

INTERNATIONAL EXPERIENCE IN COMBATING TRAFFICKING IN WOMEN AND POSSIBILITY OF ITS APPLICATION IN UKRAINE

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Abstract. *It has been emphasized that the issue of combating trafficking in women was and is relevant for all countries, even the most developed ones, both in the economic, political and legal, social and cultural spheres. The mechanisms of combating this dangerous, antisocial phenomenon in various foreign countries have both specific and common characteristics. In general, every modern democratic, legal state strives to ensure the maximum compliance of national mechanisms and countermeasures with UN requirements and standards established against human trafficking.*

It has been generalized that the following should be included into the most useful aspects of international experience, which should be taken into account during the improvement of domestic state policy in the field of combating trafficking in women, as well as organizational and legal mechanism for the implementation of this policy: the creation of an interdepartmental working team that will take care of the issues of: the analysis of effectiveness and perspectives in combating trafficking in women in Ukraine; orientation of the activities of state law enforcement agencies and certain social services in combating offenses related to trafficking in women, as well as providing appropriate assistance to persons who are victims to such offenses; active involvement of non-governmental organizations in conducting training and educational work with the population in order to provide women with necessary knowledge and patterns of behavior needed in order to: first, minimize the risks of being a victim of human trafficking; secondly, to preserve one's life and health and minimize the dangerous consequences of getting into the specified situations; increased responsibility for committed offenses related to trafficking in women, if the victims are minors; shift of emphasis in the state legal and educational policy from the inadmissibility and immorality of women's trade in their bodies (i.e., prostitution) to the illegality and immorality of using sexual services; paying special attention to the work with women, especially minors, who belong to marginalized groups of the population.

Key words: *international experience, counteraction, trafficking in women, implementation.*

1. Introduction

The problem of trafficking in women is not purely Ukrainian and is characteristic to many other states, which solve it with varying degree of success, both due to internal means and mechanisms and to active international cooperation, because the mentioned dangerous phenomenon (that is, trafficking in women) quite often goes abroad certain countries and a great number of researchers pay attention to the global nature of this problem. Therefore, studying international experience within the framework of the presented issues will allow: first, to timely identify the problems that may arise during the organization and implementation of the specified interaction, as well as in the process of improving and developing its organizational and legal mechanism, to prevent them timely or minimize negative consequences related to these problems in case of their occurrence; and secondly, to increase the quality and effectiveness of the national mechanism for combating trafficking in women due to the moderate and balanced use of the positive aspects of the organization and functioning of similar mechanisms in foreign countries. The relevance of studying international experience of combating in women is also strengthened by the fact that many

Ukrainian women have currently become forced emigrants as a result of the full-scale military invasion of Russian Federation to the territory of our state.

2. Review of the literature

Certain problematic aspects of combating trafficking in women were considered in their scientific works by: A.V. Andrushko, V.I. Varenko, O.V. Dzhezhyk, Yu.A. Karmazin, S.O. Pavlenko, A.F. Yurchenko and many others. However, despite significant theoretical development, there is still a large number of problems of theoretical and practical nature in this field, which necessitates the study of international experience for combating trafficking in women.

3. Research purpose and objectives

The purpose of the article is to summarize the positive international experience of combating trafficking in women and to work out the possibilities of its application in Ukraine. In order to achieve the specified purpose, the following objectives must be solved: to carry out analysis of the scientific views of scholars who studied the problems of combating trafficking in women in foreign countries; single out the positive aspects of international experience,

which should be used by the domestic legislator in the framework of improving the fight against human trafficking in Ukraine.

4. Scientific novelty of the research

The scientific novelty of the article is the fact that positive international experience in the field of combating trafficking in women was further elaborated there.

5. Results

First of all, let's pay attention to the experience of some European states, because it is Ukraine that is a member of the European community both geographically and in a cultural and value sense.

The low living standard in the country, the lack of adequate financial support of the population and perspectives for its improvement are among the factors that greatly contribute to the emergence and prosperity of such criminal activity as trafficking in women. However, the experience of the leading European states, recognized economic leaders not only in Europe, but also in the world, demonstrates that even financial well-being of the population is not a "vaccine" against the emergence and development of this anti-social phenomenon. A bright example of this is Germany, which is the largest economy in Europe and one of the five most powerful world economies. This state is called the locomotive of Europe – the country's GDP is about \$4 trillion, or 4.5% of the world economy. Only the USA, China and Japan have a larger share. Germany, unlike a number of large economies, occupies a high position and in terms of GDP per capita – 19th place [1]. Obviously, the level of illegal activity related to trafficking in women in Germany is much lower than in Ukraine and many other less stable and developed countries in political and economic aspects, however, such offenses are not unique in this country. The risk of becoming a victim of human trafficking has significantly increased for women within the current conditions of increased migration flows to Germany (in particular, due to the above-mentioned Ukrainian immigrants). It is what the official authorities of Germany are warning about. In particular, the German police systematically emphasize that employees of humanitarian organizations, volunteers and refugees should be especially vigilant in places where refugees arrive. Hundreds of Ukrainian refugees daily communicate with humanitarian service employees, volunteers and ordinary citizens, who receive them at Munich main train station. According to some data, there are more and more men among those "helpers", who want to force women into prostitution. It is not a mass phenomenon, but isolated cases of attempted human trafficking have already taken place. German authorities pay a lot of attention to the prevention of such phenomena and try to keep this problem under control [2].

The subjects of combating criminal activity related to human trafficking are: justice agencies (of fed-

eral and regional levels); police services of 16 federal lands; federal police agencies; federal customs department (subordinated to the Federal Department of Finance). However, one of the main roles in combating crimes related to human trafficking is assigned to the German police. Police management is carried out according to a semi-centralized system, a characteristic feature of which is the limitation of the powers of central (state-wide) police management agencies in relation to land police units. The German police works as part of the Ministry of Internal Affairs, which has a much wider competence than the Ministry of Internal Affairs of other countries. In fact, the Ministry of Internal Affairs of the Federal Republic of Germany controls all the main areas of the country's internal life. The German police is divided into: public security and public order police; standby police; criminal police [3, p.172]. The main volume of work in the system of police agencies in combating trafficking in women is carried out by the criminal police, the Federal Criminal Police Department of the Federal Republic of Germany conducts annual analysis of the state of combating human trafficking in general and women in particular. It should be noted that the Federal Interdepartmental Working Team "Trafficking in Women" was created in February 1997 within the Federal Ministry for Family, Pensioners, Women and Youth Affairs, in order to strengthen the effectiveness of combating the researched phenomenon and to coordinate the work in the mentioned area. The working team was established based on the fact that human trafficking can become a serious problem, the solution of which will require cooperation at both the national and international levels. The working team includes representatives of federal and state ministries, the Federal Criminal Service, the Association of specialised counseling centers against trafficking in human beings (KOK). The KOK was established with the support of the state in December 1999 with its residence in the city of Potsdam (federal land of Brandenburg). A number of advisory offices operate under the auspices of the KOK throughout Germany. Its purpose is both to help women in difficult situations and to spread and create public opinion in Germany, which would involve raising awareness among the population regarding the condemnation of violence against women and the comprehensive recognition of human trafficking as a violation of human rights. The statutory objective of the KOK is also lobbying for decisions, drafts laws and international treaties at the national and international level that would contribute to significant progress in the fight against trafficking in women. Other public associations are also involved into such provision of assistance to women who are in trouble [4].

It should be noted that Germany has recently faced certain problems in terms of combating human trafficking in general and women in particular, caused by a prejudiced attitude towards illegal migrants. It is about the fact that special services, in case of

the detention of illegals who have become victims of human trafficking, or if such persons independently turned to those services, first of all pay attention to violations of the regime of crossing the state border by these persons and the procedure of stay on the territory of Germany, but not to the fact that a crime was committed against them. In this regard, German human rights defenders have stressed that the right to personal safety and access to court are basic rights in a democratic society, that is, guarantees of protection of life and health, honor and dignity should be applied to all persons who find themselves on the territory of Germany, equally, even if they got there illegally. Therefore, first of all, it is necessary to provide appropriate help and support to illegal migrants who have suffered from criminal activities related to human trafficking, and only then to resolve the issue of the legality of the ways they entered the country and the reasons for their stay [5].

It should be noted that prostitution is legalized in Germany like in a number of other countries, but this does not mean that such a form of human trafficking as sexual exploitation is absent in this country. To identify this phenomenon, German police officers use a number of criteria, namely: special mechanical locks at the entrance and exit; technical means of electronic surveillance; security at the entrance and exit; protected and barred windows; presence of women without passports, identity cards or visas; women whose personal data cannot be verified; communication of females only in their native language; they look very nervous or helpless, cannot explain how they got to the country, cannot manage the money they have earned; the cost of sexual services is much lower than the market price; women must daily earn a minimum amount of money; women are limited in their freedom of movement, have considerable debts [6].

The next country in Europe, the experience of which we would like to draw attention within the scope of the presented study, is the French Republic. The fight against human trafficking is one of France's priority tasks in the field of protection and promotion of human rights, as well as the fight against organized crime. The French authorities are well aware that human trafficking is a transnational threat. Thus, the effective fight against this harmful phenomenon requires the participation of France at several levels: national, European and at the UN level [7]. The implementation of combating trafficking in women in this country is primarily expressed in the establishment of criminal liability for human trafficking. France repealed the old Law on combating human trafficking in March 2013 in order to improve its policy in this area, and the Lower House of the French Parliament approved a new draft law on December 4, 2013. This draft law is designed to sanction buyers of intimate services in the amount of 1,500 euros [8, p.60]. The Interdepartmental unit for protecting women against violence and for combating trafficking in human

beings (MIPROF) was established in January 2013 in order to strengthen the protection of victims of human trafficking. After the adoption of the first national Action Plan in 2014, France is currently committed to the implementation of the second national Action Plan to combat human trafficking for the period 2019-2022. This Plan, which includes 45 measures, confirms the commitment taken by the French government to strengthen the fight against human trafficking. The main directions of this Plan are: bringing the topic of human trafficking to public discussion and raising awareness among young people about the risks of exploitation; development of a strategy for identifying victims of human trafficking to ensure their protection and providing them with real assistance; guaranteeing unconditional protection of minors who have become victims of human trafficking; intensification of activities to eliminate criminal networks; coordination of state activities at the national and local levels and further strengthening of cooperation at the international level [7].

France, as part of an international initiative, called for stronger international cooperation to combat this harmful phenomenon at the UN Congress on Crime Prevention and Criminal Justice in March 2021. Besides, France being a destination country for human trafficking arriving from the Balkans, implements a regional cooperation strategy in South-Eastern Europe. This strategy relies on the presence of the regional technical adviser on combating human trafficking at the Permanent Mission of France to the United Nations in Vienna. This adviser implements cooperation measures with 11 countries of South-Eastern Europe and develops both technical and operational cooperation. His activities allow for coordinated interaction with all relevant partners to contribute to capacity building, prevention of human trafficking, protection of victims and elimination of criminal networks [7].

The USA experience is also interesting along with European states. The peculiarity of the experience of this country is due to the fact that the problem of slavery was solved there much later than in many other countries of the civilized world, although it is currently the most developed state in the economic sense, as well as a recognized outpost of world democracy. V. Liubchik emphasizes in his writings that the law, which is still used to prosecute persons accused of human trafficking, was adopted in the USA only in 1910. This regulatory act is known as the Mann Act (White Slave Act). The indicated Law is included in the Code of Laws of the United States and is included in Chapter 117 of the Section 18. Since the adoption, the provisions of the White Slavery Act were significantly amended in regard to the results of its application. The presentation of the content of the Articles has become more generalized, which made it possible to significantly expand the scope of their use. On September 11, 2000 the US Senate unanimously passed new law aimed at protecting victims of domestic vi-

olence and human trafficking. Part of the specified regulatory act is focused on the fight against illegal importation of women into the country for the purpose of sexual and other exploitation, as well as the protection of victims and the prosecution of persons guilty of the specified crimes (Trafficking Victims Protection Act of 2000) [9, p.57; 8, p.60]. Experts emphasize that, despite the above mentioned delay, American legislation criminalizing human trafficking and related acts, is still one of the most progressive in the world. It is most in line with international law, in particular the UN Protocol against Trafficking in Persons of 2000, in contrast to the national legislation of other countries, which undoubtedly testifies to the modernity of the used legal constructions and their correspondence to reality" [9, p.58].

6. Conclusions

Summing up the above, we can confidently say that the issue of combating trafficking in women was and is relevant for all countries, even the most developed ones, both in economic, political and legal, social and cultural aspects. The mechanisms of combating this dangerous, antisocial phenomenon in various foreign countries have both specific and common characteristics. In general, every modern democratic, legal state strives to ensure the maximum compliance of national mechanisms and countermeasures with UN requirements and standards established against human trafficking. The most useful aspects of international experience, which should be taken into account while improving domestic state policy to combat trafficking in women and the organizational and legal mechanism for implementing this policy, include the following:

- creation of interdepartmental working team that will take care of the issues of: analysis of the effectiveness and perspectives of combating trafficking in women in Ukraine; orientation of the activities of state law enforcement agencies and certain social services in combating offenses related to trafficking in women, as well as providing appropriate assistance to persons who are victims of such offenses. The designated working team can be formed either under one of the law enforcement agencies (for example, the police or the prosecutor's office), or within

the Ministry of Internal Affairs or the Ministry of Social Policy. It is important that this working team includes representatives not only of the central but also of the regional authorities;

- active involvement of non-governmental organizations in conducting training and educational work with the population in order to provide women with the necessary knowledge and behavioral models needed to: first, minimize the risks of being a victim of human trafficking; secondly, to preserve one's life and health and minimize the dangerous consequences of getting into the specified situation;

- increased responsibility for committed offenses related to trafficking in women, if the victims are minors;

- shift of emphasis in the state legal and educational policy from the inadmissibility and immorality of women's trade in their bodies (i.e., prostitution) to the illegality and immorality of using sexual services;

- paying special attention to the work with women, especially minors, who belong to marginalized population groups;

- guaranteeing the protection and support (legal, psychological and social) of foreigners and stateless persons on the same level as citizens of Ukraine. That is, even if a woman illegally entered the territory of Ukraine and (or) violates the procedure of staying in our country, and at the same time became a victim of human trafficking, the priority for law enforcement and other state agencies should be to protect and provide assistance to such a person, but not prosecuting her for violating the rules of crossing the state border or staying on the territory of Ukraine;

- ensuring the operation of information and advisory centers in the state for persons who have become victims of human trafficking, which must provide information in several languages.

Considered implementation of the mentioned aspects of international experience in combating trafficking in women should have a positive effect on the efficiency of this counteraction in Ukraine and should contribute to the approximation of those approaches and means used within the framework of counteraction at the national level to the recognized international requirements and standards in this area.

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