

Criminological Profile of Persons Involved in Trafficking in Women for the Purpose of Prostitution

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ABSTRACT

Trafficking in persons by transporting women abroad for the purpose of sexual exploitation by means of deception, fraud, blackmail, by taking advantage of the victim's vulnerable state, through threat or use of violence, as well as by taking advantage of the victim's financial or other dependence on the offenders, is a form of gender-based violence against women. This study contains an analysis of all sentences of Ukrainian courts of first instance over a 5-year period - from 2016 to 2020 - in cases involving this category of crimes. The number of instances where women are transported abroad for the purpose of sexual exploitation by means of deception, fraud, blackmail, by taking advantage of the victim's vulnerable state, through threat or use of violence, as well as by taking advantage of the victim's financial or other dependence on the offenders is rising every year. In light of this, there exists an urgent need for a study that would provide a criminological profile of the perpetrators as well as suggest effective measures for combating such crimes.

Keywords: *human trafficking, sexual exploitation, violence against women, criminological profile.*

1. INTRODUCTION

On 2 December 1949, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was adopted, joined by Ukraine on 15 November 1954. The Convention defines the prohibition of prostitution and the mandatory criminalization of prostitution [1].

Article 36 of the Convention on the Rights of the Child of 20 November 1989 requires States Parties to protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare [2].

On 21 July 1997, the United Nations Framework Convention against Organized Crime was adopted, which, in paragraph b of Article 1, defines organized crime by purpose, including penetration into the legal economy, in particular by means of human trafficking [3].

On 1 January 2000, the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to the Convention on the Rights of the Child was adopted. In article 2 of the Optional Protocol defines the concept of child trafficking. Article 3 defines the obligation of states to criminalize the sexual exploitation of a child,

offering, obtaining, procuring or providing a child for child prostitution [4].

On 15 November 2000, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children to the Convention against Transnational Organized Crime was adopted by the United Nations General Assembly. Article 3 of the Protocol contains a definition of «trafficking in human beings» [5].

On 16 May 2005, the Council of Europe Convention on Action Against Trafficking in Human Beings was adopted, which focuses on the prohibition of the exploitation of prostitution [6].

On 25 October 2007, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was adopted. Subparagraph a, paragraph 1, Article 19 of the Convention requires each Party to take the necessary legislative or other measures to criminalize the conduct of recruiting a child into prostitution or causing a child to participate in prostitution [7].

On 20 September 2011, Ukraine adopted the Law on Combating Trafficking in Persons. Subparagraph 14,

paragraph 1, Article 1 of the Law defines human trafficking as an illegal arrangement, the object of which is a person, as well as recruitment, transportation, harboring, transfer or receipt of a person for the purpose of exploitation, including sexual exploitation, by means of deception, fraud [8], blackmail, taking advantage of the victim's vulnerable state, through threat [9] or use of violence, abuse of power or financial or other dependence on another person, which is considered a criminal offense under the Criminal Code of Ukraine [10, 11].

Prosecution for human trafficking in Ukraine is provided for in Article 149 of the Criminal Code of Ukraine.

This publication seeks to examine the criminological profile of criminals involved in the transportation of women from Ukraine to other states for the purpose of exploitation, including sexual exploitation, by means of deception, fraud, blackmail, by taking advantage of the victim's vulnerable state, through threat or use of violence, or by taking advantage of the victim's financial or other dependence on the offender. Exploitation of a person, in accordance with paragraph 1 of the note to Article 149 of the Criminal Code of Ukraine, includes all forms of sexual exploitation, use in pornography, forced labor or services, slavery or practices similar to slavery, servitude, debt bondage, removal of organs, experimenting on a person without consent, adoption for profit, forced pregnancy or forced termination of pregnancy, forced marriage, forced begging, engagement in criminal activities, use in an armed conflict, etc. [12].

2. METHODOLOGY

Trafficking in human beings as a form of transnational criminal activity was studied by Verbensky M.G., Pivovarov Korytsky V.A. etc. Verbensky M.G. investigated that fewer women under the age of 35 and more young people aged 15-19 are being taken out to work in the sex industry, indicating a trend towards the rejuvenation of trafficking in women [13].

Criminological characteristics of criminals engaged in sexual exploitation, studied Nebitov AA, Kuznetsov V.V., V., Kornienko MV Nebitov AA identified the criminological characteristics of persons belonging to criminal groups created for the purpose of sexual exploitation of women [14]. According to the author, mostly men (80.8%), not employed (19.7%), not married (30.2%), mostly people aged 35-50 (44.5%), with secondary education (24.6%) [15].

In this study, an analysis has been performed of convictions delivered by Ukrainian courts of first instance over 5 years, from 1 January 2016 to 31 December 2020, concerning persons involved in the transportation of women from Ukraine to other states for the purpose of sexual exploitation by means of deception, fraud, blackmail, by taking advantage of the victim's

vulnerable state, through threat or use of violence, or by taking advantage of the victim's financial or other dependence on the offender, i.e. criminal acts referred to in Article 149 of the Criminal code of Ukraine. The convictions were taken from the official website of the Unified State Register of Court Decisions [16]. When visiting the website <https://reyestr.court.gov.ua>, "Art. 149, exploitation, recruitment" was indicated in the "context search" field; "first" - in the "instance" field; "from 01.01.2016 to 31.12.2020" - in the "period of adoption (ruling)" field; "sentence" - in the "form of court decision" field; and "criminal" - in the "form of proceedings" field; after that a list of relevant verdicts was displayed by clicking the "search" button. A total of 110 sentences were found in the Register based on the above criteria.

3. RESULTS

Of the 110 sentences found on the official website of the Unified State Register of Court Decisions, 34 do not involve gender-based violence against women but fall under Article 149 of the Criminal Code of Ukraine: for instance, recruitment for the purpose of labor exploitation, forced begging, transfer of a small child for a fee, consideration of motions submitted by investigators/prosecutors, etc. Thus, over the period of 5 years (2016-2020), 76 convictions were passed in Ukraine under Article 149 of the Criminal Code of Ukraine "Trafficking in Persons" involving gender-based violence against women, including recruitment and transportation of women in a difficult financial situation for subsequent sexual exploitation abroad, specifically for the provision of sexual services. 9 sentences had 2 convicted persons each, making the total number of convicts 85 persons. However, not every sentence lists all the elements of the offenders' profiles which this study seeks to examine.

Out of 85 convicts, 75 (88.23%) are citizens of Ukraine, 3 (3.53%) - citizens of the People's Republic of China, 1 (1.18%) - citizen of the United States, 1 (1.18%) - citizen of the Republic of Turkey, 1 (1.18%) - citizen of the Islamic Republic of Iran, 1 (1.18%) - citizen of the Hellenic Republic, and 1 (1.18%) - citizen of the Republic of Bulgaria. The relevant sentences do not provide these details in regards to 2 convicts (2.34%).

45 of the convicts are male (52.94%) and 40 are female (47.06%).

This category of convicts mostly have secondary education. Thus, 28 convicts (32.94%) have secondary education (special secondary education, incomplete secondary education, vocational education, basic secondary education); 18 convicts (21.18%) have higher education (basic, full, or incomplete). The relevant sentences do not provide these details in regards to 39 convicts (45.88%).

The majority of the convicts are unmarried. 40 (47.06%) were not married at the time of committing the crime; 30 (35.29%) were married. The relevant sentences do not provide these details in regards to 15 convicts (17.65%).

34 convicts have children (13 persons have 1 small child, 6 persons have 2 small children, 2 persons have 3 small children, 6 persons have 1 adolescent child, 3 persons have 2 adolescent children, 1 person has 5 adolescent children, 1 person has a child of unspecified age, 2 persons have 2 children of unspecified age). The rest of the convicts either have no children, or their children are of legal age, able-bodied and not financially dependent on the convicts. Thus, at the time of committing the crime, 34 convicts (40%) were supporting incapacitated children under the age of 18, while 51 convicts (60%) were not.

The vast majority of the convicts were unemployed at the time of committing the crime - 52 persons (61.18%), including 2 pensioners; 19 persons (22.35%) were employed at the time of committing the crime, 5 of them were self-employed. The relevant sentences do not provide these details in regards to 14 convicts (16.47%).

82 convicts (96.47%) had no prior convictions, 2 convicts (2.35%) had prior convictions. The relevant sentence does not provide these details in regards to 1 convict (1.18%).

4. DISCUSSION OF THE RESULTS

The citizenship of those responsible for gender-based crimes against women in the form of recruiting women in a difficult financial situation for the purpose of subsequent sexual exploitation abroad through the provision of sexual services is of no relevance to this study, since the sentences examined were passed in Ukraine, where the majority of the population is Ukrainian. The results concerning the sex of the offenders are more interesting. Thus, 52.94% of the men and 47.06% of the women were recruiting women in a difficult financial situation for the purpose of subsequent sexual exploitation abroad through the provision of sexual services on Ukrainian territory in 2016-2020. The recruitment of women in a difficult financial situation for the purpose of subsequent sexual exploitation abroad through the provision of sexual services is a gender-based crime against women. Other forms of gender-based crimes against women are mostly committed by men. Thus, IPV in Vietnam is prevalent, with more than 30% of women reporting having experienced physical violence by their husband [17].

Previous studies have already shown a link between the celebration of the traditional idea of masculinity, the concept of a "real man", and acts of violence. Traditional masculinity calls for suppressing one's emotions, being tough and aggressive, not acting or looking like a woman,

as well as perpetuating the uneven distribution of power between men and women [18].

A subsequent study found a large number of cases of sexual violence against women by men. Identified indicators [19] of gender-based violence included cases of early sexual intercourse and forced marriage, rape in the marriage of women by men [20].

As was established in this study, there is a form of gender-based violence against women that is perpetrated not just by men, but also by women, and in almost equal numbers.

Violence against women in the form of recruiting women in a difficult financial situation for the purpose of sexual exploitation abroad through the provision of sexual services is largely perpetrated by persons with secondary education. In light of this, it seems advisable to introduce a course on the prevention of violence against women in schools, in order to raise awareness regarding the risk of sexual exploitation and sexual violence as well as teach students how to protect themselves. This is provided for in Article 6 of the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse of 25 October 2007, which states that States need to implement legislative and other measures to ensure that children have access to information on the negative effects of sexual exploitation and sexual violence, on means of self-defense, in pre-school and general secondary education [7].

As the study indicates, the vast majority of the convicts were unemployed at the time of committing the crime. Unemployed persons usually have no legal source of income, which often compels them to commit crimes for financial reasons, as is the case with the recruitment of women in a difficult financial situation for the purpose of sexual exploitation abroad through the provision of sexual services.

Analysis shows that recruitment of women in a difficult financial situation for the purpose of sexual exploitation abroad through the provision of sexual services is mainly done by persons without a prior criminal record, suggesting the relative ease of organizing and perpetrating such crimes, which means that their frequency may only keep rising.

5. CONCLUSIONS

The persons that were convicted in Ukraine over the course of 5 years between 2016 and 2020 under Article 149 of the Criminal Code of Ukraine "Trafficking in Persons" (85 convicts), specifically for acts involving the trafficking of women for the purpose of exploitation, including sexual exploitation, by means of deception, fraud, blackmail, by taking advantage of the victim's vulnerable state, through threat or use of violence, as well as by taking advantage of the victim's financial or other

dependence on the offenders, have the following characteristics:

- 88.23% citizens of Ukraine, 3.53% citizens of the People's Republic of China, 1.18% citizens of the United States, 1.18% citizens of the Republic of Turkey, 1.18% citizens of the Islamic Republic of Iran, 1.18% citizens of the Hellenic Republic, and 1.18% citizens of the Republic of Bulgaria. The relevant sentences do not provide these details in regards to 2.34% of the convicts;

- 52.94% of the convicts are male and 47.06% are female;

- 32.94% of the convicts have secondary education, 21.18% have higher education (full, incomplete). The relevant sentences do not provide these details in regards to 45.88% of the convicts;

- 47.06% of the convicts were not married at the time of committing the crime, 35.29% were married. The relevant sentences do not provide these details in regards to 17.65% of the convicts;

- At the time of committing the crime, 40% of the convicts were supporting incapacitated children under the age of 18, 60% of the convicts were not;

- 61.18% of the convicts were unemployed at the time of committing the crime, 22.35% were employed. The relevant sentences do not provide these details in regards to 16.47% of the convicts;

- 96.47% of the convicts had no prior convictions, 2.35% had prior convictions. The relevant sentences do not provide these details in regards to 1.18% of the convicts.

The citizenship of those responsible for gender-based crimes against women in the form of recruiting women in a difficult financial situation for the purpose of subsequent sexual exploitation abroad through the provision of sexual services is of no relevance to this study, since the sentences examined were passed in Ukraine, where the majority of the population is Ukrainian.

Trafficking in women is a form of gender-based violence against women. The study shows that this form of gender-based violence against women is perpetrated not only by men, but also by women, in almost equal numbers. Other forms of gender-based violence against women are mostly committed by men.

Violence against women in the form of recruiting women in a difficult financial situation for the purpose of sexual exploitation abroad through the provision of sexual services is largely perpetrated by persons with secondary education. In light of this, it seems advisable to introduce a course on the prevention of violence against women in schools, in order to raise awareness regarding the risk of sexual exploitation and sexual

violence as well as teach students how to protect themselves.

As the study indicates, the vast majority of the convicts were unemployed at the time of committing the crime. Unemployed persons usually have no legal source of income, which often compels them to commit crimes for financial reasons, as is the case with the recruitment of women in a difficult financial situation for the purpose of sexual exploitation abroad through the provision of sexual services.

Analysis shows that recruitment of women in a difficult financial situation for the purpose of sexual exploitation abroad through the provision of sexual services is mainly done by persons without a prior criminal record, suggesting the relative ease of organizing and perpetrating such crimes. The risk of an increase in the number of such crimes calls for effective measures on preventing and combating the recruitment and transportation of women in a difficult financial situation abroad for the purpose of sexual exploitation through the provision of sexual services.

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