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Developing a labor perspective to human trafficking in the political-economic context of ukraine

Ukraine is well known as a developing, post-Soviet country. People in Ukraine face numerous problems due to poor economic development. Nevertheless, Ukraine is not the only post-Soviet country with such development problems – some countries managed to improve these problems quicker, such as Poland, Lithuania and Latvia, who are now members of the European Union (EU). Some, like Ukraine, have gone through this process slower, and are still not EU members. In Ukraine, this development process has been made harder due to the 2014 conflict in Crimea. This not only took up significant resources and budget from the government, but had indirect influences. For example, most of Ukraine's hard industries are located in the conflict zones, which means that money received from natural resources are going to Russian separatists, rather than the Ukrainian government. This has slowed down the process of Ukraine's economic development significantly. These challenges are combined with political uncertainty in Ukraine, internal corruption, and whether the country should be on a path to join the EU.

These circumstances have forced Ukrainians to search for a better life. In combination, existing Ukrainian labor laws are relatively weak and lack enforcement when compared to its European neighbors, which have encouraged many Ukrainians to seek better work abroad, and have encouraged large waves of emigration. Many Ukrainians tolerate poor labor conditions but seek to work abroad in order to at least earn more money. As such, they remain vulnerable to exploitation, and in more severe instances, labor trafficking. However, there has been relatively little research attention given to examining the specific dynamics of Ukrainian political-economy and labor practices in relation to labor exploitation. Therefore, this research aims to examine Ukrainian labor law in the context of its political-economic climate, and so develop strategies to reduce vulnerability to labor exploitation. The key question to be addressed is 'how do the dynamics of political-economic conditions in Ukraine result in human trafficking for labor exploitation?'

There is a body of literature that critiques existing approaches to human trafficking, especially those focusing just on legal interventions (Kotiswaran 2019; Shamir 2012) [1; 2]. Not only are such approaches reactionary to specific cases, and tend to be discussed in the context of developed countries, but they overlook the social, economic, and political circumstances within which exploitation and trafficking develops. For example, trafficking does not necessarily originate from the poorest countries or poorest regions, but those currently experiencing economic transition such as South-Eastern Europe or China. On this basis, P. Kotiswaran (2019) argues for a 'development' approach to trafficking that incorporates the nuances of developing countries, including state, market, civil society, and legal system configurations into analyses of labor market exploitation [2]. Part of this approach involves recognizing that informal markets are unlikely to simply disappear, and could be utilized in a positive way to support workers. This development approach seems to overlap with the broader labor perspective to human trafficking, which emphasizes the structural causes and solutions to labor exploitation, rather than considering just the actions of individual criminals. Ukraine is an important example of how these issues can be studied as part of developing a labor-centered perspective to human trafficking.

Ukraine was historically part of the Soviet Union, which had a significant influence on its economy until its dissolution in 1991. Since Ukraine gained independence in 1991, the process of development was comparatively slower to other post-Soviet countries, but there was still growth. The first damage on this process was the global economic/financial crisis in 2008, which made the value of Ukrainian currency lower. For example, before the 2008 crisis, the value of USD \$1 equaled 4.5 UAH (Ukrainian hryvnia); thereafter, the rate was USD \$1 to 8 UAH; and the second damage occurred after the 2014 Crimea occupation, where the currency has further weakened from USD \$1 to 27 UAH. This is one indication of the damage to the Ukrainian economy, combined with a decline in population of 52 million in 1995 to 38 million in 2018, largely due to emigration, as well as low birth rates in the 1990s, which is now resulting in an ageing population.

Nearly 22 million people emigrating from Ukraine is due to large scale emigration which occurred from 1991 until today. Earlier patterns of migration were encouraged due to uncertainty in the economy during the post-Soviet era 1990s, and more recent patterns due to the global financial crisis and ongoing Crimea conflict. Most migrants who leave Ukraine want to find a 'better life' (including work) in order to support their families at home. Most people who decide to leave home are already vulnerable due to few work

opportunities, job insecurity, and associated precariousness in Ukraine. Therefore, if workers are approached by recruitment agencies with the promise of better work abroad and assistance with applying for work visas, then this appears as a beneficial option for them. However, this makes such migrants vulnerable to labor trafficking, and reduces the likelihood of those who remain in Ukraine to address labor exploitation.

One of the reasons that Ukraine has become a donor of victims for labor exploitation is a lack of social protection for citizens, including a low level of labor protection tools. For example, workers have a lack of legislative tools in order to protect themselves against excessive working hours and workloads, as well as a high level of corrupt enforcement/officials. A key explanation for not identifying severe forms of exploitation is that Ukraine has a number of gaps in legislation and ineffective mechanisms of labor rights protection processes. This situation in the present legal system in Ukraine was caused by the lasting effects of post-Soviet countries.

In the USSR, the government and its public officials retained the dominant role in political-economic matters. The needs of the “motherland” were the priority, and the tool to fulfil them was public authority, which typically forced factories to be more productive. A planning system was created: for instance, a factory was instructed to produce a number of goods – this number was decided by central headquarters and not based on the capabilities of the factory. Therefore, there was almost no attention given to workers, their safety measures in the workplace, overworking on shifts, and other dangers occurring in the workplace. Also, in the central headquarters, the role of labor rights was given little attention, since the main priority was on meeting production targets.

These issues are significant in their own right, but link with the broader issues of labor exploitation and human trafficking. This is because many workers are used to such violations in Ukraine, so accept it as normal behavior and may do so in other countries or sectors. For example, if they are used to working for long hours in dangerous areas with poor health and safety in Ukraine, they may accept that they can do the same type of work but for higher salaries in other countries.

Reference list

1. Shamir H. A. Labor Paradigm for Human Trafficking. *UCLA Law Review*. 2012. No. 76. P. 77–136.
2. Kotiswaran P. Trafficking: A Development Approach. *Faculty of Law University College London Law Research Paper*. 2019. No. 4. P. 1–36.

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