

HUMAN TRAFFICKING IN THE RUSSIA'S WAR ON UKRAINE

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Abstract

The recent war in Ukraine (openly started by the Russian Federation on February 24, 2022, and constituting an escalation of ongoing actions from 2014) once again showed that slavery did not disappear, it only took on a modern camouflage. The Internet has replaced the old slave markets, human traffickers have gone underground. But it is still one of the most lucrative practices practiced all over the world.

The International Organization for Migration (IOM) has recorded numerous cases of sexual violence against women and children trying to cross the border from Ukraine to Poland. Criminals take advantage of their victims by impersonating people offering transport or accommodation. La Strada International, the European platform of anti-trafficking NGOs, also states in its recent report that while it is too early to determine the scale of human trafficking related to the war in Ukraine, "there is already evidence of its activities."

The paper presents an analysis of the impact of Russian aggression on the migration of people from Ukraine and the threat of modern human trafficking.

Keywords: human trafficking, Ukraine, Russia, war.

Introduction

On the night of February 24, 2022 Russian President Vladimir Putin delivered a speech to the nation announcing the start of a special military operation aimed at protecting the population of Donbas from "genocide" and "demilitarization and denazification of Ukraine". The basis for the aggression was cited as the request for help from the separatist "republics" and the desire to defend the population that has been "victim of genocide by the Kiev regime for eight years." He announced the prosecution of those who committed "bloody crimes," also against Russian citizens.

In the early morning, the Russian Armed Forces began an attack on military infrastructure facilities throughout Ukraine and on border infrastructure from the territory of Russia and Belarus. The main motives of Russia's aggression against Ukraine were: (i) aspiration of taking over former Ruthenian lands; (ii) preventing from the existence of an independent Ukraine uninfluenced by Russia; and (iii) Russia's desire to destroy the European security architecture.¹ February 24, 2022 will undoubtedly make a strong mark in the history cards of the modern world.

The unprovoked, unjustified, and barbaric invasion of Russia into Ukraine is not only a manifestation of a huge security threat that has destroyed peace in Europe but also a challenge to the contemporary

¹ Grzebyk, P., Kuźniar, R., Bieńczyk-Missala, A., Kupiecki, R., Madej, M., Balcerowicz, B., Śledź, P., Pronińska, K., Jędrzejowska, K., Szeptycki, A. 2022. Agresja Rosji na Ukrainę - pierwsze dwa tygodnie wojny. Raport specjalny w: 10.7366/9788366849679.

world to face and confront Russia. The unprecedented concentration of Russian military troops along the border with Ukraine, the threats made by Russian Federation against Ukraine and NATO, and eventually the start of the invasion on February 24, 2022 significantly worsened Poland's security situation but nevertheless, Poland has been and remains a country that has provided Ukraine with the greatest aid. Poland is also among the countries that advocate for the widest possible scope of sanctions against Russia, including lobbying for the exclusion of Russian banks from the SWIFT system, and one of the first countries to make a decision to close its airspace to Russian aircrafts.

Having not achieved their original military goals, Russian armed forces use the tactics of attacking the civilian population. They carry out artillery shelling and bombing key infrastructure facilities, destroying airports, military units and warehouses, gas stations, schools, hospitals, and residential buildings. Deliberately violating international law, they provoke a humanitarian crisis and intensify sabotage operations on the routes of transportation convoys with military and humanitarian aid. Russia does not respect agreements regarding green corridors, designated for the evacuation of civilians and delivery of essential supplies to besieged communities. The number of casualties is increasing and the refugee crisis is deepening.

According to the Polish Border Guard data, from February 24, 2022 to January 22, 2023, 9.338 million Ukrainian refugees, mostly women and children, crossed the Polish-Ukrainian border.² The mass migration has already caused the largest humanitarian crisis in the world since the 1960s.³ The humanitarian crisis caused by the Russian war in Ukraine is rapidly turning into a human trafficking crisis, in which the women and children who make up the majority of refugees fleeing the war are exploited.

The work presents the history and definition of human trafficking and analyzes the impact of Russian aggression on migration from Ukraine and the threat of modern human trafficking.

1. The history of human trafficking

Human trafficking is a form of an illegal trade where people are forcibly kept, transported, or sold for the purpose of exploitation as workers or for forced sexual services. The history of human trafficking dates back to ancient times when people were sold as slaves.

In ancient Greece, slavery was a common phenomenon and in ancient Rome, it was one of the pillars of the economy of the empire. During the Middle Ages, it was widely prevalent, mainly in Arab countries. As Christianity gained influence in Europe, the phenomenon declined, however, when European countries began to build colonial empires, slavery became the driving force behind economic development.⁴

In the 19th century, human trafficking took the form of transporting African slaves to North and South America. During the over three centuries of the transatlantic slave trade, more than 12 million African slaves were transported to America.⁵

² Straż Graniczna

https://twitter.com/Straż_Graniczna/status/1617054749227995138?ref_src=twsrc%5Eetfw%7Ctwcamp%5Etweetembed%7Cwterm%5E1617054749227995138%7Ctwgr%5E607719298469e472063040546a5576d3a640a6f1%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.money.pl%2Fgospodarka%2Fukraincy-maja-placic-za-swoje-zakwaterowanie-organizacje-pozarzadowe-alarmuja-6858362874735168a.html [L.s. 24.01.2023].

³ The American research institute Pew Research Center created a list of the 10 biggest humanitarian crises in the last 60 years based on data from UNHCR and statistics from the UN's Department of Economic and Social Affairs. See: <https://www.pewresearch.org/fact-tank/2022/03/25/after-a-month-of-war-ukrainian-refugee-crisis-ranks-among-the-worlds-worst-in-recent-history/> [L.s. 24.01.2023].

⁴ Nowak, B., Współczesny handel ludźmi a nowożytny handel niewolnikami, [in:] Z. Lasocik (red.), *Handel ludźmi. Zapobieganie i ściganie*, Warszawa 2006, s. 33–34.

⁵ Lovejoy, P.E., *Transformations in Slavery: A History of Slavery in Africa*. Cambridge University Press. 2000.

After the slave trade ended, human trafficking took on new forms, such as smuggling people for forced labor or sexual crimes. In the 20th century, human trafficking became a global problem, especially in developing countries where people are smuggled into wealthier countries to work in difficult and dangerous conditions.

Contemporary cases of human trafficking include forced labor, forced marriages, sexual exploitation of children, organ trafficking, and the use of people for terrorist purposes. Global estimates of the number of human trafficking victims range from 24.9 million to 40.3 million men, women, and children.⁶

2. Human Trafficking, the definition

The issue of human trafficking has been raised internationally for a long time.⁷ Experts have been trying to formulate a definition of human trafficking for many years. The first legal definition of this crime is contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (hereinafter referred to as the Palermo Protocol), which supplemented the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly of the United Nations on November 15, 2000.

Under Article 3 of the Palermo Protocol, human trafficking means the recruitment, transportation, transfer, harboring or receipt of persons by means of threat or use of force or other forms of coercion, kidnapping, fraud, deception, abuse of power or of a position of vulnerability, giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. The exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs (paragraph a). The necessary condition for criminal responsibility for the crime of human trafficking is the intention of the perpetrator (a deliberate action). The consent of the victim to the intended exploitation is irrelevant if one of the methods listed above was used (Article 3 paragraph b).

The Palermo Protocol calls for the criminalization of the attempt to commit human trafficking, participation as an accomplice in a crime considered prohibited, and organizing or directing other persons to commit the acts listed (Article 5). Supplementing the definition contained in Article 3 paragraph a of the Palermo Protocol is paragraph c of the same provision, which considers human trafficking to be: the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation, even if it does not involve any of the methods listed in point a.

When interpreting the definition presented, it should be remembered that the victim's consent to their exploitation in human trafficking does not matter if any of the methods of enslaving a person have been used. Article 3 indicates that human trafficking concerns various behaviors:

- exploitation in the erotic industry,
- exploitation for forced labor or services,
- slavery and practices similar to slavery,
- removal of human organs,
- prostitution and child pornography.

⁶ International Labour Organization 2017. Global Estimates of Modern Slavery: Forced Labour and Forced Marriage. Geneva: International Labour Organization.

⁷ The first international act that pertained entirely to human trafficking was the International Agreement of May 18, 1904, to combat the trafficking of white slaves, Journal of Laws of 1922, No. 87, item 783. Other documents included: The International Convention of May 4, 1910, to combat the trafficking of white slaves, Journal of Laws of 1922, No. 87, item 783; The International Convention of September 30, 1921, to combat the trafficking of women and children, Journal of Laws of 1925, No. 125, item 893; and the International Convention of October 11, 1933, to combat the trafficking of adult women, Journal of Laws of 1938, No. 7, item 37, amended by a Protocol approved by the General Assembly of the United Nations on October 20, 1947, Journal of Laws of 1951, No. 59, item 405; The Convention on the Suppression of Trafficking in Persons and Exploitation of Prostitution of December 2, 1949, opened for signature on March 21, 1950, in Lake Success, Journal of Laws of 1952, No. 41, item 278.

Human trafficking is characterized by the international movement of victims, that is, the transfer of victims from places where there is a "supply" of people interested in traveling away, mainly women and children, to places where there is a "demand" for certain services.⁸ In this crime, we are dealing with a kind of "geography of human trafficking," that is, the directions of human trafficking that pass through the territories of countries used by human traffickers - after the crisis caused by the war in Ukraine, Poland became such a state.

3. Consequences of Russia's aggression against Ukraine

The outbreak of war in Ukraine dramatically changed the migration situation in Central and Eastern Europe, especially in Poland. As a result of the war in Donbass, over 1 million residents of Ukraine left the country between 2014-2019, and many of them went to Poland. At the time, the Polish side was limited to providing ad-hoc and particular support to migrants. The war caused by Russia against Ukraine in February 2022 resulted in the largest refugee migration in Europe since World War II.⁹

The situation at the Polish-Ukrainian border gave rise to various criminal groups seeking quick profit by exploiting the dramatic situation of people fleeing military aggression and humanitarian disaster. The war background and the movement of large groups of refugees requires special attention to the problem of crime and counteracting pathological or inhumane treatment of people. In view of this special situation, children and women are most at risk, who can relatively easily become victims of human trafficking.

Human trafficking remains one of the most lucrative criminal activities in the EU. The estimated global annual profit of this trade is 29.4 billion euros. The victims are mostly women and children - people who dominate among refugees from Ukraine. In the years 2017-2018, almost three-quarters of all registered human trafficking victims in the EU were women and girls. They are most often the victims of human trafficking for sexual exploitation (over 90 percent).¹⁰

The victims of human trafficking are either unaware or aware of their fate. However, it should be emphasized that the majority of them are unaware of their future fate. The unaware victims of the traffickers are those people who have either been abducted for sale or misled as to the purpose of travel and the expected, promised destination reality. These are usually people who have decided to take paid work abroad, which has nothing to do with the criminal exploitation of man (e.g. women working as waitresses in a bar or nightclub).¹¹

It should be emphasized that traffickers "look for people in difficult situations - unemployed, troubled with different issues, in debt, single mothers with low incomes. The ideal victim for the perpetrator is a woman who does not ask where and why she should go and is so desperate that she accepts the offers of travel uncritically. The perpetrator mostly seeks for young and poor people."¹²

⁸ Lasocik, Z., „Handel ludźmi jako przestępstwo i naruszenie praw człowieka – wyzwania dla kryminologii”, *Archiwum Kryminologii*, (XXVIII), 2006, s. 233–253. doi: 10.7420/AK2005-2006P.

⁹ According to data from the Polish Border Guard, from February 24th to January 22nd, 2023, 9.338 million refugees from Ukraine, mainly women and children, crossed the Polish-Ukrainian border. See: https://twitter.com/Straz_Graniczna/status/1617054749227995138?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Cwtterm%5E1617054749227995138%7Ctwgr%5E607719298469e472063040546a5576d3a640a6f1%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.money.pl%2Fgospodarka%2Fukraincy-maja-placic-za-swoje-zakwaterowanie-organizacje-pozarządowe-alarmują-6858362874735168a.html [l.s.24.01.2023 r].

¹⁰ See: <https://www.consilium.europa.eu/en/eu-against-human-trafficking/> [l. s 25.01.2023].

¹¹ Antonów, R., *Handel ludźmi. Kierunki, metody i rodzaje zniewolenia ofiar*. *Annales Universitatis Mariae Curie-Skłodowska, sectio G (Ius)*, 2014, 61(1).

¹² Bryk, J., *Handel ludźmi – zagadnienia prawno-karne i kryminologiczne*, [in] *Tożsamość polskiego prawa karnego*, pod red. S. Pikulskiego, M. Romańczuk-Grąckiej, B. Orłowskiej-Zielińskiej, Olsztyn 2011, p. 244-245.

Most of the people fleeing from Ukraine are women, children and defenseless individuals who are ideal potential victims of criminal networks involved in human trafficking. According to IOM statistics, from April 12, 2022 to December 31, 2022, 96 percent of refugees were women.¹³

Although there are no official statistics yet, the International Organization for Migration (IOM) has recorded numerous cases of sexual violence against women and children attempting to cross the border from Ukraine to Poland. The perpetrators exploit their victims by posing as people offering transport or accommodation. In 2021 alone, IOM in Ukraine identified and provided assistance to over 1,000 victims of human trafficking. After the outbreak of war, when migrations of people significantly increased, the problem of human trafficking began to grow.¹⁴

La Strada International, a European platform of non-governmental organizations fighting against human trafficking, states in its report that although it is too early to determine the scale of human trafficking related to the war in Ukraine, "there are already evidence of its activity." From La Strada's research conducted from March to May 2022, it appears that the greatest danger is faced by children without care, people without documents, and people who may not have access to temporary protection offered in EU countries. And the risks may only increase as the war continues, as more and more people will be relocated, making access to services and sources of livelihood increasingly uncertain, while millions of refugees will have to settle in other European countries for a longer period and will need access to the labor market.¹⁵

The Europol (the EU law enforcement agency) has also received or identified indications of activity related to trafficking in refugees from Ukraine.¹⁶ Frontex (the European Border and Coast Guard Agency) warns of "criminals operating in this area (...) seeking to find victims among the refugees, mainly women and children," and reported an incident involving two third-country nationals who attempted to cross the border with two Ukrainian infants who had previously entered the country without children.¹⁷ National law enforcement agencies are also reporting "suspicious signals of behavior that may indicate human trafficking," such as a refugee offering sexual services and a number of registrations of individuals with a history of sexual exploitation who are interested in accepting refugees from Ukraine.¹⁸ Police forces in Romania and Moldova have reported serious suspicions that some refugees at the border have been recruited by human traffickers.¹⁹ The Polish Ministry of Internal Affairs has informed that the Polish prosecutor's office is investigating several potential cases of human trafficking and confirmed intelligence reports from the early days of the war, "when foreign individuals with probably bad intentions were detected at the border."²⁰ However, a representative of the Polish police did not confirm a formal police investigation.²¹

The number of human trafficking victims was growing even before Russia's aggression against Ukraine. According to the statistics of the Ministry of Internal Affairs and Administration, 447 victims were recorded in 2021, and 269 the year before. According to experts, the scale of this phenomenon is significantly larger. In the case of human trafficking, statistics always show the tip of the iceberg. It is

¹³ Poland – Ukraine Response 2022 – Crossing to Ukraine - End of Year Fact Sheet (12 April – 31 December 2022) <https://dtm.iom.int/reports/poland-ukraine-response-2022-crossing-ukraine-end-year-fact-sheet-12-april-31-december-2022?close=true> [l.s.24.01.2023 r].

¹⁴ Increased Risk of Trafficking in Persons for People Fleeing Ukraine <https://mailchi.mp/831d6be550d0/increased-risk-of-trafficking-in-persons-for-people-fleeing-ukraine?e=73001ddff6> [L.s. 30.01.2023].

¹⁵ Hoff, S., De Volder, E., Preventing human trafficking of refugees from Ukraine, A rapid assessment of risks and gaps in the anti-trafficking response https://freedomfund.org/wp-content/uploads/UkraineAntiTraffickingReport_2022_05_10.pdf [L.s. 30.01.2023].

¹⁶ Expertisecentrum Mensenhandel en Mensensmokkel (EMM), Mensenhandel en mensensmokkel van vluchtelingen uit Oekraïne: Strategisch Intelligence Beeld, 24 March 2022.

¹⁷ Frontex news release, Fabrice Leggeri: "We are concerned about human trafficking and gun smuggling", 6 April 2022, <https://frontex.europa.eu/media-centre/news/news-release/fabrice-leggeri-we-are-concerned-about-human-trafficking-and-gun-smuggling--ZU83Tk>; EMM, 24 March 2022. [L.s. 30.01.2023].

¹⁸ EMM, 24 March 2022, *ibid*.

¹⁹ *Ibid*.

²⁰ Polish Ministry of Interior, interview, 13 April 2022.

²¹ Polish national police, interview, 13 April 2022.

estimated that there are around 40 million victims worldwide, with about 100,000 being identified, which is about 0.25 percent. The problem of human trafficking in Poland and worldwide is very serious and no data even approaches its real scale. This is mainly due to the fact that the system of identifying victims and prosecuting perpetrators in Poland and worldwide remains ineffective.²²

Summary

The war in Ukraine once again showed that slavery has not disappeared over years, it has only taken on modern camouflage frameworks. The internet has replaced the old slave markets, and human traffickers have gone underground into criminal networks. But it is still one of the most lucrative operations worldwide.

The war caused massive destruction and displacement. The history of past conflicts and evidence emerging from Ukraine indicate that this war creates opportunities for human trafficking and exploitation of others. The war and displacement put people in desperate situations and there is a significant risk both for those who remain in Ukraine and for the millions of refugees forced to leave the country. When people are in danger and/or struggle to meet their basic needs, they may have no choice but to make risky decisions – even if they are aware of the associated risk. Unfortunately, the risk does not end when people cross the border from Ukraine, and transit and destination countries also play an important role in reducing the risk and protecting the population.

Currently, there is little reliable data on the nature and extent of human trafficking and exploitation related to the war in Ukraine. While it is largely seen as inevitable, the lack of such data may be seen as a warning of how crucial it is to study this operation, combat it, and thus protect migrating people.

²² Report Trafficking in human beings in Poland. Report 2021 (Source: <https://www.gov.pl/web/handel-ludzmi/handel-ludzmi-w-polsce-raport-2021>) and see: <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/8535289,handel-ludzmi-dane-mswia-przesteczosc.html> [L.s.30.01.2023].

Bibliography

1. Grzebyk, Patrycja, Kuźniar, Roman, Bieńczyk-Missala, Agnieszka, Kupiecki, Robert, Madej, Marek, Balcerowicz, Bolesław, Śledź, Piotr, Pronińska, Kamila, Jędrzejowska, Karina, A. Szeptycki, Andrzej, 2022. Agresja Rosji na Ukrainę - pierwsze dwa tygodnie wojny. *Raport specjalny* w.: 10.7366/9788366849679;
2. After a month of war, Ukrainian refugee crisis ranks among the world's worst in recent history <https://www.pewresearch.org/fact-tank/2022/03/25/after-a-month-of-war-ukrainian-refugee-crisis-ranks-among-the-worlds-worst-in-recent-history/> [Last seen 24.01.2023];
3. Nowak, B., Współczesny handel ludźmi a nowożytny handel niewolnikami, [w:] Z. Lasocik (red.), *Handel ludźmi. Zapobieganie i ściganie*, Warszawa 2006;
4. Lovejoy, Paul E., *Transformations in Slavery: A History of Slavery in Africa*. Cambridge University Press 2000;
5. International Labour Organization 2017. *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*. Geneva: International Labour Organization;
6. Lasocik, Zbigniew, *Handel ludźmi jako przestępstwo i naruszenie praw człowieka – wyzwania dla kryminologii*, *Archiwum Kryminologii*, (XXVIII), 2006;
7. The EU's work to combat human trafficking <https://www.consilium.europa.eu/en/eu-against-human-trafficking/> [Last seen 25.01.2023];
8. Antonów, Radosław, *Handel ludźmi. Kierunki, metody i rodzaje zniewolenia ofiar*. *Annales Universitatis Mariae Curie-Skłodowska, sectio G (Ius)*, 2014;
9. Bryk, J., *Handel ludźmi – zagadnienia prawno-karne i kryminologiczne*, [w] *Tożsamość polskiego prawa karnego*, pod red. S. Pikulskiego, M. Romańczuk-Grąckiej, B. Orłowskiej-Zielińskiej, Olsztyn 2011;
10. Poland – Ukraine Response 2022 – Crossing to Ukraine - End of Year Fact Sheet (12 April – 31 December 2022) (<https://dtm.iom.int/reports/poland-ukraine-response-2022-crossing-ukraine-end-year-fact-sheet-12-april-31-december-2022?close=true>) [Last seen 24.01.2023];
11. Increased Risk of Trafficking in Persons for People Fleeing Ukraine <https://mailchi.mp/831d6be550d0/increased-risk-of-trafficking-in-persons-for-people-fleeing-ukraine?e=73001ddff6> [Last seen 30.01.2023];
12. Hoff, Suzanne, De Volder, Eefje, Preventing human trafficking of refugees from Ukraine, A rapid assessment of risks and gaps in the anti-trafficking response https://freedomfund.org/wp-content/uploads/UkraineAntiTraffickingReport_2022_05_10.pdf [Last seen 24.01.2023];
13. Expertisecentrum Mensenhandel en Mensensmokkel (EMM), *Mensenhandel en mensensmokkel van vluchtelingen uit Oekraïne: Strategisch Intelligence Beeld*, 24 March 2022;
14. Frontex news release, Fabrice Leggeri: “We are concerned about human trafficking and gun smuggling”, 6 April 2022, <https://frontex.europa.eu/media-centre/news/news-release/fabrice-leggeri-we-are-concerned-about-human-trafficking-and-gun-smuggling--ZU83Tk>; EMM, 24 March 2022;
15. Report Trafficking in human beings in Poland. Report 2021 <https://www.gov.pl/web/handel-ludzmi/handel-ludzmi-w-polsce-raport-2021> [Last seen 24.01.2023];
16. Handel ludźmi kwitnie. Dane pokazują tylko wierzchołek góry lodowej <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/8535289,handel-ludzmi-dane-mswia-przestepczosc.html> [Last seen 30.01.2023];
17. Cockbain, Ella, Sidebottom, Aiden, *The war in Ukraine and associated risks of human trafficking and exploitation*;

18. Insights from an evidence-gathering roundtable <https://humantraffickingsearch.org/wp-content/uploads/2022/05/ucl-iasc-2022-roundtable-report-the-war-in-ukraine-human-trafficking-and-exploitation.pdf> [Last seen 24.01.2023].