



Excerpt from the book:

Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation: New Challenges, New Answers (5th Global Report)*, Paris, 2019.

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Cautionary note: The terms 'child prostitution' and 'prostituted children' are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

UKRAINE

	POPULATION 44,2 million		GDP PER CAPITA 2,639.8 USD
	POLITICAL SYSTEM Semi-Presidential Regime		HUMAN DEVELOPMENT INDEX 84 th rank among 187 countries
	GENDER INEQUALITY INDEX 55 th rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 130 th rank among 180 countries

As a destination for sex tourism, as a country of origin, transit, and destination for victims of human trafficking for sexual exploitation purposes, and as a producer of child pornography, Ukraine is a country particularly exposed to sexual exploitation issues. Multiple different factors have led to this situation.

The first is the economic situation of Ukraine, which is the second poorest country in Europe after Moldova. Currently, 25% of the population lives below the poverty line (15% in 2014) (*Ukrinform*, July 18, 2018).

Secondly, the Russian Federation's annexation of Crimea in 2014 and the ongoing military conflict¹ in the east of the country have created a profound climate of insecurity both in the concerned regions, where 1.8 million people were displaced in 2017 (*UNHCR*, 2017), as well as for the rest of the country: 21% of the Ukrainian population has declared that they would do anything to leave the country, including

accepting risky working conditions (entrusting their passport to an employer, crossing borders illegally, etc.) (*GfK Ukraine*, 2017).

Furthermore, although younger generations are changing this model, Ukraine continues to be a paternalistic society, in which women are dependent on men and are often victims of their violence. One in five women between the ages of 15 to 49 has experienced physical violence, and the perpetrators usually go unpunished. To date, the Ukrainian government has still not ratified the Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence.

Finally, Ukrainian society is dominated by a very traditional vision of what the role of women should be: passive, feminine, and respectful of male domination. This mythical representation of feminine submission coexists with the supposed beauty and availability of Ukrainian women, which is idolized by men all over the world.

In this situation, what attention is given to victims of sexual exploitation? In a country plagued by war, economic difficulties, and gender discrimination, prostituted persons come from the population's most vulnerable segments. What political will to adopt when the omnipresent conflict with the Russian Federation has the primary effect to monopolize Ukraine's attention and financial capacities, to the detriment of other causes?

The Current Situation of Prostitution and Human Trafficking

There is no official estimate on the amount of prostitution that occurs in Ukraine. In 2012, a study by the *Ukrainian Institute for Social Research Yaremenko* estimated that the sex trade was affecting about 50,000 Ukrainian women. Today, these same researchers believe that the population of prostituted persons has doubled. According to the *All-Ukrainian League (Legalife)* and the *Alliance for Public Health*, there are more than 80,000 prostituted persons in Ukraine, including 11,000 in Kiev and 25,000 in the eastern conflict zone (*ICF Alliance for Public Health, All-Ukrainian League « Legalife »*, April 4, 2017).

The reality is probably worse since these hypotheses only take into account so-called "regular" prostitution. In 2014, 81% of prostituted persons declared that they lived solely off prostitution. However, now the situation is very different. In 2016, nearly 30% of prostituted persons said they also make a living off other more or less lawful activities.

Victims of human trafficking for sexual exploitation purposes

There is a constant increase in the number of cases of human trafficking. In 2017, there were 346 identified cases of trafficking involving 184 women, 161 men,

and 22 minors. The phenomenon of trafficking for forced labor purposes is rapidly developing, but the percentage of human trafficking for sexual exploitation purposes remains significant: more than 40% of cases identified in 2017 (*Ukrinform*, February 28, 2018).

Most Ukrainian victims are exploited in the Russian Federation (67% of them in 2016). Other destinations include China, the United Arab Emirates, the Philippines, Malaysia, Japan, and Turkey.

Profile of victims

While the average age of a person's first sexual intercourse in Ukraine is around 16, the average age of entry into prostitution is said to be 22 (22 in 2013, 21 in 2011) (*ICF Alliance of Public Health*, 2016). The average age of a prostituted person is reported to be 29 years (28.5 years in 2013). Nearly 50% of prostituted persons were said to be between 25 and 34 years of age. Most victims have a high level of education; 31.2% of prostituted persons have completed secondary school, 32.4% have completed a vocational and technical course, and 10.7% have completed university. In 2016, 57.4% of prostituted persons reported having children or one or more dependent close relatives. Thus, it is the lack of sufficient income and essential goods that forces women into prostitution to ensure the survival of both themselves and their families. The phenomenon of human trafficking for sexual exploitation purposes is believed to rather impact more vulnerable profiles: single women between the ages of 18 and 26, often from broken homes (*ICF Alliance of Public Health*, 2014 and 2016).

Vulnerable minors

According to several sources, the number of minors being sexually exploited

(in prostitution, human trafficking for sexual purposes, and pornography) is decreasing. According to the Ukrainian government, from 2006 to 2010, minors accounted for 10% of the victims of human trafficking. But, since 2011, the trend has been reversed. In 2016, only 4.7% of trafficking victims were minors. Similarly, the NGO *Alliance for Public Health* stated that the number of underage and young adult prostituted persons is decreasing: 4.5% of victims were between 14-19 years of age in 2016 (6.4% in 2013, 9.4% in 2011, and 13.9% in 2008).

On the other hand, the *Ukrainian Institute for Social Research Yaremenko* reported that one in six or seven prostituted persons is a minor and *La Strada-Ukraine* reported that one third of the world's child pornography production comes from Ukraine, the Russian Federation, and Belarus.

Other sources also warned about how highly vulnerable minors are to the risk of sexual exploitation. According to a study conducted by the *International Organization for Migration (IOM)*, 40% of minors aged 13 to 17 in vulnerable situations (children placed in institutions or foster families, children displaced from conflict zones, etc.) said they were willing to accept offers that could lead to situation of exploitation (*GfK Ukraine*, 2016). Children placed in orphanages and institutions (82,000 to 200,000 children, according to the 2016 US Department of State report on Trafficking in Persons are particularly vulnerable.

In fact, the sexual exploitation of minors in Ukraine is still a taboo subject, and official data records are non-existent. Between 2009 and 2011, the Attorney General's Office identified 479 juvenile prostituted persons aged 16-18 years old, 61 in 2012 and 30 between January and September 2014. However, since 2014,

these data records are no longer available to the public.

Places and forms of exploitation

The main venues for prostitution are bars, nightclubs, apartments, massage parlors, hotels, brothels, strip clubs, and also forests, parks, vehicles, the streets, etc. Although prostitution is a prohibited activity, it is easy to open an establishment, as long as you know who to contact and who to negotiate with. Less than 5% of the prostituted population operates on the street.

The Internet is now playing an increasing role in the organization of prostitution. Social networks, dating sites, recruitment sites, and instant messaging services (such as WhatsApp) are used by both prostituted persons to find sex buyers, and by traffickers to find victims. In 2015, one out of five prostituted persons was settled in an apartment or via the Internet (compared to 13.2% in 2013). The majority of victims engaged in online prostitution are younger, while older prostituted persons prefer street prostitution.

Ukraine: a sex tourism destination

In 2015, 41.8% of prostituted persons reported having provided sexual acts to foreign sex buyers within the past month (more than 50% in 2013) (*ICF Alliance of Public Health*, 2014 and 2016). After the increase recorded in 2012-13 (on the occasion of Euro 2012, the UEFA men's football championship), the 2015 data shows a clear loss of interest, likely correlated to the annexation of Crimea by the Russian Federation, and the ensuing military conflict (*Kyiv Post*, March 8, 2018).

Nevertheless, Ukraine remains a country well known for its marriage agencies. Western men, usually middle-aged, continue to come *en masse* to find a

young Ukrainian wife who will "be poor and easier to manage" (*Vice*, November 9, 2016). This is a real industry that provides income to agencies, translators, and "fiancées." However, in reality, this so-called "marriage industry" is nothing more than sex tourism and a form of prostitution. Men buy their "fiancées" through agencies, which act as intermediaries, and who get rich in this market. For Inna Shevchenko of the NGO *Femen*, women are the victims: "It's difficult for women in Ukraine to be economically independent, even though they are educated and skilled (...) Young women see, in the foreign men, a chance for a better life, a possibility to leave and escape from life-long struggle that their mothers (...) experience" (*Vice*, November 9, 2016). It is this hope held by Ukrainian women that the marriage industry exploits.

Victims of prostitution: Between violence and police harassment

Prostituted persons are trapped in a cycle of exploitation and repeated violence. According to surveys conducted by *ICF-Alliance for Public Health*, nearly half of the population of prostituted persons reported to having been victims of violence during their activities (46.6% in 2015, 48.9% in 2013): verbal abuse and humiliation (69.5%), threats (50.1%), theft (refusal to pay the sexual act) (49.5%), beatings (38.3%), rape (24.3%), physical violence (24.3%), etc. There were also reports of torture, such as women being handcuffed to radiators or beaten with electric cables (*ICF Alliance of Public Health*, 2014 and 2016).

Sex buyers, who commit 81% of this violence, remain unpunished no matter what happens. Prostituted persons are also targets for police violence during raids on prostitution sites. During these raids, the police demand money and blackmail the prostituted persons, threatening to reveal

their activities to their family and friends if they do not comply (29.4% of prostituted women have been victims of extortion, 14.7% of threats, and 38.2% of wrongful arrests).

According to some surveys, the rate of police violence tends towards decrease: 23% in 2013 and 12.4% in 2015. This reduction, if confirmed, could be the result of the government's efforts to reform the police corps and make it an effective agency (*OSCE*, November 23, 2015).

Out of all the prostituted persons who were victims of violence in 2015, only 49% sought help or reported to the police (29% in 2013). However, their word is often not taken into consideration and their complaints are rarely recorded by the police, as if the violence they are subjected to is inherent to their circumstances.

The health risks

Ukraine has one of the highest HIV/AIDS prevalence rates in Europe. *UNAIDS* estimates that in 2016, 240,000 people were living with HIV/AIDS, 37% of whom were on antiretroviral therapy. 5,000 children under 14 years of age were living with HIV/AIDS. Prostituted persons are among the most exposed population: 7% of them were carriers of the virus in 2016 (compared to 7.3% in 2014) (*UNAIDS*, 2016).

Thanks to information campaigns, awareness within this population on ways of transmission and risk factors is said to have gradually increased. In 2015 and 2016, 93.5% of prostituted persons surveyed said they used condoms during their last paid sexual act, and 86.8% in the last 30 days. However, these data are to be taken with great caution. Indeed, *ICF Alliance for Public Health* works in close cooperation with pro-legalization of prostitution organizations, so it is important for them to promote the idea

that prostituted persons use condoms and thus prostitution is safe in Ukraine.

Prostituted persons are aware of the need to protect themselves. In 2016, 69.9% of prostituted persons said that they refused unprotected sex with a sex buyer (compared to 47.2% in 2008) (*ICF Alliance of Public Health*, 2016). They are also aware of the importance of monitoring their HIV/AIDS status. In 2016, 67% of prostituted persons had been tested and knew their results (*UNAIDS*, 2017). Nevertheless, the vulnerability of prostituted persons remains extreme for several reasons.

Firstly, in 2014, one third of the prostituted persons interviewed said they had drugs experience and, of these, 24% admitted to having used unclean equipment for their drug use (*ICF Alliance of Public Health*, 2014). In 2016, this number is greatly reduced: 4.6% (*ICF Alliance of Public Health*, 2016).

Secondly, in 2016, 34.4% of prostituted persons reported to having had an incident with a condom during paid sexual acts with a sex buyer in the previous month (31% in 2013) (*ICF Alliance of Public Health*, 2016).

Furthermore, while NGOs frequently provide supplies of condoms, nearly 25% of prostituted persons provide their own condoms or are supplied by the sex buyers, which represents a significant cost for both parties involved (particularly in conflict areas, where the cost of condoms is higher than elsewhere).

Finally, prostituted persons are not always able to demand the sex buyers wear condoms. Some sex buyers, under the influence of alcohol or drugs, refuse to use condoms. Others insist on unprotected sex: 11.3% of prostituted persons surveyed have agreed to having unprotected sex for an extra fee.

Decriminalization? Legalization? Debates on prostitution

Prostitution is prohibited in Ukraine. Procuring of prostituted persons and brothel management are punishable under the Criminal Code. The former is punishable by 3 to 5 years' imprisonment (4 to 7 years in the event of aggravating circumstances) while the latter has a less severe punishment, from a fine of 850 UAH (USD 32) to 2 years in custody. An average of 500 convictions occurs per year for these crimes.

Since 2006, to prostitute oneself, previously punishable under the Criminal Code, has been an administrative offence (art. 181-1), punishable by a fine of UAH 85 to UAH 255 (USD 3.2 to USD 9.7). Despite this change, government policies continue to be more repressive than protective toward prostituted persons. Finally, the purchase of a sexual act is not criminalized; only sex buyers of prostituted persons under 16 years of age are penalized, not because they are sex buyers, but because any sexual act with children under 16 years of age is punishable.

A bill to legalize prostitution

The debate on the legal status of prostitution², which began in 2015, has continued and intensified. In September 2015, Deputy Andrei Nemirovski, a member of President Porochenko's party, submitted a bill (n.3139) in Parliament (*Verkhovna Rada*) that would legalize prostitution and turn prostituted persons into "entrepreneurs who offer intimate services" by setting legal conditions for their practice (age limits, medical checks, etc.). The official objective of this project was to "put the country on the same level as a developed European country" and, drawing on the examples of Germany and

the Netherlands, to send a strong message to the *European Union*. Unofficially, the project's objective was also to open up a huge market that could aid the fragile economy and enrich the state budget with new taxes on prostitution.

This bill was eventually withdrawn without having been debated. Nevertheless, several political figures continued to make numerous statements to this effect (*Sputnik News*, October 1, 2016; *Causeur.fr*, October 1, 2015). Former President Yushchenko, Kiev Mayor Vitali Klitschko, MP Anton Gerashchenko, Police Chief Vadym Troyan, MP Leshchenko (who is close to the president), and Galina Tretyakova, Director of the Ukrainian Insurance Federation, have repeatedly called for the legalization of prostitution. In May 2016, a petition, signed by 52 prominent public figures, was published on President Poroshenko's website. The arguments in favor of legalizing prostitution are the same every time: ensuring the safety and social protection of prostituted persons, taxing an activity that currently brings no benefit to the State, developing tourism, etc.

All of this has opened up the debate. Opponents of the legalization project were able to express themselves, and different viewpoints have emerged. Oleg Soskin, a specialist on political science and director of the Institute for Social Transformation, calls for a public debate "to abandon this hypocritical position: the problem exists and no one knows how to get out of it." Mikhail Chaplya, representative of the Ukrainian Ombudsman, wondered, "Can the government intervene in the right to manage one's own body?" For others, such as MP Bogdan Galaiko, legalization "is a shameful and immoral bill. Prostitution involves drugs, alcoholism, the destruction of the physical and psychological health of the individual, the loss of the ideological and

moral values of society, the lack of respect and love for the family." Similarly, in a public debate entitled "Sex for money: service or crime?" Olena Kucheruk, the head of a public health program, called for the need to separate the concepts of human trafficking for sexual purposes and "voluntary sex work" (*IRF*, 27 March 2018).

Call for the decriminalization of "sex work"

At the same time, several organizations that defend the rights of Ukrainian "sex workers" have mobilized to carry out their own project: decriminalizing prostitution. On March 3rd 2017, the *International Day of "Sex Workers"*, Ukraine had its first march of "sex workers" (the same march also took place on the same date in 2018). At the initiative of the *All-Ukrainian League "Legalife"* and the *ICF Alliance for Public Health*, with the support of *Amnesty International Ukraine*, activists and prostituted persons marched in the government district of Kiev, screaming "My job, my choice" or "Sex work is work." The objective of this march was to capture the attention of politicians and society on the necessity to remove article 181-1 of the Code of Administrative Offences, which imposes a fine on sex buyers. A draft law on "the amendment of the Criminal Code of Ukraine on administrative offenses (concerning the abolition of administrative liability for prostitution)" was also submitted to President Poroshenko and the government.

The term "decriminalization" is deliberately ambiguous. Calling for the "decriminalization of prostitution" implies that prostituted persons are subject to criminal punishments, which is not true. Prostitution was decriminalized in 2006 and removing article 181-1 from the Code of Administrative Offences is not "decriminalization" in the literal sense.

Moreover, the term is intentionally associated with the idea of “full decriminalization of prostitution,” including the decriminalization of all forms of procuring.

The abolitionist message

In this context, abolitionist voices are also beginning to be heard (albeit with more difficulty). Several activists took part in the demonstrations of March 3rd 2017 and 2018 to express their rejection of all forms of legalization or decriminalization of prostitution: “Feminists against procurers and supporters of legalization.” A movement is growing, especially on social networks (in groups like *#feminismUa*, *FemUA Nordic model*), to fight prostitution and call on Ukrainian feminists to support the *Nordic model*: “the sexual exploitation of women's bodies should not be considered as a work,” explains Olena Zaytseva, who leads the Facebook group “*Resistanta*” (*Open Democracy*, March 7, 2018).

The emphasis on the fight against human trafficking

In 2013, international organizations brought to light the insufficient progress made by Ukraine in combating human trafficking, to the point where the 2013 to 2016 US Department of State reports on Trafficking in Persons included Ukraine in Tier 2 Watch List. In particular, observers criticized the inadequacy of the allocated budgets, the low number of victims identified, the difficulty in developing a new action plan, the steady decline in the number of prosecutions and convictions of traffickers, etc.

In January 2016, IOM called on Ukraine to strengthen its fight against human trafficking. The 2016-2020 National Action Plan against Trafficking was then still under preparation, and there

was an announced reduction in the allocated budget (30% less than the previous plan), which was a cause for concern. “When we start talking about human trafficking,” explained an official of the NGO *La Strada-Ukraine*, “[the government] start to think: ‘Oh, that’s not a big problem for our society. We don’t have money, we have a war’” (*Newsweek*, January 16, 2016).

The implementation of a new action plan has gradually made it possible to change the current situation. Since 2017, the US Department State report on Trafficking in Persons has reinstated Ukraine in Tier 2 of its ranking of countries in the fight against human trafficking. The objective of this reassessment is first and foremost to welcome Ukraine's clear efforts to tackle the problem. The measures taken include:

- The 2016-2020 Plan against Human Trafficking entered into force after several months of waiting and tergiversation. This plan, which focuses on the protection of victims' rights and assistance, and on prevention, provides in particular for the creation of new training and awareness-raising programs, the improvement of procedures for identifying victims and traffickers, the development of cooperation between executive authorities, international institutions and NGOs, and more;
- Increases in the financial allowances granted to victims. On average, allowances have been multiplied three times the initial amount. This measure came into effect in January 2017;
- Increases in budgets dedicated to the fight against human trafficking. The central government's share thus increases from UAH 98,800 to UAH 548,000 (USD 3,748 to USD 20,791) per year (*GRETA*, July 4, 2017). This budget is supplemented by regional and private funding;

- In April 2018, Petro Poroshenko, the President of Ukraine, signed a law strengthening the protection of minors under 16 years old against sexual exploitation. Now, voluntary sexual relations with a person under the age of 16 committed by an adult are criminalized. Thus, the minimum age of sexual adulthood is established in line with the recommendations of the UN Committee on the Rights of the Child (*Kyiv Post*, April 16, 2018);

- Increased police cooperation with various European countries (Moldova, Russian Federation, Turkey, Poland, the Netherlands, France, Greece, etc.).

The results of these efforts are visible, as more than 31,000 university and high school students were educated on this issue in 2016 (compared to 15,000 in 2015) and more than 11,000 law enforcement personnel were trained in 2016 (compared to 400 in 2015). A dedicated hotline for victims was created and recorded 19,444 calls in 2017. As a result, 80 potential victims were identified. The number of victims and traffickers identified is again on

the rise and the number of investigations into human trafficking has never been so high (see table below).

Nevertheless, while some aspects are improving, much remains to be done. Although the number of investigations is increasing, convictions remain insufficient. For 66 trials in 2017, only 23 convictions were handed down, making it the lowest rate in the last six years, and only 7 of those convictions were prison sentences (compared to the 119 prison sentences handed down between 2012 and 2016).

NGOs point out the inadequacy of assisting measures for victims. In particular, there is a lack of specialized homes. As of March 2017, only 19 out of 24 regions in Ukraine had established centers that could accommodate victims of human trafficking.

	2013	2014	2015	2016	2017
Investigations	130	109	111	115 (including 72 for sexual exploitation purposes)	346 (including 142 for sexual exploitation purposes)
Legal proceedings	91	42	59	45	66
Convictions	109	57	25	28	23
Identified victims	-	-	83	103	367
Assisted victims	-	940	699	1105	1256

Sources: *US Department of State*, 2013, 2014, 2015, 2016, 2017 / *GRETA*, July 4, 2017

In conclusion, Ukraine faces an extreme situation, and its government's responses are seemingly guided first and foremost by the need to comply with international guidelines, and therefore have had little practical impact. While policy is, at best, focused on combating human trafficking, prostitution, on the other hand, is not one of the government's first priorities, especially in the current military situation. Victims are forgotten, procurers and traffickers go unpunished, and sex buyers are free from responsibility.

In this situation, it is urgent to take actions that take victims into account: more facilities to receive them, the establishment of exit programs with assistance and training, etc. Procurers and traffickers must also be prosecuted to the fullest extent of the law, with sentences measuring up to the crimes committed.

These developments will not happen without a deep reflection on the place of prostitution in Ukrainian society. Discussions on its legal status have begun. This is the first sign of awareness on the part of Ukrainian authorities. But the debate must increase. Many political figures are already pushing for the legalization of prostitution, putting forward economic (bailing out the state by taxing the prostitution market) and geopolitical (pleasing the European Union) arguments. At the same time, "sex workers" movements are advocating for the repeal of section 181-1 of the Criminal Code and the decriminalization of prostitution, thus paving the way for future legalization. Can normalizing prostitution be the solution for Ukraine? How can one debate the issue by citing Europe without studying the *Nordic model*, which criminalizes the sex buyer and prohibits the purchase of sexual acts? Ukraine must consider all possible options, while keeping for sole objective the protection of victims.

¹ See Chapter "Ukraine", in Fondation Scelles, Charpenel Y. (under the direction of), *Prostitution. Exploitation, Persecution, Repression (4th Global Report)*, Ed. Economica, 2016.

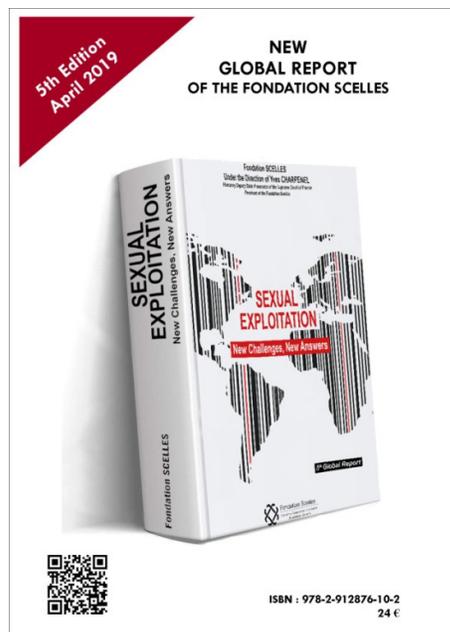
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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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