

Re-politicising Anti-Trafficking: Migration, labour, and the war in Ukraine

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Abstract

Drawing on multi-method research, this article demonstrates that the risks of large-scale trafficking due to the war in Ukraine were mitigated by granting Ukrainians more extensive rights than typically afforded to refugees. This shows the advantages of rights-based approaches to migration and labour exploitation. We draw on Bakhtin's and Žižek's work on the carnivalesque to argue that mainstream anti-trafficking initiatives—which are depoliticised and able to win support and funding from across the political spectrum—often serve merely as theatrical and distracting sideshows diverting attention from more impactful activities and the normalised exploitation within capitalism. However, avoiding trafficking is insufficient if Ukrainian citizens and residents still endure exploitative conditions. A weakened legal framework for workers' rights within Ukraine alongside inadequate labour protections across Europe have facilitated such exploitation. In contrast to the depoliticised stance of the anti-trafficking industry, this article concludes that more explicitly political actions supporting migrants' rights, workers' rights, and access to welfare and public services will not only more effectively challenge trafficking but also prevent other exploitation of migrants.

Keywords: human trafficking, Ukraine, conflict, migration, human rights, exploitation, the carnivalesque, depoliticisation

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Introduction

This paper addresses a significant yet generally unheralded achievement: despite widespread concerns about the war in Ukraine causing a major human trafficking problem, the anticipated ‘chaos at Ukrainian border’¹ has largely been avoided. This has significant policy implications, demonstrating the effectiveness of a rights-based approach to migration in substantially reducing trafficking. It also has profound theoretical implications: the limitations of mainstream anti-trafficking theory were shown when it not only failed to predict what would happen in the aftermath of Russia’s invasion of Ukraine in February 2022, but also fell short in providing practical policy solutions for the developing situation.

We begin by reflecting on narratives of fear about potential trafficking, and then discuss how large-scale trafficking has been avoided here. We argue that stronger rights for Ukrainian refugees, including access to travel, work, and welfare, reduced their vulnerability to trafficking. In contrast, most mainstream anti-trafficking activity in the context of this war has been of limited efficacy, with only a small number of ‘rescues’ and arrests reported and widespread awareness-raising delivering little impact. A first stage in this paper’s argument will use this example to demonstrate the effectiveness of a rights-based approach in challenging exploitation, contrasting it with the conventional focus of the anti-trafficking industry on law enforcement, rescue, and awareness raising. We draw on Bakhtin’s and Žižek’s work on the carnivalesque to argue that mainstream anti-trafficking initiatives—which are depoliticised and able to win support and funding from across the political spectrum—often serve merely as theatrical and distracting carnival sideshows to overshadow other higher-impact activities and the exploitation that is normalised within capitalism.

While averting large-scale trafficking of Ukrainian refugees is a noteworthy achievement, it is not enough. Many migrants from Ukraine and workers within the country face exploitative conditions, even if this exploitation is increasingly decriminalised and normalised.² Labour law legislation, enacted by the Ukrainian parliament in 2022, has further weakened an already inadequate legal framework

¹ See K Fallon, ‘Children going missing amid chaos at Ukrainian border, aid groups report’, *The Guardian*, 12 March 2022, <https://www.theguardian.com/global-development/2022/mar/12/children-going-missing-amid-chaos-at-ukraine-border-report-aid-groups-refugees>.

² I Schömann, ‘Labour Law Reforms in Europe: Adjusting Employment Protection Legislation for the Worse?’, *SSRN Electronic Journal*, ETUI Working Paper 2014.02, 2014, <https://doi.org/10.2139/ssrn.2512678>.

to protect workers' rights. This, along with insufficient protection of workers' rights in other parts of Europe, has facilitated such exploitation. The necessity to challenge this status quo forms the basis of the second part of our paper's argument, which calls for the re-politicisation of anti-trafficking and anti-exploitation campaigns.

Currently, there is a broad yet depoliticised consensus that trafficking is undesirable and that action to prevent it must be taken, although such 'action' is often non-specific, uncontroversial, and ineffective.³ The anti-trafficking industry's focus on 'rescue' and awareness-raising⁴ are seen as non-partisan issues which command broad consensus across the left–right political spectrum. However, to better address the exploitation of migrants, we argue that this consensus needs to be disrupted and re-politicised. We argue for a rights-based approach to labour and migration policy that enhances workers' and migrants' rights through more specific measures, such as relaxing or abolishing border controls on the movement of people; strengthening workers' rights; stopping harmful law enforcement and criminalisation where it impacts negatively on migrants and vulnerable workers; and implementing poverty reduction strategies like higher wages, improved welfare, or a basic income.

Methodology and Analytical Approach

This paper relies on a combination of methods, including a survey of anti-trafficking actors with 12 participants, document and media analysis, and a review of published research and data. To investigate the extent to which the unprecedented number of Ukrainian residents fleeing the war may have contributed to the increase in human trafficking in Europe, we conducted a survey of anti-trafficking practitioners in Poland and Ukraine. This survey, part of La Strada International's mapping for HEUNI's ELECT THB project, was

³ J Mendel and K Sharapov, 'Expanding Circles of Failure: The Rise of Bad Anti-Trafficking, and What to Do About It', *Global Policy Journal*, 18 November 2021, <https://www.globalpolicyjournal.com/blog/18/11/2021/expanding-circles-failure-rise-bad-anti-trafficking-and-what-do-about-it>.

⁴ For a discussion of how rescue and anti-trafficking developed as 'industries', see, among others, L M Agustín, *Sex at the Margins: Migration, Labour Markets and the Rescue Industry*, Zed Books, London, 2008; and K Kempadoo, 'The Modern-Day White (Wo) Man's Burden: Trends in Anti-Trafficking and Anti-Slavery Campaigns', *Journal of Human Trafficking*, vol. 1, issue 1, 2015, pp. 8–20, <https://doi.org/10.1080/23322705.2015.1006120>.

carried out from 23 January to 20 February 2023 using Qualtrics.⁵ The survey relied on a convenience sample, with the invitation disseminated by the NGOs La Strada Poland and La Strada Ukraine to their respective local networks of government representatives, trade unions, and non-government organisations (NGOs) engaged in anti-trafficking efforts.

To evaluate the media portrayal of trafficking threats to Ukrainian refugees, we used the Nexis Uni search engine to identify news items containing both ‘trafficking’ and ‘Ukraine’ in their titles, published in Europe between 24 February and 24 April 2022. Out of 224 items, 88 were selected for thematic analysis (excluding unrelated topics).

The document analysis covered recent changes in Ukrainian labour law and associated commentary, publications from UN agencies, and discussions and publications from the European Commission concerning the Temporary Protection Directive (TPD). Additionally, we incorporated data from the statistical office of the European Union (Eurostat).

Drawing on this range of data sources allowed us to research ongoing events on a timescale where we could report findings quickly enough to respond to rapid changes, while also triangulating data from these sources to be confident that our research findings were robust as well as timely.

Anti-Trafficking: De-politicisation and a pessimistic carnival

As we were drafting this paper and reconceptualising the idea of an anti-trafficking carnival, we were struck by Chris Ash’s discussion of engaging with the anti-trafficking movement as a survivor.⁶ As Ash explains, ‘My first time engaging specifically with the anti-trafficking movement was in 2018. It was disorienting; I

⁵ For further information about the Enhanced Law Enforcement Cooperation and Training on Trafficking in Human Beings (ELECT THB) project by the European Institute for Crime Prevention and Control (HEUNI), visit https://heuni.fi/-/elect_thb#71e612d2. See also A-G Pekkarinen and A Jokinen, ‘Report Series №103a: Patterns of Exploitation. Trends and Modus Operandi in Human Trafficking in Finland, Latvia, Estonia, Poland and Ukraine’, HEUNI, 2023, <https://heuni.fi/-/report-series-103-patterns-of-exploitation-elect-thb>.

⁶ C Ash, ‘Rescuing the Rescuers: How Survivors Are Re-making Anti-trafficking’, *OpenDemocracy*, 6 June 2023, <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/rescuing-the-rescuers-how-survivors-are-re-making-anti-trafficking>.

felt like I was in a carnival funhouse. A lot of familiar words were being used—survivor-centred, trauma-informed, etc.—but not in the ways that I had always known them. So I withdrew. I pulled back from formal anti-trafficking work, but kept speaking about my own experience informally.’ The use of ‘carnival funhouse’ as a simile is interesting in this context, and the concept of the carnivalesque has broader relevance to the anti-trafficking industry. Many aspects of anti-trafficking efforts can be considered carnivalesque: for example, anti-trafficking actors engaging in visually arresting yet ineffective awareness-raising campaigns that echo a funhouse display.⁷

There are longstanding hopes—most significantly, in Bakhtin’s work⁸—that carnivalesque can offer radical political potential. Against the conformist Stalin-era use of ‘folk culture’ and ‘folklore’, from which the folk themselves were rather removed, Bakhtin saw radical potential in carnival and laughter, envisioning them as means to undermine the status quo.⁹ However, Žižek offers a more pessimistic reading of the role of carnival and the carnivalesque under late capitalism. For him, [w]ith the full deployment of capitalism... it is the predominant “normal” life itself that... gets carnivalised... it is the critique of capitalism, from a stable ethical position, that more and more appears today as an exception.¹⁰ In this more pessimistic reading, the carnivalesque serves as a release valve rendering life under capitalism more tolerable rather than challenging the existing order. We acknowledge that there are various interpretations of Bakhtin’s ideas, including, for example, Gardiner’s argument that Bakhtin’s concept of the carnivalesque could be incorporated into a critical utopian framework aimed at addressing significant societal goals, particularly the satisfaction of unmet needs.¹¹ However, our current perspective aligns more closely with how the carnivalesque functions

⁷ See K Sharapov, S Hoff, and B Gerasimov, ‘Editorial: Knowledge Is Power, Ignorance Is Bliss: Public Perceptions and Responses to Human Trafficking’, *Anti-Trafficking Review*, issue 13, 2019, pp. 1–11, <https://doi.org/10.14197/atr.201219131>; K Sharapov and J Mendel, ‘Trafficking in Human Beings: Made and Cut to Measure? Anti-Trafficking Docufictions and the Production of Anti-Trafficking Truths’, *Cultural Sociology*, vol. 12, issue 4, 2018, pp. 540–60, <https://doi.org/10.1177/1749975518788657>; and J Mendel and K Sharapov, ‘“Stick Them to the Cross”: Anti-trafficking Apps and the Production of Ignorance’, *Journal of Human Trafficking*, vol. 8, issue 3, 2022, pp. 233–249, <https://doi.org/10.1080/23322705.2020.1801284>.

⁸ M M Bakhtin, *Rabelais and His World*, First Midland book edition, Indiana University Press, Bloomington, 1984.

⁹ R Lachmann, R Eshelman, and M Davis, ‘Bakhtin and Carnival: Culture as Counter-Culture’, *Cultural Critique*, issue 11, 1988, pp. 115–152, <https://doi.org/10.2307/1354246>.

¹⁰ S Žižek, *Organs without Bodies: Deleuze and Consequences*, Routledge, New York, 2004, p. 213.

¹¹ M Gardiner, ‘Bakhtin’s Carnival: Utopia as Critique’, *Utopian Studies*, vol. 3, issue 2, 1992, pp. 21–49.

in the context of anti-trafficking efforts. In this view, the carnivalesque within anti-trafficking initiatives serves as a diversion from addressing essential material factors, such as unfulfilled human needs, rather than having the potential for radical transformation or change.

Writing about ‘humanitarian carnival’ after Operation Enduring Freedom in Afghanistan, Billaud and De Lauri argue that the carnival represents a temporary disruption of traditional boundaries, norms, and hierarchies, blurring the distinction between participants and spectators.¹² It is a period during which ordinary social conventions are suspended or even inverted. However, such an inversion does not challenge established power structures; rather, it serves to momentarily subvert them while ultimately reinforcing the prevailing order. In applying the notion of ‘carnival’ to the reconstruction efforts in Afghanistan, Billaud and De Lauri demonstrate that the vision of a utopian transformation (from the Taliban’s rule to the promise of a new democratic state), akin to the carnival’s temporary reversals, may fall short (which it ultimately did) in addressing the complex challenges that Afghan citizens had endured for decades, including war, deprivation, and political instability.

In a similar vein, what we see in much of the anti-trafficking discourse today is a carnivalesque play around the labour exploitation that is part of normal life under contemporary forms of capitalism. There is, as in humanitarianism in Afghanistan, little concern for the practical conditions in which policies and interventions are taking place. Instead, there is an emphasis on radical reversals of extreme ideas of trafficking and enslavement, rather than focusing on the economic and political conditions that render people more vulnerable to exploitation or on much more mundane and normalised forms of labour exploitation, which may or may not fall under definitions of trafficking. The rise of ineffective and sometimes harmful anti-trafficking and anti-slavery campaigning—particularly the growth of unevidenced awareness-raising—and its spread through everyday life should be seen as the carnivalisation of the ‘normal’. These actions, far from being transformative, theatrically reinforce the status quo. Performative campaigns against rare or exaggerated instances of extreme exploitation normalise, or serve as a release valve for, everyday labour exploitation in capitalist societies.

In the context of exploitation related to the war in Ukraine, a focus on highly visible but largely ineffective anti-trafficking measures, such as awareness-raising and ‘rescue’, as well as on unrealised fears of large-scale trafficking, serves as a carnivalesque distraction from the normalised and legalised exploitation of migrant labour and its role in sustaining everyday life under capitalism.

¹² A De Lauri and J Billaud, ‘Humanitarian Theatre: Normality and the Carnavalesque in Afghanistan’, in A De Lauri (ed.), *The Politics of Humanitarianism. Power, Ideology and Aid*, I.B. Tauris, London, 2016.

Echoing Žižek, the normalised focus is on participating in carnivalesque anti-trafficking measures; increasingly marginalised and exceptional is the ethical critique of ‘normal’ labour exploitation within capitalism. What is also notable is the depoliticising effect of such carnivalesque activities. Much anti-trafficking awareness-raising is perceived as non-partisan or above the fray of party politics precisely *because* it fails to confront the ‘normal’ exploitation of labour. While it may feel rewarding to performatively denounce rare or imagined instances of extreme trafficking—and everyone can easily join in such play—it fails to engage with the political issues surrounding routine exploitation in daily life.

As we discuss below, in the context of the war in Ukraine, capitalism continues to evolve and develop new mechanisms for labour exploitation; the anti-trafficking industry is a way of carnivalising this trend. Unlike this depoliticising spectacle of the anti-trafficking industry’s carnival, a critical examination of labour exploitation and the rights of workers and migrants must offer an ethical critique grounded in more stable positions. What we are witnessing is not the work of ingeniously malevolent traffickers devising radically new ways to exploit ‘womenandchildren’,¹³ but rather an extension of the long history of exploiting migrants and workers to advance capitalism. Responses to such exploitation should ground themselves in the history of workers’ and migrants’ political activism rather than the purported novelty of carnivalesque anti-trafficking efforts.

A focus on trafficking can be used as part of depoliticisation processes. For Suchland, ‘the “violence against women” agenda has contributed to the depoliticization of the economic dimensions of sex trafficking... in Russia. This depoliticization is linked to global processes of neoliberalism and is bitterly ironic given that Marxist critiques of women’s oppression once dominated the political landscape’.¹⁴ Such depoliticisation goes beyond the agenda and geographical context Suchland describes: for example, the anti-trafficking industry’s claims about the unique and exceptional nature of trafficking related to the war in Ukraine help to avoid political questions about how everyday life in capitalism depends on labour exploitation. Depoliticisation often relies on implausible technical or bureaucratic solutions to complex social problems,¹⁵ and presenting the exploitation of migrant workers as a novel problem to be addressed via the mobilisation of the anti-trafficking industry serves as one such example. Moving beyond these false claims of novelty and this carnival of anti-trafficking, it is important to critique the ‘normal’ exploitation of labour in general and

¹³ C Enloe, ‘Womenandchildren. Making Feminist Sense of the Persian Gulf Crisis’, *Village Voice*, 25 September 1990, pp. 29-32.

¹⁴ J Suchland, *Transnational Feminism, Postsocialism, and the Politics of Sex Trafficking*, Duke University Press, Durham, 2015, p. 91.

¹⁵ See J Edkins, *Poststructuralism & International Relations: Bringing the Political Back In*, Lynne Rienner Publishers, Boulder, 1999.

migrant labour in particular. While technology and communications strategies may be useful tools, no technological solutions or awareness-raising campaign will eliminate such exploitation.¹⁶ Far from being above the realm of political discussion and debate, any effective response to trafficking and labour exploitation must engage in explicitly political struggles for workers' and migrants' rights. This includes advocating for higher wages, better working conditions, easier access to welfare and public services, and more open borders.

Sensationalist Anti-Trafficking Narratives and an Unheralded 'Success'

There is a growing body of research on human trafficking in conflict and post-conflict settings. Some literature identifies war as a 'push factor' of trafficking alongside poverty, unemployment and inflation,¹⁷ or as a political 'factor of supply'.¹⁸ Other commentators attribute responsibility to abstract entities like 'regions impacted by...war' rather than to specific actors or distinct configurations of economic and political power.¹⁹

More nuanced contributions link 'the multiple manifestations' of human trafficking in conflict settings to contexts where 'traditional legal, policy and law enforcement responses are likely to be inadequate'²⁰ and acknowledge that

¹⁶ See J Musto, M Thakor, and B Gerasimov, 'Editorial: Between Hope and Hype: Critical Evaluations of Technology's Role in Anti-Trafficking', *Anti-Trafficking Review*, issue 14, 2020, pp. 1–14, <https://doi.org/10.14197/atr.201220141>.

¹⁷ See, for example, C Deighan, 'A Business of Supply and Demand: The Trafficking of Women and Girls from Russia and Ukraine', in G Wylie and P McRedmond (eds.), *Human Trafficking in Europe: Character, Causes and Consequences*, Palgrave Macmillan UK, London, 2010, pp. 82–96, https://doi.org/10.1057/9780230281721_6; S-L Cheng, 'A Critical Engagement With the "Pull and Push" Model: Human Trafficking and Migration Into Sex Work', in R Piotrowicz, C Rijken, and B H Uhl (eds.), *Routledge Handbook of Human Trafficking*, Routledge, 2018, pp. 499–510.

¹⁸ For example, C Nanu, 'Preventing Trafficking in Human Beings: The Case of Moldova', in Wylie and McRedmond, pp. 142–163, p. 153, https://doi.org/10.1057/9780230281721_10.

¹⁹ For example, M C Burke, B Amaya, and K Dillon, 'Sex Trafficking as Structural Gender-Based Violence: Overview and Trauma Implications', in J Winterdyk and J Jones (eds.), *The Palgrave International Handbook of Human Trafficking*, Springer International Publishing, Cham, 2020, pp. 451–465, https://doi.org/10.1007/978-3-319-63058-8_22.

²⁰ J Muraszkievicz, T Fenton, and H Watson, 'Introduction', in J Muraszkievicz, T Fenton, and H Watson (eds.), *Human Trafficking in Conflict*, Springer International Publishing, Cham, 2020, pp. 1–18, p. 3, https://doi.org/10.1007/978-3-030-40838-1_1.

human trafficking intensifies due to vulnerabilities, which ‘manifest in particular ways within conflict setting’.²¹ For example, Kidd notes that conflicts often limit individuals’ choices, forcing them ‘to choose between limited options which are commonly imbued with risk’. Despite these constrained circumstances, individuals continue to exercise agency, even if ‘some of these choices will lead to exploitation’.²²

As with many other countries, there have long been ambiguous statistics and broad claims regarding the extent of human trafficking in Ukraine. These are often based on dubious assessments, extrapolations, and the regurgitation of unverified secondary sources.²³ Such estimates face criticisms for their lack of replicability and validity.²⁴ Statistics on trafficking in Ukraine, as in most other countries, provide only a fragmented view, enabling the creation of multiple anti-trafficking narratives, possibly rooted in mere statistical noise. This often leads to sensationalised media reports that emphasise individual stories of suffering, and extrapolating these accounts—regardless of whether they include some factual information—leads to exaggerated statistics and an inaccurate portrayal of the actual situation.

Media Analysis

These narratives quickly led to sensationalist claims about human trafficking following the February 2022 invasion. Our media analysis identified three specific overlapping groups as potential victims of trafficking: women and children, unaccompanied children, and orphans—all fleeing the war. Most articles discussed trafficking risks in vague terms and lacked specific details or credible intelligence to back these claims. Notably, none of the articles provided verifiable evidence concerning the scale of human trafficking following the invasion. Instead, they relied on the prevalent anti-trafficking trope of vulnerable ‘womenandchildren’

²¹ J Muraszkiwicz, O Iannelli, and P Wieltschnig, ‘Typology’, in *Ibid.*, pp. 21–41, p. 37, https://doi.org/10.1007/978-3-030-40838-1_2.

²² A Kidd, ‘Unavoidable Exploitation? Conflict, Agency and Human Trafficking’, in *Ibid.*, pp. 43–60, p. 44, https://doi.org/10.1007/978-3-030-40838-1_3.

²³ See, generally, R Weitzer, ‘New Directions in Research on Human Trafficking’, *The ANNALS of the American Academy of Political and Social Science*, vol. 653, issue 1, 2014, pp. 6–24, <https://doi.org/10.1177/0002716214521562>.

²⁴ See, for example, A Guth *et al.*, ‘Proper Methodology and Methods of Collecting and Analyzing Slavery Data: An Examination of the Global Slavery Index’, *Social Inclusion*, vol. 2, issue 4, 2014, pp. 14–22, <https://doi.org/10.17645/si.v2i4.195>, and A T Gallagher, ‘What’s Wrong With the Global Slavery Index?’, *Anti-Trafficking Review*, issue 8, 2017, pp. 90–112, <https://doi.org/10.14197/atr.20121786>.

needing rescue and protection.²⁵ Phrases such as ‘crisis creates new trafficking risks’, ‘orphans face trafficking threat’, ‘children...at heightened risk of trafficking and exploitation’ were commonly used. The content of these articles fell into four broad categories:

- (a) News items reporting warnings from agencies like Europol (‘warns of risk’), the UN (‘warns of trafficking’), the IOM (‘warns of increased risk’), the European Commission (‘children can fall into trafficking’), UNICEF (‘children...at heightened risk’ and ‘trafficking networks stalk children’), or the Red Cross (Ukrainian refugees ‘at increasing risk of human trafficking’).
- (b) NGOs and anti-trafficking experts calling for ‘action’, resources, and funding. For example, one warning suggested that the UK’s Home for Ukraine scheme was ‘beset with hazard and danger’. It claimed that Ukrainians relying on social media to find UK sponsors were ‘prime candidates for human trafficking. That means sex trafficking, trafficking for labour and trafficking for organ harvesting’. The article further implied that UK-based sponsors were ‘intermingling with human traffickers who are getting personal data harvesting it and deciding who’s going to do what’.
- (c) Fewer articles focused on ‘human interest’ stories, such as a Ukrainian woman concerned for her daughter who had sought refuge abroad, or a UK ‘porn heiress’ hosting an art exhibition ‘to raise money for Ukraine after hearing harrowing stories of “rape and sex trafficking”’.
- (d) Some stories presented improbable nightmare scenarios, such as the involvement of the ‘Chinese mafia’ in ‘trafficking in babies’ from Ukraine, and over-exaggerated estimates ranging from ‘thousands of young Ukrainian women [being] exposed to trafficking, exploitation and abuse’ to ‘at least 400,000 children fleeing Ukraine [being] at risk of hunger, illness, trafficking, abuse’.

Policy and Academic Reports

Following initial news reports, slightly more nuanced but similarly uncritical accounts appeared in academic and activist outlets. These largely echoed conventional trafficking rhetoric epitomised by ‘the paradigmatic image... of a

²⁵ See our forthcoming article focusing on the issues of potentiality and certitude in the context of anti-trafficking discourses: J Mendel and K Sharapov, ‘Politics Without Principle: FOSTA-SESTA, Potential Borders and the Ethics of Anti-trafficking Online’, *Environment and Planning C: Politics and Space*, forthcoming 2024.

young and naive innocent lured or deceived by evil traffickers into a life of sordid horror from which escape is nearly impossible'.²⁶ For example, a November 2022 report on Ukrainian refugees and internally displaced women who experienced 'war violence' (it remains unclear how the sample was selected), depicted a harrowing picture of the 'feminised displacement emergency'.²⁷ Notably, this report omits any reference to the 2001 EU Temporary Protection Directive, a significant aspect of anti-trafficking policy and practice in the context of the war in Ukraine, which our paper will discuss.

The UNODC's 2022 *Global Report on Trafficking in Persons* also contains questionable interpretations of the available data. It notes an increase in trafficking victims from Ukraine due to 'the 2014 conflict that took place in the Eastern part of the country', but it provides neither figures nor statistical references to substantiate this claim. Using models based on 2007–2020 data, the report suggests that current displacement could 'theoretically result into more than 100,000 victims from Ukraine'.²⁸ It also correlates Ukrainian asylum applications with trafficking victim detection in Western and Central Europe, showing estimates for 2022 that exceed the chart's limits.

The report acknowledges measures like temporary protection and residence permits in EU States to mitigate vulnerabilities,²⁹ but it fails to fully incorporate these mitigating factors into its predictions. The language of the report focusses on vulnerability mitigation rather than the human rights of forced migrants. This flawed analysis readily influenced subsequent reports, which are replete with speculative language like 'may', 'can', and 'might' yet lack verifiable evidence.

Indirect indicators of human trafficking in Europe emerge from Europol's multi-country raids targeting labour and sexual exploitation. Described as 'operational activities on the ground', rather than 'anti-trafficking raids', these operations provide data on arrests and identified victims. For example, a June 2023 operation

²⁶ J Doezema, 'Loose Women or Lost Women? – The Re-Emergence of the Myth of White Slavery in Contemporary Discourses of Trafficking in Women', *Gender Issues*, vol. 18, issue 1, 1999, pp. 23–50, <https://doi.org/10.1007/s12147-999-0021-9>. See also: R Andrijasevic, 'Beautiful Dead Bodies: Gender, Migration and Representation in Anti-Trafficking Campaigns', *Feminist Review*, vol. 86, issue 1, 2007, pp. 24–44, <https://doi.org/10.1057/palgrave.fr.9400355>; S Molland, "'Humanitarianized" Development? Anti-Trafficking Reconfigured?', *Development and Change*, vol. 50, issue 3, 2019, pp. 763–785, <https://doi.org/10.1111/dech.12459>.

²⁷ S Pertek, I Kuznetsova, and M Kot, '*Not a single safe place*': *The Ukrainian Refugees at Risk: Violence, Trafficking and Exploitation. Findings from Poland and Ukraine*, Research Report, University of Birmingham, 2022.

²⁸ United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons 2022*, United Nations, New York, 2022, p. 56.

²⁹ *Ibid.*

against labour exploitation simultaneously conducted in 31 countries, including Ukraine, involved inspecting 11,360 locations, checking 65,839 individuals, and searching 22,958 vehicles, which led to the identification of 261 victims.³⁰ However, the report does not clarify the nationality of these victims, despite recognising the vulnerability of refugees fleeing the war in Ukraine.

Secondary Data

As of writing, Eurostat has yet to release its 2022 statistics on the extent of human trafficking in the EU. Additionally, there has not been a comprehensive assessment specifically focused on the trafficking of Ukrainian nationals following the February 2022 invasion. However, preliminary insights are available from Eurostat's Annual Reports on Migration and Asylum. The 2022 edition includes 2021 data on trafficking victims from third countries, including Ukraine,³¹ while the 2023 edition, published in July 2023, covers data for 2022.³² It is important to recognise that trafficking statistics vary due to different data collection methods, policy changes, and law enforcement practices, making these statistics incomplete and not comparable across different jurisdictions.

Our analysis reviewed data from the top five countries granting the most temporary protections under the Council Implementing Decision 2022/382, which recognised the mass influx of displaced persons from Ukraine.³³ These countries are Germany, Poland, Czechia, Spain, and Italy. We separately analysed data from EU member states bordering Ukraine, i.e., Hungary, Poland, Romania, and Slovakia. For all these countries, we evaluated data on the 'top countries of citizenship' for identified victims of trafficking in both annual reports.

According to the 2023 edition of the Annual Report, Germany, which granted over a million temporary protections to Ukrainian nationals,³⁴ had no data on confirmed or presumed victims of trafficking. Poland, issuing the second-highest number of grants, saw an increase in identified victims of trafficking among

³⁰ See No Author, '21 arrested for labour exploitation and 261 victims identified', Europol, 5 July 2023, <https://www.europol.europa.eu/media-press/newsroom/news/21-arrested-for-labour-exploitation-and-261-victims-identified>.

³¹ See *Annual Report on Migration and Asylum 2021. Statistical Annex*, Publications Office of the European Union, Luxembourg, 2022, <https://ec.europa.eu/eurostat/en/web/products-statistical-reports/-/ks-01-22-123>.

³² *Ibid.*

³³ *Annual Report on Migration and Asylum 2022. Statistical Annex*, Publications Office of the European Union, Luxembourg, 2023, p. 11.

³⁴ Eurostat, 'Temporary protection for persons fleeing Ukraine - monthly statistics', retrieved 25 March 2024, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Temporary_protection_for_persons_fleeing_Ukraine_-_monthly_statistics.

third-country nationals from 109 in 2021 to 180 in 2022, with the top three countries of citizenship being in South America. Italy and Spain also recorded increases in identified victims of human trafficking in 2022 compared to 2021, but neither listed Ukraine among the top three nationalities of trafficked persons despite collectively granting (together with Poland) around 1.3 million grants of temporary protection to Ukrainians. Czechia stands as an exception, identifying Ukrainians among the top three nationalities of its 13 presumed trafficking victims, alongside others from the Philippines and Pakistan.

The Ministry of Social Policy of Ukraine reported 47 victims of trafficking in 2022³⁵ and 45 in the first half of 2023, including 21 trafficked for forced participation in armed conflicts.³⁶ Despite inherent limitations in such statistics, the lack of evidence refuted the hypothesised large-scale trafficking of Ukrainians in Europe. If such widespread trafficking had occurred, it would likely have been discernible even amidst statistical inconsistencies; however, the current data do not support the notion of hundreds of thousands of such cases.

Survey

Our survey of anti-trafficking practitioners in Poland and Ukraine gathered insights that reflect specific views of organisational representatives rather than broader trends. Of the 12 respondents, 25% represented governmental organisations and 75% represented NGOs, including two respondents coordinating national anti-trafficking activities in Poland and Ukraine. Most organisations were involved in direct assistance to identified or presumed victims.

About 30% of respondents believed that the invasion had led to an increase in trafficking in Poland and Ukraine, although they did not provide empirical evidence to support their claims. About half believed that the Ukrainian government was increasingly committed to addressing both internal and cross-border trafficking. One respondent representing an organisation which provides direct assistance to presumed or identified victims in Poland commented, 'No victim of human trafficking from Ukraine has reached our organisation since the outbreak of the war.' Two other Polish respondents noted a rise in internal trafficking (of Polish nationals) and of forced labour cases.

³⁵ See 'Kilkist osib, yakym Natssotssluzhboiu vstanovleno status osoby, yaka postrazhdala vid torhivli liudmy, stanom na 01.01.2023' (Number of people identified as victims of human trafficking by the National Social Service as of 1 January 2023), https://nssu.gov.ua/storage/app/sites/22/protudiya-torgivli-lydmi/status_2022.pdf.

³⁶ See 'Kilkist osib, yakym Natssotssluzhboiu vstanovleno status osoby, yaka postrazhdala vid torhivli liudmy, stanom na 30.06.2023' (Number of people identified as victims of human trafficking as of 30 June 2023), https://nssu.gov.ua/storage/app/sites/22/protudiya-torgivli-lydmi/status_30-06-23.pdf.

Respondents identified vulnerable groups as internally displaced Ukrainians within Ukraine (92% of respondents), women and girls (92%), individuals who fled Ukraine for Europe but could not access the EU's Temporary Protection scheme (92%), Ukrainian refugees abroad (83%), and marginalised groups like persons with disabilities, older persons, Roma, and LGBTQI+ individuals (83%). Among the risk factors respondents listed inadequate or misleading information, which led to individuals not receiving the support they needed or ignoring potential risks, as well as financial constraints and limited access to food and housing. About 60% emphasised the need for better anti-trafficking education and awareness.

Notably, none of the respondents suggested comprehensive rights for Ukrainian refugees like the right to work, free healthcare, or welfare payments as key to reducing trafficking risks. Instead, recommendations focused on increasing awareness, funding for victim support, and enhanced law enforcement. This perspective largely aligns with the dominant anti-trafficking paradigm that frames the issue in terms of crime and criminals as the problem, with rescue of ill-informed victims, incarceration of criminals, and deportation of both 'fraudulent' victims and criminals as solutions.

Unheralded Success Challenges Mainstream Anti-Trafficking Theory and Practice

Despite initial projections, there was no influx of hundreds of thousands of trafficked Ukrainians, mainly women and children, into European brothels, sweatshops, and factories. The International Organization for Migration (IOM) made a significant admission in its *Human Trafficking in the Ukraine Crisis* report published in March 2023.³⁷ It begins by noting 'serious concerns about the risks of trafficking in persons' expressed by a 'wide range of credible anti-trafficking stakeholders', echoing the unfounded claims in early media reports. The report goes on to reference a range of anti-trafficking efforts which have been made. Then, however, it reveals that 'despite the risks, no increase has been observed in the number of trafficked persons identified in Ukraine and the surrounding/host countries'.³⁸

The report acknowledges the significance of extending additional rights to Ukrainian refugees in the EU, including a residence permit, access to employment,

³⁷ IOM, *Human Trafficking in the Ukraine Crisis – Regional Anti-Trafficking Task Force*, IOM, Geneva, 2023.

³⁸ *Ibid.*, p. 7.

social welfare, medical care, and education.³⁹ However, it does so within a framework that emphasises state protection activities. Interestingly, what has been most effective in this context is what European states have *not* done—for example, they have generally not criminalised, detained, ‘rescued’, or deported Ukrainian refugees for ‘illegal’ border crossing, actions often taken against other migrants. While the report frames policies that are largely about states *not* doing harmful things as achievements of state action, its discussion of vulnerabilities largely decentres the role of state actions—such as migration laws, immigration checks and obstacles to accessing benefits, healthcare, and education—that *do* render people more vulnerable to exploitation. While states can dramatically improve the situation of many migrants by doing fewer things to harm them and make them vulnerable, this might be better framed as states causing less harm rather than as a positive achievement of state action. The IOM report acknowledges that ‘vulnerabilities [to trafficking] include access to: safe, dignified and fairly remunerated livelihoods; appropriate longer-term housing options; and quality education for children.’⁴⁰ Unfortunately, this places key rights—such as the right to dignified work—within a depoliticised framework of vulnerability to trafficking which offers no real way to address or achieve these rights.

The report also makes claims about the increased effectiveness of anti-trafficking awareness-raising campaigns in the Ukrainian crisis compared to other instances of forced displacement. However, it fails to offer empirical evidence for these campaigns’ alleged efficacy. Despite extensive efforts, there is no indication that they worked significantly better than awareness-raising campaigns in other contexts which brought little or no benefit.

The report also shows the weakness of internal critique within the anti-trafficking industry. As the report notes, the hypothesis that there would be large-scale human trafficking due to the Ukraine war was *theoretically grounded*, aligning with prevailing anti-trafficking research. However, this hypothesis was disproved, and no significant trafficking issue emerged. As research develops, when a hypothesis is refuted, it should prompt a revision or rejection of the underlying theory. Yet, in this report, the discrepancy between theory and reality is oddly construed as further evidence supporting the efficacy of approaches recommended by the anti-trafficking industry. Against this, we would argue that the failure of a theory to predict what happened should, instead, prompt a critical reassessment of the anti-trafficking industry’s frameworks and theories, especially their inability to accurately forecast the scale of trafficking in this instance.

³⁹ For a list of rights for beneficiaries of temporary protection in the EU, see European Commission, ‘Temporary Protection’, n.d., retrieved 8 January 2024, https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en.

⁴⁰ IOM, p. 27.

Throughout our analysis of documents, media coverage, and survey responses, we observed that anti-trafficking stakeholders expressed considerable concerns and advocated for various interventions. However, surprisingly absent was advocacy for measures that have proven to be effective: granting Ukrainian migrants the right to travel, work, and access welfare and other services. Beyond exposing weaknesses in mainstream anti-trafficking theory, this case study also casts a critical light on prevailing anti-trafficking practices. Anti-trafficking presents a carnivalesque spectacle alongside the war, advocating numerous dramatic interventions but failing to champion practical and effective measures to prevent trafficking. This case should act as a significant challenge to conventional anti-trafficking efforts, which, as we have argued in other contexts, are frequently ineffectual and can be detrimental.⁴¹

Moving beyond Anti-Trafficking: A political challenge to exploitation

The fact that dire predictions of large-scale trafficking did not come to pass is a noteworthy achievement, but it should not divert attention from the political problem of exploitative working conditions. Prior to the February 2022 invasion, an increasing number of Ukrainian nationals were already subject to exploitative labour in European countries⁴²—a trend that recent evidence suggests may have been exacerbated following the influx under the Temporary Protection Directive (TPD). The 2023 report by the EU Agency for Fundamental Rights, based on a survey of 14,685 Ukrainian refugees, found a significant gap between TPD entitlements and their actual experiences. Notably, 30% of respondents experienced some form of labour exploitation; 16% worked long hours, and 10% were underpaid or not paid at all. Only around half received financial assistance from authorities upon their arrival.⁴³

⁴¹ Mendel and Sharapov, 2021.

⁴² See, for example, K Filipek and D Polkowska, 'The Latent Precariousness of Migrant Workers: A Study of Ukrainians Legally Employed in Poland', *Journal of International Migration and Integration*, vol. 21, issue 1, 2020, pp. 205–220, <https://doi.org/10.1007/s12134-019-00708-6>.

⁴³ European Union Agency for Fundamental Rights, *Fleeing Ukraine: Displaced People's Experiences in the EU*, Publications Office of the European Union, Luxembourg, 2023, pp. 5, 44.

Given that the TPD grants Ukrainian refugees legal status and rights roughly equivalent to those of EU citizens,⁴⁴ the focus shifts from unauthorised migration or trafficking to broader issues of access to social support and labour rights. This raises broader political questions about the persistent and normalised exploitative labour, particularly in low-status and low-paid jobs and sectors. Recent erosions in labour rights in Ukraine, rationalised by the state of war and martial law, add another layer of complexity. Effectively challenging the exploitation of migrant labour requires moving beyond dominant carceral anti-trafficking narratives towards broader questions concerning labour rights, often sidelined or overlooked in prevailing anti-trafficking discourses.

The political work of trade union movements is important here. In a striking assessment, IndustriALL, a global union federation, argues that ‘instead of improving the current Labour Code, Ukrainian policy makers change labour laws, removing almost all rights gained by workers. In consequence, there is no protection for workers. This is the Ukrainian version of a race to the bottom for workers, in line with the prescriptions of international finance institutions’.⁴⁵ Similarly, the International Trade Union Confederation has criticised Ukraine’s parliament for dismantling foundational labour protections.⁴⁶ Farbar and Rowley also highlighted the role played by international financial institutions, notably the International Monetary Fund (IMF), in degrading labour and welfare protection systems in Ukraine.⁴⁷ They discuss the stringent fiscal measures, including reductions in social spending, imposed by the IMF in exchange for a multi-billion-dollar loan to Ukraine.

The scope of this article and its word limitations do not allow for a comprehensive review of these labour law reforms in Ukraine. However, two significant changes have notably increased Ukrainian workers’ vulnerability to labour rights violations, including exploitation. The line between exploitation as a labour law issue and exploitation within the framework of human trafficking and criminal law remains

⁴⁴ For more information on EU member states’ specific measures and policies to enable access to services for beneficiaries of the TDP, see European Migration Network, *Access to Services for Beneficiaries of Temporary Protection – EMN Inform*, European Migration Network, Brussels, 2022, https://emn.ie/wp-content/uploads/2022/11/EMN_INFORM_services.pdf.

⁴⁵ K Özkan, ‘Working in War-torn Ukraine’, *industriALL*, 20 July 2023, <https://www.industriall-union.org/working-in-war-torn-ukraine>.

⁴⁶ No author, ‘Ukraine: While Workers Defend the Country, Parliament Turns Against Them’, *ITUC*, 20 July 2022, <https://www.ituc-csi.org/parliament-turns-against-Ukrainian-workers>.

⁴⁷ K Farbar and T Rowley, ‘Ukraine Is Reforming Its Welfare System as the Cost of War Rises’, *OpenDemocracy*, 26 April 2023, <https://www.opendemocracy.net/en/odr/ukraine-social-policy-reform-imf>.

ambiguous,⁴⁸ a distinction made even more nebulous under the current war-induced state of exception. Any legislation or policy which further blurs this distinction should be thoroughly examined and critiqued.

The first pivotal change is the *Law of Ukraine on the Organisation of Labour Relations under Martial Law*, enacted on 15 March 2022. The legislation overrides existing labour laws, significantly curtailing employees' rights, while extending unprecedented flexibility to employers. It allows employers to dismiss employees during periods of temporary incapacity or leave (except maternity leave), extends maximum working hours from 40 to 60 per week, and absolves employers of liability for delayed salary payments due to military or other force majeure events. This law also permits denying annual leave.⁴⁹

The second notable change came in August 2022 with legislation that removed all labour law protections for employees of companies employing fewer than 250 individuals. As *OpenDemocracy* reports, this affected about 70 per cent of all workers in Ukraine, stripping them of numerous labour rights.⁵⁰

The context of these changes is important in several ways. First, there was a drastic plunge into poverty, affecting over 7.1 million Ukrainian nationals within a single

⁴⁸ See an acknowledgment of the complexity of the term 'labour exploitation' by GRETA: 'At one end lie situations which amount to labour law violations, such as failure to pay a mandated minimum wage, and at the other extreme are situations where the unfair advantage is acute and the resulting harm very severe. At this moment, it is not clear where on this continuum labour exploitation turns from being considered a problem of labour law to becoming an issue not only falling under the human trafficking framework, but also under criminal law'. Group of Experts on Action against Trafficking in Human Beings, *Compendium of Good Practices in the Area of Combating Human Trafficking for the Purpose of Labour Exploitation*, Council of Europe, Strasbourg, 2020, <https://rm.coe.int/compendium-good-practice-labour-greta/1680a262ae>, p. 5.

⁴⁹ For further analysis of these changes, see 'The Law on Organisation of Labour Relations Under Martial Law Came Into Force', PWC, 24 March 2022, <https://www.pwc.com/ua/en/publications/tax-and-legal-alert/2022/work-arrangements-war-time.html>; 'Major Changes Introduced by the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Optimization of Labor Relations" No. 2352-IX', Deloitte, 20 July 2022, <https://www2.deloitte.com/ua/en/pages/press-room/tax-and-legal-alerts/2022/07-20.html>; and T Connell, 'In Midst of War, Ukrainian Parliament Attacks Worker Rights', Solidarity Center, 8 August 2022, <https://www.solidaritycenter.org/podcast/in-midst-of-war-ukrainian-parliament-attacks-worker-rights>.

⁵⁰ ODR Team, 'Ukraine's Anti-worker Law Comes Into Effect', *openDemocracy*, 25 August 2022, <https://www.opendemocracy.net/en/odr/ukraine-labour-law-wrecks-workers-rights>.

year; the poverty rate escalated from 5.5% to 24.2% in 2022.⁵¹ According to the United Nations Development Programme, as of April 2023, 44% of Ukrainian households struggled to afford basic necessities; a third faced food shortages, and 55% of women reported feeling unsafe in their daily lives.⁵² With escalating inflation and rising unemployment rates, poverty levels are projected to worsen.⁵³ Internally displaced persons face additional challenges, including unemployment and a more pressing need for medication, secure housing, and medical care.⁵⁴

Second, the ongoing restructuring of businesses, increasing demand for flexible labour, and the expanding informal economy⁵⁵ create a ‘perfect storm’ for labour exploitation. Such exploitation, although severe, may be exempted from criminal law considerations (as not hitting the high bar of forced labour or human trafficking).

Third, the post-conflict reconstruction in Ukraine is expected to increase demand for low-skilled, mobile labour. Ukraine’s workforce had already been declining due to ageing, negative population growth, and high emigration rates. Interestingly, the Ukrainian government has recently equated labour market recovery with ‘victory’; it estimates that 4.5 million additional workers will be needed over the next decade to meet the demands of post-war reconstruction.⁵⁶ With domestic labour scarce, attracting foreign workers seems likely. However, these individuals are likely to face a deregulated environment with minimal labour law protections. In summary, perfectly legal employment in Ukraine may now trap impoverished

⁵¹ ‘The World Bank in Ukraine. Overview’, World Bank, n.d., <https://www.worldbank.org/en/country/ukraine/overview#3>.

⁵² United Nations Development Programme, *Human Impact Assessment –Ukraine*, June 2023, pp. 68–69.

⁵³ See P Beaumont, ‘Pawn Shops and Bread Queues: Poverty Grips Ukraine as War Drags On’, *The Guardian*, 30 April 2023, <https://www.theguardian.com/world/2023/apr/30/ukraine-war-poverty-irpin-pawn-shops-bread-queues>; World Bank.

⁵⁴ Gradus, *Social Screening of Ukrainian Society during the Russian Invasion: The Tenth Wave of the Study*, 2022.

⁵⁵ There are no up-to-date estimates of how many people are currently employed informally in Ukraine as of 2023. In 2021, the Statistical Agency of Ukraine estimated that 3 million Ukrainians were informally employed (see A Solop (ed.), *Labour Force of Ukraine*, State Statistics Service of Ukraine, Kyiv, 2022. For an overview of the complex relationship between the informal economy, exploitation, and trafficking, see K Sharapov, ‘Trafficking in Human Beings and the Informal Economy’, in Piotrowicz, Rijken, and Uhl, pp. 526–534.

⁵⁶ See ‘Vidnovlennia rynku pratsi - tse shliakh do nashoi peremohy, - Tetiana Berezhna’ (The restoration of the labour market is the way to our victory – Tetiana Berezhna), Ministry of Economy, 13 July 2023, <https://www.me.gov.ua/News/Detail?lang=uk-UA&id=3741cc27-dbe5-433e-a139-1d480735bc51>.

workers into contracts with substandard pay and deplorable working conditions, from which they can be dismissed at will. While such labour conditions are now decriminalised in Ukraine for employers with fewer than 250 employees, they clearly fall within a spectrum of exploitation.

In attempting to evaluate the ramifications of these legislative changes, we encountered a series of notable silences. The first came from the International Labour Organization, which, in a February 2023 report, omits any mention of significant changes to the country's labour rights framework.⁵⁷

The second silence is even more consequential. All labour inspections by the State Service of Ukraine on Labour Issues were suspended, rendering it impossible to gauge the true impact of diminished labour protections. A June 2023 update from this Service indicates that over 27,000 nationals reported issues ranging from unregistered labour relations to non-payment of wages and illegal dismissals. The update disclosed that labour inspectors had identified over 330 cases of undeclared labour and 30 cases indicative of labour exploitation and forced labour within one week of June 2023.⁵⁸ As of July 2023, inspections were partially reinstated under limited conditions, with only compliance orders being issued for violations instead of fines.

The third silence concerns the State Targeted Social Programme on Combating Human Trafficking until 2025, adopted on 2 June 2023.⁵⁹ It aims to prevent human trafficking and enhance victim support. However, of its 37 measures, only one directly addresses labour exploitation and labour rights, calling for the 'monitoring of compliance with labour legislation and prevention of cases of human trafficking for the purposes of labour exploitation.' The programme omits any discussion of recent legislative actions that suspended much of Ukrainian labour law and inspection systems. Appendix 2 of the programme lists implementation tasks, including the standardisation of procedures to identify labour exploitation and forced labour, and the development of ethical conduct guidelines for businesses. Yet, it overlooks the changed context of increasing demand for flexible, compliant, and easily dismissible labour amidst diminished regulation and labour rights.

⁵⁷ International Labour Organization, *ILO's Response to the Crisis in Ukraine*, ILO, 2022.

⁵⁸ See 'Inspektory Derzhpratsi vidnovliuiut kontrol za dotrymanniam prav pratsivnykiv' (State Labour Inspectors Will Resume Control Over the Observance of Workers' Rights), State Labour Service, 22 June 2023, <https://kiev.dsp.gov.ua/main-news/inspektory-derzhpratsi-vidnovliuiut-kontrol-za-dotrymanniam-prav-pratsivnykiv>.

⁵⁹ See 'Derzhavna tsilova sotsialna prohrama protydii torhivli liudmy na period do 2025 roku' (State Targeted Social Programme for Combating Human Trafficking until 2025), Verkhovna Rada, 2 June 2023, <https://zakon.rada.gov.ua/laws/show/496-2023-p#Text>.

Given the above, it is striking that, in its 2023 *Trafficking in Persons Report*, the US State Department asserts that Ukraine's new laws and decrees enacted due to the war with Russia had 'reduced vulnerability to exploitation.'⁶⁰ This claim is made without providing any supporting rationale, and it appears highly unlikely that reducing labour rights, without addressing systemic issues like poverty, would decrease vulnerability to exploitation.

Despite the emphasis on migration and its equation with vulnerability to human trafficking in mainstream anti-trafficking discussions, residents of Ukraine who have either not migrated or have migrated internally may be more susceptible to labour exploitation than those who have migrated to the EU.⁶¹ Although concrete evidence of labour rights violations is challenging to obtain, the extensive legislative changes, rising violence, and increased poverty and precarity—coupled with a strained law enforcement system—suggest that Ukrainians remaining in the country might be at greater risk of labour exploitation and trafficking than those protected by the EU's Temporary Protection Directive. Mainstream anti-trafficking discourses often overlook these normalised and effectively decriminalised forms of exploitation. In contrast, we highlight the importance of more explicitly political campaigns, like those led by trade union movements, to challenge such normalised exploitation.

Conclusion

The absence of large-scale trafficking caused by the war in Ukraine highlights the success of a rights-based approach to migration, where granting migrants the right to travel, work, and access welfare and other services significantly reduced their vulnerability to trafficking. However, the anti-trafficking industry's role in this success was more of a carnivalesque sideshow than a substantive contribution, with tactics like 'rescue' operations and awareness campaigns having limited impact. We have demonstrated the deficiencies of this carnivalesque approach and critiqued the way the anti-trafficking industry has depoliticised its campaigning to garner support (and funding) from a broad political spectrum. Moreover, the example of Ukraine exposes significant gaps in mainstream anti-trafficking theory, which failed to anticipate the situation and must now either be revised or abandoned.

The rights-based approach to forced migration from Ukraine has effectively

⁶⁰ United States Department of State, '2023 Trafficking in Persons Report: Ukraine', 2023, <https://www.state.gov/reports/2023-trafficking-in-persons-report/ukraine>.

⁶¹ There are also individuals, including non-Ukrainian nationals currently residing in Ukraine, whose immigration status placed them in even more precarious situations following the invasion.

mitigated severe exploitation and trafficking, emphasising the importance of treating people as rights holders rather than presuming them to be vulnerable victims in trafficking and forced migration contexts. Nevertheless, this ‘success’ is not enough, as exploitation of Ukrainian nationals and residents continues, manifesting in decriminalised and normalised forms within the capitalist system, rather than as criminalised trafficking. To challenge this exploitation effectively, a shift is needed from a narrow depoliticised focus just on trafficking to a political critique of how capitalist societies decriminalise and normalise other types of labour exploitation. This critique should focus on workers’ and migrants’ rights, including access to welfare and services. For example, the Federation of Trade Unions of Ukraine’s challenge to the roll-back of Ukrainian labour law and protections or the European Migration Network’s campaigning for the right of Ukrainian refugees to access services and benefits both suggest ways to challenge the legalised and normalised ways in which capitalism can render workers and migrants more vulnerable to exploitation.⁶² Instead of becoming embroiled in the carnivalesque spectacle that is the anti-trafficking industry, efforts to combat exploitation should engage in more explicitly political campaigns advocating for rights both within and against capitalism.

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⁶² See European Migration Network; ODR Team.