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STAN BADAŃ NAD PROBLEMATYKĄ ZWALCZANIA HANDLU LUDŹMI, DO KTÓREGO DOCHODZI Z WYKORZYSTANIEM INTERNETU W WARUNKACH STANU WOJENNEGO

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Adnotacja. W artykule usystematyzowano badania poświęcone różnym aspektom zwalczania handlu ludźmi w stanie wojennym. Ustalono, że trudność w wykryciu i udokumentowaniu przez organy ścigania faktów handlu ludźmi popełnianych przy wykorzystaniu Internetu wynika z takich czynników, jak: anonimowość i bezosobowość – 87%; dostępność i oddalenie – 83%; transnarodowy charakter przestępczości – 81%; niedoskonałość regulacji prawnych w zakresie wykrywania i dokumentowania handlu ludźmi popełnianego przy wykorzystaniu Internetu – 79%; pozostali – 67%.

Zwrócono uwagę na fakt, że wśród krajowych naukowców brak jest kompleksowych, rzetelnych badań poświęconych przeciwdziałaniu handlowi ludźmi popełnianemu z wykorzystaniem Internetu, w związku z czym istnieje potrzeba prowadzenia badań celowanych.

Słowa kluczowe. Handel ludźmi, przestępczość zorganizowana, stan rozwoju, Internet, stan wojenny.

The state of research into the problems of combating human trafficking committed using the Internet under the conditions of martial law

THE STATE OF RESEARCH INTO THE PROBLEMS OF COMBATING HUMAN TRAFFICKING COMMITTED USING THE INTERNET UNDER THE CONDITIONS OF MARTIAL LAW

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Abstract. This article systematizes research devoted to various aspects of combating human trafficking in conditions of martial law. It is established that the difficulty of detection and documentation of the facts of human trafficking committed using the Internet by law enforcement agencies is caused by factors such as: anonymity and impersonality – 87%; accessibility and remoteness – 83%; transnational nature of the crime – 81%; imperfection of legal regulations regarding the detection and documentation of human trafficking committed using the Internet – 79%; other – 67%.

Attention is focused on the fact that among domestic researchers there is no comprehensive, thorough research dedicated to combating human trafficking committed using the Internet, resulting in the need to conduct a targeted study.

Key words: Human trafficking, organized crime, state of development, Internet, martial law.

СТАН ДОСЛІДЖЕННЯ ПРОБЛЕМ ПРОТИДІЇ ТОРГІВЛІ ЛЮДЬМИ, ЩО ВЧИНЯЄТЬСЯ З ВИКОРИСТАННЯМ МЕРЕЖІ ІНТЕРНЕТ В УМОВАХ ВОЄННОГО СТАНУ

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Анотація. У статті систематизовано дослідження, присвячені різним аспектам протидії торгівлі людьми в умовах воєнного стану. Встановлено, що складність виявлення та документування правоохоронними органами фактів торгівлі людьми, вчиненої з використанням мережі Інтернет, зумовлена такими факторами, як: анонімність та знеособленість – 87%; доступність і віддаленість – 83%; транснаціональний характер злочинності – 81%; недосконалість правового регулювання щодо виявлення та документування торгівлі людьми, вчиненої з використанням мережі Інтернет – 79%; інші – 67%.

Акцентовано увагу на тому, що серед вітчизняних науковців відсутні комплексні, ґрунтовні дослідження, присвячені протидії торгівлі людьми, вчиненій з використанням мережі Інтернет, у зв'язку з чим виникає необхідність проведення цілеспрямованого дослідження.

Ключові слова. Торговля людьми, організована злочинність, стан розвитку, Інтернет, воєнний стан.

Introduction. Global trends in the changing structure of crime convincingly testify to the growing role of information and telecommunication technologies, which cause the appearance of fundamentally new types of criminal offenses and the active improvement of "traditional" criminal activity. Computer networks and communication systems have become a tool of criminals, as a result of which the sphere of use of information and telecommunication technologies has been criminalized (Tarasenko, 2021: 7). The scale of crimes committed with the help of the Internet information and telecommunications network is constantly growing and acquiring an interregional and even transnational character (Sevruk, 2022).

The report of the United Nations Office on Drugs and Crime (United Nations. Office on Drugs and Crime. Technology and Human Trafficking, 2022) notes that organized criminal groups that commit offenses related to human trafficking are increasingly using the Internet at all stages of criminal activity (creating websites, recruiting potential victims of human trafficking, selection of accomplices (recruits) for criminal activities, receiving and laundering funds through electronic currencies and platforms used for legalization of profits from criminal activities).

The survey of respondents shows that the difficulty of detection and documentation by law enforcement agencies of human trafficking committed using the Internet is caused by factors such as: anonymity and impersonality - 87%; accessibility and remoteness - 83%; transnational nature of the crime - 81%; imperfection of legal regulations regarding the detection and documentation of human trafficking committed using the Internet - 79%; other - 67%.

Therefore, combating human trafficking carried out using the Internet is impossible without in-depth study and scientific and legal development.

In this context, the assertion (Pavlenko, 2018: 107) can be considered valid: the main condition of any scientific research is a thorough analysis of the scientific output of domestic and foreign scientists of different historical periods (Pavlenko, 2018: 107).

Research material and methods. In the monograph, various aspects of the detection, prevention and investigation of human trafficking in recent years were considered by: P.V. Gorbashenko, H.G. Zhukovska, K.S. Kravchenko, M. S. Nabrusko, A. A. Nebytov, S.O. Pavlenko, D.I. Rusnak, V.G. Sevruk, O.P. Svintsytska, O.S. Tarasenko, V.S. Filashkin, O.A. Shlyakhovskiy and others. However, despite the indisputable value of these developments, it should be noted that the problem of human trafficking has become particularly relevant in the context of a full-scale war. This is due to the fact that millions of people who were forced to evacuate either abroad or to other territories, or those who were forcibly taken to the territory of the aggressor country, became a targeted group by human traffickers with a high level of victimization (Sperkach, 2023: 117).

The purpose of the article is to systematize scientific research devoted to various aspects of combating human trafficking under martial law.

Results and their discussion. Therefore, publications dedicated to human trafficking deserve special attention after the full-scale armed Russian aggression against Ukraine.

Valuable for our work is V.V. Kotova's "Features of the investigation of human trafficking under martial law" (2022). The article defines the essence of the definition of "trafficking in human beings" and the forms by which crimes in the field of human trafficking are committed, wherein peculiarities of the investigation of crimes in the field of human trafficking under martial law is studied, and the main factors (preconditions) contributing to the spread of human trafficking in the conditions of Russia's military aggression are established. The author also analyzes normative legal acts in the field of preventing the spread of human trafficking and puts forward suggestions on combating crimes in the sphere of human trafficking (Kotova, 2022).

The next research that needs a thorough analysis is the scientific article by N.A. Sperekach entitled "Trafficking in people: current state, dynamics and countermeasures" (2023) (Sperekach, 2023). The article notes that human trafficking in Ukraine has become even more acute since the beginning of the war because a significant number of Ukrainians have been forcibly deported by the aggressor country to the territory of Russia and Belarus, additionally influenced by a rather difficult economic situation, corruption, a high level of unemployment, the spread of external labor migration, disproportions in the development of the labor market, the prevalence of fraudulent schemes for the recruitment of citizens, the intensification of the activities of international criminal groups, the imperfection of legislation, the legal ignorance of the population and other risk factors leading to falling into the situation of human trafficking. The directions of Ukraine's cooperation with the International Organization for Migration and other partners regarding preventive measures to combat human trafficking, as well as coordinated actions of the Migration Police with European partners regarding the creation of a European platform for exchanging information on human trafficking, were studied.

Based upon their research on the problem of human trafficking, specific effective directions for combating this criminal offense are identified. It is noted that at the level of the state, international organizations, and civil society, there should be a full and effective consolidation of the efforts of both state authorities and local self-government bodies, as well as public organizations and citizens to prevent human trafficking. It was noted that a rather important and first-priority task is to ensure an effective, proper, timely response to such criminal offenses through joint response and coordinated actions by all relevant organizations, because human freedom is one of the main values of modern civilized society, and ensuring its inviolability is one of the main functions of the state (Sperekach, 2023).

Thus, the contributions of O.Yu. are of significant interest for our work. Drozda and L.V. Magpies: "International partnership is the main tool to combat human trafficking and gender-based violence during armed conflict" (2023) (Drozd, Soroka, 2023); "The impact of the war in Ukraine on the European strategic course against human trafficking" (2023) (Drozd, Soroka, 2023). The authors' reasoning regarding prevention and fight against human trafficking

and gender-based violence during armed conflict is that it is necessary to strengthen international and European legal tools, as well as their implementation. Likewise, it is necessary to raise awareness of human trafficking among humanitarian aid workers and those operating in war zones, develop guidelines and training on how to recognize, prevent, and respond to human trafficking. For women who become victims of trafficking and violence during armed conflicts, it is necessary to develop and implement post-conflict rehabilitation programs in close cooperation with local women's organizations (Drozd, Soroka, 2023: 80-81).

The next research that needs thorough analysis is T.M. Lutskyi and I.B. Hayzdaka-Vasylyshyn's "Combating human trafficking: history and modernity" (2023) (Lutskyi, Haizdaka-Vasylyshyn, 2023). The paper emphasizes that the demographics of Ukrainian victims of human trafficking changed with the beginning of the Russian Federation's war against Ukraine. It is now a predominantly urban, younger population, in addition to women and children who are the most vulnerable, and there has also been an increase in the proportion of victims of human trafficking among the male population subjected to forced labor and involvement in the drug and arms trade, or use in hostilities and forced labor, including mobilization in the occupied territories (Lutskyi, Haizdaka-Vasylyshyn, 2023).

Additionally, V.M. Logvynenko and O.P. Biletskyi's article "Modern trends in the study of combating human trafficking (a brief review of foreign sources)" (2023) is valuable for our work and research (Logvynenko, Biletskyi, 2023). In the article, it is emphasized that the fight against human trafficking requires not only a systematic approach, the creation of effective mechanisms for combating this crime, and the consolidation of the efforts of state and public institutions aimed not only at preventing trafficking, but also providing protection and comprehensive assistance to victims. Foreign researchers have gained considerable experience in this field, which is reflected in the topics of recent research. Another subject of modern research on this issue is the assessment of risks and gaps in combating trafficking in the context of challenges related to the flow of refugees from Ukraine, including ascertaining the capabilities and effectiveness of agencies involved in humanitarian response in addressing these risks. An important direction of foreign scientific intelligence in solving trafficking problems is applied, utilizing specialized research, development of specific methods of working with victims for effective assistance, and other means. Further study of the achievements of the international academic community will help to better understand modern challenges in this area and possible directions for improving the policy of combating human trafficking (Logvynenko, Biletskyi, 2023).

From the beginning, attention was paid to the analysis of educational and methodological literature that has appeared recently regarding the problems of combating human trafficking.

In particular, we should note the practical guide on the topic, "National mechanisms of interaction. Association for the protection of the rights of persons affected by human trafficking" (2022). In the context of the problems of our research, the means of committing human trafficking using the Internet are of particular interest (the use of basic Internet resources and the use of deep Internet and darknet (dark web) by human traffickers, etc. (Natsionalni mekhanizmy vzaiemodii. Obiednannia dlia zakhystu prav osib, yaki postrazhdaly vid torhivli liudmy)).

Recommendations are given on the use of technology during the investigation of cyber-trafficking, in particular: the use of technical means to investigate cases of human trafficking, application of special methods of investigation, carrying out organized operations by investigative agencies, and the use of artificial intelligence to combat human trafficking (Natsionalni mekhanizmy vzaiemodii. Obiednannia dlia zakhystu prav osib, yaki postrazhdaly vid torhivli liudmy).

Noteworthy are the methodological recommendations "Prevention of human trafficking in martial law" (2023) (Zapobihannia torhivli liudmy v umovakh voiennoho stanu, 2023). Based on analysis of the provisions of the current normative legal acts of Ukraine, statistical data of the Office of the Prosecutor General of Ukraine, and the materials of scientific research of domestic scientists, the details of preventing human trafficking during conditions of martial law are considered. The provisions of the main normative legal acts in the field of prevention of human trafficking are analyzed. According to the results of the review of statistical reports of the Office of the Prosecutor General of Ukraine and the State Judicial Administration, a criminological portrait of a criminal are provided for in Art. 149 of the Criminal Code of Ukraine. The main determinants of human trafficking are also outlined. It is emphasized that the large-scale war has become a powerful factor that negatively affects the dynamics of the spread of the specified acts of tortious behavior. The main directions of prevention of the specified criminal offense in the conditions of operation of the legal regime of martial law on the territory of Ukraine are proposed for law enforcement officers of the Ministry of Internal Affairs of Ukraine, teachers, adjuncts, and cadets of institutions of higher education of the Ministry of Internal Affairs (Zapobihannia torhivli liudmy v umovakh voiennoho stanu, 2023).

Also, the tutorial on the topic "Combating and social prevention of human trafficking in Ukraine" should be noted (2023). The textbook defines the essence of the concept of social prevention of human trafficking, reveals its types, forms, methods based on the concept of "help for self-help". An analysis of the phenomenon of human trafficking at the current stage of the development of Ukrainian society, its causes, scales, development trends, countermeasures, and a system of subjects for social prevention of human trafficking is provided. The main forms of primary, secondary and tertiary prevention of human trafficking are analyzed (Protydiia ta sotsialna profilaktyka torhivli liudmy v Ukraini).

Considerable attention is also paid to the analysis of scientific publications of foreign scientists regarding the problems of investigating war crimes, among which the following works should be singled out: those directly related to the research issues, namely: P. Szekely, "Building and using a knowledge diagram to combat traffickers" (2015) (Szekely, 2015); A. Sykiotou, "Cyber-trafficking : recruiting victims of human trafficking through the Internet" (2017) (Sykiotou, 2017); D. Borrelli and Sh. Caltagirone, "Unconventional cybercrime: combating

human trafficking using scientific and technical achievements" (2020) (Borrelli, Sherrie, 2020); T. DoCarmo, "Main international organizations that combat human trafficking" (2020) (Carmo, 2020); G. Landron, "Human trafficking and its evolution into cyberspace: how technologies have changed human trafficking time" (2021) (Landron, 2021); G.L. Dimas, R. Konrad, K. Maass, and C. Trapp, "Operational research and analytics in combating human trafficking: a systematic review of the scientific literature" (2022) (Dimas, Konrad, Maass, Trapp, 2022); R. Keighley and T. Sanders, "Preventing Modern Sex Slavery: Research Protocol of a Mixed Methods Project Examining the Role of Adult Service Websites" (2023) (Keighley, Sanders, 2023).

Among the works of foreign scientists, the work, D. Czarnecki "Digitalization of human trafficking in Germany" (2022) is notable (Czarnecki, 2022). The work examines the methods (technology) of selection by the organizers (leaders) of organized criminal associations and other participants to implement the stages of human trafficking: searching (recruiting) and transporting (transporting) victims of human trafficking to the final destination.

Methods of recruiting potential victims of human trafficking through the Internet for the purpose of sexual and labor exploitation have been revealed. Technologies of anonymous exchange of information through computer networks (onion routing) and others are singled out. (Czarnecki, 2022).

Attention is paid to the scientific works of foreign scientists that are directly related to the chosen topic, in particular, T. Carback "Cybersex trade : effectiveness of the prosecutor's response" (2018) (Joshua, 2018); V. Garcia "Cybersex trade: online grooming and exploitation" (2022) (Garcia, 2019); A. Berends, "Traffickers use online tools to connect with potential victims" (2022) (Berends, 2022). These studies served as a scientific basis for writing our work, in particular, clarifying such concepts as " cyber-trade", "cybersex ", "online recruitment", "online grooming", etc. for the purpose of sexual and labor exploitation, determining the stages of human trafficking through the Internet for the purpose of sexual and labor exploitation, methods of preparation, commission and concealment of this crime.

Conclusion. However, despite the indisputable value of these developments, it should be noted that currently, among domestic scientists, there is no comprehensive, thorough research dedicated to countering human trafficking committed using the Internet, which indicates the need for a targeted study and determines the relevance of the chosen topic of the dissertation. In particular, with the results of a survey of practical workers, issues that require high-priority scientific study and relate to the use of information and analytical support have been identified; interactions of operational units alongside other entities; the development of algorithms (action programs) of operatives during detection of information (signs); the provision of proposals and recommendations for improving the tactics of documenting human trafficking carried out using the Internet, and developing algorithms and investigator action programs during undercover investigative actions and processes.

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