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Mangora V.V.*Candidate of Pedagogic Sciences,**Associate Professor,**Associate Professor of the Department History of Ukraine and Philosophy**Vinnitsia National Agrarian University,**Vinnitsia, Ukraine***SOCIO-LEGAL CHARACTERISTICS OF COMBATING TRAFFICKING IN HUMAN BEINGS****Abstract.**

In the article the author considers social and legal counteraction to human trafficking in the world and in Ukraine. The concept of "trafficking in human beings" and the classification of types of trafficking in human beings are given, international and national legislation on combating trafficking in human beings is analyzed.

Keywords: *human trafficking, counteraction to human trafficking, legislation on combating human trafficking.*

Formulation of the problem. In the modern era of globalization, the issue of cross-border migration is becoming increasingly acute, due primarily to its impact on the development of one of the types of international crime, in addition to drug trafficking and arms trafficking - human trafficking. Thus, the German researcher Leo Kaidel considers human trafficking to be one of the main activities of criminal groups, which ranks 5th in the hierarchy of criminal activity in Germany [1, p. 48]. Of course, this is a violation of all human rights and freedoms enshrined in the Universal Declaration of Human Rights, adopted by the UN General Assembly. Of greatest concern is the increase in the illegal export of women and children from their home countries abroad for sexual exploitation and forced labor. According to some data, the total number of people worldwide who fall into slavery every year is 1 million people, and the profits of criminal groups - \$ 3.5 billion annually [1, p. 48]. Meanwhile, clandestine prostitution contributes to the spread of sexually transmitted infections, including AIDS. Recently, there have also been cases of people being used for organ transplants, as the lack of donor material and its high cost attract criminal structures.

The UN Commission on International Crime considers trafficking in human beings to be the third largest organized crime, second only to the illicit drug and arms trade. The Commission estimates that the annual profits of this transnational business are \$ 12 billion. USA. The Center for Human Security (Vancouver, Canada) estimates the number of victims of this crime at 4 million, including domestic trafficking in various countries. The International Labor Organization estimates that approximately 1.2 million children worldwide are trafficked each year, mainly for the purpose of commercial sexual exploitation or forced labor. The US State Department's annual report on human trafficking notes the extent of progress in combating human trafficking in Ukraine. One recent report states that "Ukraine is a country of origin, transit and is gradually becoming a destination for men, women and children who are subjected to forced labor and sexual exploitation. Ukrainians are trafficked in Ukraine, as well as in Russia, Poland, Iraq, Spain, Turkey, Cyprus, the Seychelles, Portugal, the Czech Republic, Israel, Italy, the

United Arab Emirates, Montenegro, the United Kingdom, Kazakhstan, and Tunisia. Citizens of foreign countries, in particular Moldova, Uzbekistan, Pakistan, Cameroon and Azerbaijan, were subjected to forced labor in Ukraine "[2, p. 10].

During the period from 2012 to 2018, the Ministry of Social Policy established the status of a victim of human trafficking, 629 persons (623 - citizens of Ukraine, 6 - foreigners), of which 269 - women, 291 - men, 69 - children (27 boys, 42 girls) [3].

Analysis of recent research and publications.

Various aspects of human trafficking have been repeatedly investigated in the legal literature, in particular by such authors К.О. Дядюра, Г.П. Zharovska, O. Kraevska, B. Lyzogub, N. Lukach, M. Fialka and others. At the same time, it should be recognized that the research conducted does not cover all issues in this area, as there are a number of debatable issues, in particular, on strengthening criminal liability for trafficking in human beings.

The purpose of this article: is to study the features of combating trafficking in human beings in the world and in Ukraine, to identify ways to overcome and combat this negative phenomenon.

To achieve this goal it is necessary to solve the following **tasks:**

- give the concept of "combating trafficking in human beings";
- to characterize certain types of counteraction to human trafficking;
- consider anti-trafficking legislation;
- outline areas for combating trafficking in human beings at the present stage.

Presentation of the main research material. The world is thriving on the slave trade. This is not a terrible period of slavery in ancient times. Among the most important violations of human rights in the modern world is a crime that has many names: "white slavery", "human trafficking", "human smuggling".

Trafficking in human beings is one of the fastest growing areas of criminal business in the world. It brings in millions in profits, gradually displacing the arms and drug trade. The industry is dominated by well-organized criminal syndicates, and the proceeds are

used to finance other types of criminal activity, including drug and arms trafficking.

According to experts, every year 800 - 900 thousand people become victims of human trafficking worldwide, and most of them are women and children [2, p. 8]. So, for some it is "big business", for others - the collapse of hopes and expectations for a better future.

Our country is a country from which, as a rule, "live goods" are exported to world "markets" - to Turkey, Italy, Poland, Spain, Germany, Hungary, the Czech Republic, Greece, the Russian Federation, the United Arab Emirates, Israel, the United States and other countries.

Trafficking in human beings in Ukraine has emerged as a result of rising unemployment, declining appropriations for social protection programs, and impoverishment. The low standard of living pushes citizens to look for work abroad, even without knowledge of local legislation, language, qualifications, on illegal terms, which at the same time causes them to be at risk. Thus, human trafficking poses a significant public danger. The negative impact of this phenomenon causes the destruction of public morality, contributes to the degradation and alienation of the person, loss of family ties, dangerous "habituation" to the negative phenomenon, the emergence of depressive syndromes and suicidal tendencies, increasing aggression and cruelty, the spread of sexually transmitted diseases AIDS. In recent years, the phenomenon of trafficking in children for the purpose of their use for forced labor, begging, sexual exploitation, drug trafficking and other forms of criminal activity has spread.

According to a representative survey of the population commissioned by the International Organization for Migration (IOM), the share of those who work abroad informally is about 41% of all citizens of Ukraine working abroad [2, p. 8]. Most of them travel on tourist or private visas, work without the necessary documents, which significantly reduces their legal protection and causes them to fall into the sphere of interest of traffickers. Therefore, the task of national importance is to combat this phenomenon, to protect Ukrainian citizens abroad.

This phenomenon can be effectively counteracted only with the use of a systematic approach, coordination of activities of all stakeholders - governmental and non-governmental organizations, social protection bodies, migration services, etc.

Trafficking in human beings is considered one of the most serious crimes against the person worldwide.

On November 15, 2000, the UN Commission on Human Rights recognized human trafficking as a modern form of slavery. The UN General Assembly adopted Resolution 55/25, which contains the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime [4]. This document for the first time provides an international definition of "trafficking in human beings". Trafficking in human beings is the purpose of exploiting, displacing, transferring, harboring or obtaining persons through the threat or use of force or other

forms of coercion, kidnapping, fraud, deception, abuse of power or vulnerability, or through bribery, in the form of payments or benefits. , to obtain the consent of a person who controls another person [4]. Exploitation shall include, as 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 (Article 3 (a) and punishment for children, supplementing the United Nations Convention against Transnational Organized Crime). In this case, the consent of the victim of trafficking in human beings for the planned exploitation is not taken into account if any of these measures of influence was used against her [2, p. 9].

The Council of Europe defines "trafficking in human beings as an illegal act committed by a person who intentionally or unintentionally persuades a third-country national to leave for another country, by using fraud or other forms of violence or by abusing that citizen's dependent position or administrative status". Trafficking in human beings is one of the modern forms of slavery, which includes domestic slavery, forced marriages, debt bondage, forced prostitution or participation in the production of pornographic products, intolerable forms of labor, etc. [3].

In 1998, the Verkhovna Rada of Ukraine amended the Criminal Code of Ukraine to establish criminal liability for trafficking in human beings (Articles 124-1), and in 2001 a new Criminal Code of Ukraine was adopted, which included a separate article 149 "Trafficking in human beings or other illegal agreement on a person." Amendments to the Criminal Code of Ukraine to improve liability for trafficking in human beings were adopted in 2006 [5].

The Criminal Code of Ukraine of April 5, 2001 defines the concept of trafficking in human beings by listing the acts that are part of it. Thus, according to Article 149 of the Criminal Code, trafficking in human beings means: 1) sale or other paid transfer of a person. The sale is a contract (agreement), according to which one person (seller) transfers the agreed thing (and in this case - a person) to the actual illegal property of another person (buyer), and the latter undertakes to pay for it a certain amount of money provided by agreement of the parties [6]. Other paid transfer should be understood as the actual illegal transfer of ownership of a person to another person as a result of a contract of exchange, pledge or other agreements under which a person is provided for exploitation for material reward in the form of valuables or services of a material nature; 2) implementation in respect of a person of any other illegal agreement related to legal or illegal movement with his consent or without consent across the state border of Ukraine for further sale or other transfer to another person. Such agreements include those agreements as a result of which a person is transferred to another person free of charge (gift, free operation), as well as actions arising from the person who receives "living goods" - purchase, receipt of a person as a result of mine, hire, pledge or other agreement. The purpose of this form of human trafficking is to resell or otherwise transfer it to another person. Moreover, the perpetrator

must realize that the person is transferred to another person for this purpose [3].

According to the Law of Ukraine "On Combating Trafficking in Human Beings" of November 20, 2011, trafficking in human beings - the implementation of an illegal agreement, the object of which is a person, as well as recruitment, transfer, hiding, transfer or receipt of a person including sexual, using deception, fraud, blackmail, vulnerable person or with the use or threat of violence, using official position or material or other dependence on another person, which according to the Criminal Code of Ukraine are considered a crime [7].

Recently, the term "trafficking" has become more common, which also means human trafficking and slavery. Accordingly, the word "trafficker" appeared. Traffickers are those who are involved in the criminal business: recruiters who lure victims with false promises, employees of employment firms, carriers and couriers, sellers and buyers of "live goods", etc. [2, p. 10]. Thus, trafficking in human beings is illegal, moreover, a criminal activity based on violence against human beings.

Trafficking in human beings takes various forms, including forced labor, slavery, slavery-like practices, sexual exploitation, use in pornography, forced pregnancy, organ harvesting, human experiments, use in begging, involvement in criminal activities, use in armed conflict, adoption (adoption) for profit, sale of a child [3].

Trafficking in human beings, depending on the purpose, can be divided into:

- 1) trafficking in women and children for the purpose of sexual exploitation (for the production of pornographic materials or prostitution);
- 2) trafficking in human beings for the purpose of exploiting their labor;
- 3) trafficking in human beings for the purpose of involvement in debt bondage;
- 4) trafficking in human beings for the purpose of use in armed conflicts;
- 5) trade for the purpose of involvement in criminal activity;
- 6) trafficking in children for adoption (adoption) for commercial purposes [8, p. 23].

Depending on the place of residence of the "buyer", there are two types of human trafficking:

- 1) domestic (sale or other payment transfer of a person);
- 2) interstate or transnational (implementation in relation to a person of any illegal agreement related to legal or illegal movement with his consent or without consent across the state border of Ukraine with the purpose specified in Article 149 of the Criminal Code of Ukraine) [3].

In practice, human trafficking is carried out by committing a number of actions, which together constitute its concept. Trafficking in human beings in most cases is carried out by well-organized criminal groups, the transnational nature of which makes these crimes almost unpunished from a practical point of view, and the mandatory purpose of subsequent sale or other transfer to another person further purpose of such activities (sexual exploitation, involvement in criminal

activities, use in pornography and others provided for in Article 149 of the Criminal Code of Ukraine) further complicates the process of proof.

The first interstate treaty was the International Treaty against the Trade in White Slaves of May 18, 1904 (Paris) [9, p. 83]. The main emphasis was on protecting victims, not punishing criminals.

The Convention against Trafficking in White Slaves was adopted on May 4, 1910. It considered trafficking in women and girls to be a criminal offense. Later, the state continued cooperation within the framework of the League of Nations. The Geneva Convention on the Prohibition of Trafficking in Women and Children was adopted in 1921. Under the terms of the Convention, States undertook to take all necessary measures to find and punish those involved in the trafficking of children.

As human trafficking is recognized as an international problem, it cannot be solved at the level of Ukraine alone. Such a struggle requires both national and international joint action and cooperation - it is necessary to work together to break this chain of violence for labor and sexual exploitation. To combat human trafficking and illegal migration from Ukraine, our country has fully acceded to international instruments aimed at combating human trafficking and discrimination against women. Including:

- The 1949 UN Convention against Trafficking in Human Beings and the Exploitation of the Prostitution of Others, which significantly expanded the range of actions considered criminal in the areas of trafficking and sexual exploitation [10];

- The UN Convention on the Elimination of All Forms of Discrimination against Women of 1979, Article 6 of which requires States to adopt and implement appropriate laws that will promote the cessation of all forms of trafficking in women;

- The UN Declaration on the Elimination of Violence against Women of 1993, in which the sale of women, their exploitation and coercion into prostitution are clearly named as a form of violence against women that states are obliged to eradicate [11].

In 1997, the European Ministerial Conference, held under the auspices of the European Union, was held in The Hague (Netherlands). It adopted the Hague Ministerial Declaration on European Recommendations on Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation.

Thus, the international legal instruments to which Ukraine has acceded require our state to adopt and implement appropriate laws that will help stop all forms of trafficking in human beings, and especially women. Assessing Ukraine's efforts in the fight against human trafficking, it should be noted that our country was one of the first in Europe to adopt the Law on Criminal Liability for the commission of this crime. Criminal liability for trafficking in human beings was established by the Law of Ukraine of March 24, 1998 by supplementing the Criminal Code of Ukraine of 1960 with a new Article 1241, which for the first time applied the criminal definition of "trafficking in human beings". As

a result of further changes caused, in particular, by accession to the above conventions, criminal liability for this crime is now provided by Article 149 "Trafficking in human beings or other illegal agreement on the transfer of a person" of the Criminal Code of 2001 [6]. This article has been significantly revised and brought as close as possible to the provisions of the UN Convention against Transnational Organized Crime [4]. Article 146 of the Criminal Code of Ukraine provides for criminal liability for unlawful deprivation of liberty or kidnapping in the form of restriction of liberty for up to three years or imprisonment for the same term [6]. The exploitation of child labor is prohibited in Ukraine under the threat of criminal punishment. Thus, Article 150 of the Criminal Code of Ukraine criminalizes the exploitation of children under the age at which the law allows employment by using their labor for profit. Part two of Article 303 of the Criminal Code of Ukraine provides for liability for coercion or involvement in prostitution [6].

A number of conventions, covenants and protocols to address this issue are evidence of the international community's concern. Among them are such as:

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, adopted by the UN General Assembly on 2 December 1949. Consolidates the provisions of other international treaties on this issue, adopted since 1904. Its main task is to identify effective measures to combat all forms of trafficking in women and the exploitation of prostitution. For the first time in the history of international treaties, this Convention proclaimed prostitution and trafficking in human beings as acts incompatible with the dignity and worth of the human person, endangering the well-being of individuals, families and society.

- International Covenant on Civil and Political Rights, New York, December 16, 1966. Is a supplement to the Universal Declaration of Human Rights; defends the right to life and argues that no one should be subjected to trials, forced labor and the unlawful detention or oppression of such freedoms as freedom of movement, expression and association with others [13].

- Convention on the Elimination of All Forms of Discrimination against Women, CEDAW, New York, 18.12.1979. The most comprehensive act on women's rights, which sets out legislative obligations aimed at eliminating discrimination against women [14].

- The Hague Ministerial Conference was held in 1997, at which the Declaration of European Recommendations on Effective Measures to Prevent the Fight against Trafficking in Women for the Purpose of Sexual Exploitation was adopted. Its purpose is to support further action to prevent trafficking in human beings, as well as to provide the necessary assistance to victims of trafficking. This Declaration calls on EU Member States to ensure or consider appointing national rapporteurs to provide relevant national governments with information on the extent of trafficking in women, measures to prevent and combat trafficking in women.

- The 1997 Council of Europe Joint Action Document lists additional types of penalties and administrative measures, such as the confiscation and confiscation

of the proceeds and property of a trafficker and the closure of institutions involved in trafficking. Obliges EU member states to introduce administrative or criminal liability for crimes committed on behalf of a legal entity without taking into account the criminal liability of individuals who have become accomplices or instigators of the crime [1, p. 49].

The Council of Europe Framework Decision on Trafficking in Human Beings is currently in force at EU level. Its aim is to unify national criminal law to ensure the effective fight against trafficking in human beings. It complements instruments already adopted by the Council of Europe, such as the Joint Actions of 1996, 1998 and 2000, as well as the STOP programs (aimed mainly at developing an interdisciplinary approach involving all stakeholders and focusing on the very important role of NGOs) and DAPHNE. (specially designed to support the activities of non - governmental organizations in the field of protection of women and children victims of violence.

- The United Nations Convention against Transnational Organized Crime, New York, 15.11.2000, aims to promote international cooperation to prevent and combat transnational organized crime. Provides law enforcement and the judiciary with unique tools to combat this problem [4].

- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, is in addition to the above-mentioned Convention. For the first time gives an international definition of "trafficking in human beings"; serves to prevent, combat and consolidate international cooperation in the fight against this crime; defines general terminology, harmonizes laws and practices applicable in different countries. An essential attribute of human trafficking is gaining control over a person (for example, through the seizure of documents) for the purpose of exploitation [15].

The growth of this phenomenon is influenced by the following factors:

- globalization of the economy and increasing labor mobility (migration);
- growing demand for so-called "private services" in developed countries;
- rising unemployment among women;
- increasing the number of people living below the poverty line in developing countries;
- increasing the number of people who use the Internet, which is almost not controlled from the point of view of the law and is often used for criminal purposes [1, p. 49].

To date, seven criteria have been established for evaluating the performance of governments in different countries. Including:

- whether the government is making active efforts to investigate and prosecute trafficking in human beings in its territory;
- whether it protects victims of the slave trade;
- whether it conducts public education campaigns to prevent human trafficking;
- whether it cooperates with other states;

- whether it makes efforts to prosecute public officials who take part in the slave trade, whether they promote it, etc.

Based on these criteria, the countries of the world are divided into three categories:

1) who fully adhere to them (of the post-Soviet states, only Latvia entered them);

2) who do not fully comply, but try to comply (in this group was the majority of post-Soviet states);

3) whose governments do not fully comply with the minimum standards and do not make significant efforts (Kyrgyzstan, Armenia, Tajikistan, Belarus, Russia, Afghanistan, Iran, Saudi Arabia, Greece, Indonesia) [16, p. 23]. In our opinion, it would be appropriate for international organizations to impose certain sanctions on those countries that do not meet these criteria. Among such sanctions can be used, such as, for example, restrictions on the provision of material assistance, investment, loans by developed countries to developing countries.

In conclusion.

Thus, trafficking in human beings is the recruitment, transfer, transfer, concealment or receipt of human beings through the threat of force or its use or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerability, or bribery or benefits, to obtain the consent of a person who controls another person.

Trafficking in human beings, depending on the purpose, can be divided into: 1) trafficking in women and children for the purpose of their sexual exploitation; 2) trafficking in human beings for the purpose of exploiting their labor; 3) trafficking in human beings for the purpose of involvement in debt bondage; 4) trafficking in human beings for the purpose of use in armed conflicts; 5) trade for the purpose of involvement in criminal activity; 6) trafficking in children for the purpose of adoption (adoption) for commercial purposes.

Depending on the place of residence of the "buyer", there are two types of human trafficking: 1) domestic; 2) interstate or transnational.

Trafficking in human beings is a global problem. Its use in the criminal business is one of the complex social problems of Ukrainian society. The legal framework formed in Ukraine to combat this type of transnational crime needs to be further improved in accordance with international requirements and standards for ensuring the rights of every person and monitoring the implementation of legislation on their protection.

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