

TOURISM ACTIVITIES AS AN OBJECT OF COMMITTING CRIMINAL OFFENSES RELATED TO HUMAN TRAFFICKING

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Human trafficking is a criminal offense without borders. Ukraine is often only a transit territory for criminals who engage in this kind of activities. Offenders involved in human trafficking sometimes hide their activities under the signs of travel agencies. At the same time, such travel companies search for people (mostly women), recruit them, usually for prostitution abroad, and also organize their dispatch. According to law enforcement sources, the size of a criminal transnational group that traffics women for use in the sex business is usually between 5 and 8 people. Among them there are: the «owner» (or «landlady») who owns a club, restaurant, or brothel abroad; the executor of an order for the supply of «sex slaves»; pimps; transporters of women from Ukraine (sometimes their duties include meeting and delivering women to their destination) and the recruiter – a supplier of women for sexual exploitation abroad. The latter, in most cases, is a citizen of Ukraine¹. Migrants usually leave Ukraine formally on legal grounds, provided they have the appropriate documents². We have not found any case of conviction of representatives of the tourism business for committing illegal smuggling of persons across the state border of Ukraine (Article 332 of the Criminal Code of Ukraine) in the available judicial practice³. As researchers K. Levchenko and I. Trubavina note, the latest trend in human trafficking is that recruiters take on more work, such as: they find people, independently prepare documents for them, transport them across the border themselves and hand them over to foreign buyers, receiving money in return, whereas previously recruiters were only engaged in recruitment and preparation of documents, and other functions were taken on by other criminals; in such a situation, recruiters often did not receive the money they were promised⁴.

¹ Korzh, V. (2001). Certain problems of investigating crimes of trafficking in women committed by organized transnational groups. *Law of Ukraine*. No. 4. P. 79.

² Naden, O. V. (2004). Trafficking in women as a criminal-legal and social problem of our time: monograph. Kyiv: Atika, P. 243.

³ Andrushko, A.V., Nesterova, I.A. (2016). Criminality in tourism business: criminological characteristics and prevention: monograph. Uzhhorod: IVA Publishing House. P.59.

⁴ Levchenko, K.B., Trubavina I.M. (2007). Social prevention of human trafficking: a teaching and methodological manual. Kyiv: LLC «Agency «Ukraine». P.17.

Human trafficking can be associated not only with sexual exploitation, it is also possible to use a person for forced labor or forced provision of services, to keep them in slavery, servitude, it can also include involvement in debt bondage, organ removal, conducting experiments on a person without their consent, etc. Significant population displacement related to the war has increased the risks of human trafficking process. The National Social Service recorded more cases of human trafficking: in 2024, it granted 182 official statuses to victims of human trafficking (compared to 118 in 2023). The majority of cases (123) were combined forms of human trafficking, 19 people were involved in military conflict, 15 were in labor exploitation, and 13 people were subjected to sexual slavery⁵.

Recent studies prove that in tourism sector, human trafficking is still usually associated with sexual exploitation of a person or their use in the porn business. At the same time, based on the provisions of Article 149 of CCU, which provides for liability for human trafficking or other illegal transactions with a person, we are talking about those cases (except when the recruitment, movement, concealment, transfer or receipt concerns a minor or underage person) when a person agrees to the relevant activity not voluntarily, but through the use of deception, blackmail or their vulnerable state. At the same time, researchers of the problem rightly note that there are many more «volunteers» among sex workers, including those who go abroad through travel agencies, than victims of direct violence⁶.

According to research, victims of human trafficking are increasingly women under the age of 35; girls aged 15-19 are mostly taken to work in the sex industry, which indicates a trend towards rejuvenation of this business; information is also emerging about the prevalence of child trafficking⁷.

According to estimates by experts from the International Organization for Migration, there are half a million foreign prostitutes working in Europe. In Germany and Italy, three out of four prostitutes are foreigners, and in the Netherlands, one in two is a foreigner. According to IOM, recruiters of illegal migrants earn between 5 and 7 billion US dollars annually⁸.

According to international experts, human trafficking ranks third in terms of profits after drug and arms trafficking⁹. Scientists who study this problem note that Ukraine is one of the main sources of «living goods» entering the

⁵ Combating human trafficking in Ukraine: challenges and achievements in 2024. URL <https://caritas.ua/news-en/protydiya-torgivli-lyudmy-v-ukrayini-vyklyky-ta-dosyagnennya-2024-roku/>

⁶ Naden, O. V. (2004). Trafficking in women as a criminal, legal and social problem of today: monograph. Kyiv: Atika, P.152.

⁷ Verbensky, M. G. (2010). Transnational crime: criminological characteristics and ways of prevention: author's abstract of the dissertation... doctor of law: special. 12.00.08. Dnipropetrovsk. P.20.

⁸ Ibid., P.19.

⁹ Ivashchenko, V. O. (2004). Trafficking in women and children (criminological and criminal-legal aspects of combat): monograph. Kyiv: Atika. P.65.

«black markets» of Europe and Asia¹⁰. According to the Ukrainian Consulate in Greece, about 3,000 young Ukrainian women are involved in prostitution in Athens and Thessaloniki alone, and over 6,000 in Turkey¹¹. At the same time, as M. Verbensky notes, the recruitment of women for use in the sex business is often carried out through travel agencies¹². In the Unified State Register of Court Decisions, there are practically no sentences under Article 149 of CC of Ukraine involving representatives of domestic travel agencies, and, as a rule, they appear only as witnesses. However, from time to time, the media reports on the participation of travel agencies in human trafficking.

We should not forget about foreigners seeking sexual entertainment with minors. Unfortunately, such cases are not uncommon in Ukraine. The researchers K. Levchenko and I. Trubavina note that the use of children for sexual relations with foreign tourists (child sex tourism) is the sexual exploitation of a child by a man or woman traveling from one country to another (usually from a more developed to a less developed one) for sexual relations with a child. This phenomenon is spreading due to the ability of wealthy categories of citizens to travel the world. Sex tourists also take advantage of the fact that in many countries there is no or imperfect legislation under which they could be held accountable for this in their homeland after their return¹³. So, in 2019, a foreign pedophile was detained in Odessa, who was corrupting children in resort towns and filming everything on photos and videos. The man was exposed by cyber police, because he posted the captured photos and videos on closed forums on the DarkNet. Usually, his victims were girls aged 5 to 9 who came to the Odessa region on vacation with their parents. While monitoring the network, cyber police officers discovered pornographic videos featuring a minor girl on closed forums. Later it turned out that the video featured a 7-year-old child, and the content was created in the Odessa region. Therefore, during operational measures, the police identified a 53-year-old foreigner involved in child abuse and the creation of child pornography¹⁴.

Therefore, we can conclude that human trafficking in the sphere of tourism services has a specific nature. In the mechanism of human trafficking, travel companies act as a cover for the relevant criminal activity, and their representatives, as a rule, are engaged in searching for people (mostly women), recruiting them (mainly for prostitution), and moving them abroad.

¹⁰ Anishchuk, N. (2002). On the problem of the slave trade in women. *Law of Ukraine*. No. 9. P. 99.

¹¹ Ivashchenko, V. O. (2004). Trafficking in women and children (criminological and criminal-legal aspects of combat): monograph. Kyiv: Atika, P.65.

¹² Verbensky, M. G. (2010). Transnational crime: criminological characteristics and ways of prevention: author's abstract of the dissertation... doctor of law: special. 12.00.08. Dnipropetrovsk. P.20.

¹³ Levchenko, K.B., Trubavina I.M. (2007). Social prevention of human trafficking: a teaching and methodological manual. Kyiv: LLC «Agency «Ukraine». P.23.

¹⁴ In the resorts of the Odessa region, a foreign pedophile was corrupting children and filming everything. URL: <https://www.volynpost.com/news/141883-na-kurortah-odeschyny-pedofil-inozemec-rozbeschuvav-ditej-i-znimav-vse-na-video>