants (average amount of \$493) were issued to unsuccessful applicants for micro-enterprise grants as an alternate method to support self-employment.

In order to gauge the effectiveness of this component of the CTIP program, IOM carried out a review of its micro-enterprise program from 2006-2011.¹¹ This review revealed that of the 146 micro-enterprises established during this span of time, 99% were still operational and 93% were profitable. Sixty-six percent of VoTs running these businesses earned the equivalent of the average salary in Ukraine or higher; 18% earn twice as much as the average salary (there were no sex differences in average salary despite the fact that men and women tend to open different types of businesses). Forty-seven percent of VoTs earned enough to support their families and 28% earned enough to support their families and expand their businesses as well. Some enterprise owners also hire other employees; on average, 1.3 new jobs were created for each micro-business that was opened. VoTs and the NGOs that participate in this program rated it very highly, and IOM believes that the high rate of success of this program in generating livelihoods is a major reason why few VoTs who participate in IOM’s reintegration process are re-trafficked. Among the factors that make this program so successful include careful screening of VoTs to select those who appear to be well-suited to entrepreneurship, the requirement that VoTs must develop and defend a detailed business plan (not all VoTs who do so are moved on to the next stage of the program), the provision of a great deal of training and mentoring, and the provision of small start-up grants which allow VoTs to launch their businesses without taking on debt.

¹¹ IOM Mission in Ukraine. (2012, draft.) Internal review: Micro-enterprise development programme (2006-2011).

There are a few areas in which the IOM entrepreneurship program could be improved. The size of the micro-grants has not changed in many years and has not kept up with inflation and former VoTs who are operating micro-businesses could be better networked. Most crucially, the program as it stands now is not sustainable without donor funding and donor funding is not assured beyond 2013, when current funding from the Government of Norway ends. Although the State might perhaps be able to provide business training to VoTs, it is unlikely that it will provide micro-grants. Although the jobs skills training portion of the IOM economic empowerment program does collaborate with the State Employment Services in some oblasts, there are no such links in the entrepreneurship program, nor are there established partnerships with local businesses or other potential partners.

In addition to seeking information about the IOM economic empowerment program, the Assessment Team also asked many other interviewees how much of a priority providing economic support to VoTs is and should be. Many people said that after basic (and often very pressing) health and psychological needs are met, securing employment is the single most important factor in the successful reintegration of VoTs. Many of IOM's NGO partners were especially eager to tell us of "success stories" in which VoTs who started their micro-enterprises through the IOM program are now operating highly visible and in some cases nationally successful operations. One NGO mentioned that when an economic empowerment program works jointly with State Agencies and Departments, VoTs may gain greater trust in government as a result.

Conclusions and recommendations

Nearly all informants agreed that it is very important to provide economic opportunities for VoTs and that doing so is a major contribution to their successful reintegration and the concomitant decrease in the likelihood that they will be re-trafficked. The IOM entrepreneurship program appears to employ a very strong model that has been honed over time to select the VoTs who are most likely to succeed as entrepreneurs in market niches that are compatible with sustainable business operations. The other features of the IOM economic support program have not been evaluated but it seems likely that the job training and small grants that enabled skilled laborers to replace lost tools and other similar activities are of great use to VoTs seeking to regain a solid economic footing.

Continued support for economic empowerment programming of VoTs is crucial to their recovery and IOM has a successful model in place in this sector. However, greater efforts must be made to seek partners for this program from the GoU and the private sector so that the program will be sustainable .

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