

## Law of Ukraine

### "On Counteracting Human Trafficking"

**Date of entry into force:  
November 15, 2011**

The Law determines the organizational and legal principles of counteracting human trafficking, while guaranteeing gender equality, the main directions of state policy and principles for international cooperation in this sphere, the authority of bodies of executive power, the procedure for granting the status of a victim of human trafficking, and the procedure for providing assistance to such victims.

Article 1 of the Law defines the terms used in it. For example, counteracting human trafficking is a system of measures aimed at fighting human trafficking by preventing and counteracting it, and at providing assistance and protection for victims of human trafficking. Human trafficking is concluding an illegitimate agreement, the object of which is a human being, as well as recruitment, transportation, harboring, transfer, or receipt of persons, for the purpose of exploitation, including sexual, by means of deception, fraud, blackmail, abuse of a position of vulnerability, abuse of power or material or other dependence on another person, which are recognized as a crime according to the Criminal Code of Ukraine.

The main principles of counteracting human trafficking are defined by Article 3 of the Law.

Article 4 of the Law establishes the main directions of state policy in the sphere of counteracting human trafficking.

According to Article 5 of the Law, the entities implementing measures in the sphere of counteracting human trafficking are:

- the Cabinet of Ministers of Ukraine;
- central bodies of executive power;
- local bodies of executive power
- foreign diplomatic institutions of Ukraine;
- facilities providing assistance to human trafficking victims.

The general authority of entities that implement measures in the sphere of counteracting human trafficking are envisaged by Chapter II of the Law.

Article 9 envisages that prevention of human trafficking is done in the following directions:

- researching the situation;
- increasing the awareness level;
- decreasing the level of population vulnerability;
- overcoming the demand by implementing organizational, research, informational, educational, legal, socio-economic and other measures.

Article 12 of the Law lists the following as tasks in the sphere of counteracting human trafficking:

- identifying the reasons and factors that facilitate human trafficking, and implementing measures to eliminate them;
- ensuring the safety of victims of human trafficking, witnesses and other persons taking part

- in criminal judicial proceedings in human trafficking cases;
- uncovering and investigating crimes related to human trafficking;
- bringing persons involved in human trafficking to liability, including criminal;
- ensuring restoration of rights of victims of human trafficking;
- informing the community and the entities implementing measures in the sphere of counteracting human trafficking of the results of activity in the sphere of counteracting human trafficking.

In order to protect victims of human trafficking and to provide them with efficient assistance, the National Mechanism for Interaction between entities implementing measures in the sphere of counteracting human trafficking has been created. Implementing the National Mechanism for Interaction between entities implementing measures in the sphere of counteracting human trafficking includes identifying the needs of victims of humans trafficking and locating bodies or institutions that can satisfy such needs. The entities implementing measures in the sphere of counteracting human trafficking interact in the process of counteracting human trafficking, within the framework of implementing the National Mechanism for Interaction between entities implementing measures in the sphere of counteracting human trafficking, and cooperate with community associations, and regional and international organizations (Article 13 of the Law).

The rights of a person who had applied for the status of a victim of human trafficking are determined by Article 14 of the Law.

The procedure for granting the status of a victim of human trafficking is determined by the Cabinet of Ministers of Ukraine. The necessary component of the procedure of granting the status of a victim of human trafficking is an interview with the applicant for the status of a victim of human trafficking, conducted by a local state administration, and filling in a questionnaire related to granting the status of a victim of human trafficking. The total duration of the procedure to grant the status of a victim of human trafficking may not exceed one month after the interview with the applicant had been conducted by the local state administration. If the decision is made to grant the person the status of a victim of human trafficking, an appropriate certificate is issued. The certificate of the status of a victim of human trafficking is issued for a term of up to two years (Article 15 of the Law).

According to Article 16 of the Law, a person with the status of a victim of human trafficking is entitled to being ensured personal safety, respect, and to receive the following free of charge:

- information on their rights and abilities, in the language the person has the knowledge of;
- medical, psychological, social, legal and other necessary aid
- at the victim's wish and in case they lack housing, temporary accommodation in facilities providing assistance to victims of human trafficking, for a term of up to three months; if necessary, this term can be extended by decision of the local state administration, particularly in case the person is taking part in a criminal process in the aggrieved person or witness capacity;
- compensation of moral and material damages at the expense of persons who had caused it, according to the procedure established by the Civil Code of Ukraine;
- one-time material aid, according to the procedure established by the Cabinet of Ministers of Ukraine;
- assistance in employment and exercising their right to education and professional training.

In order to ensure the exercising of rights envisaged by the Law, victims of human trafficking may be directed to one of the centers in the network of social services centers for the family, children

and young people, or social service centers. In order to provide assistance to children who became victim to child trafficking, such children may be directed to centers of socio-psychological rehabilitation for children and child shelters for psychological aid and ensuring rehabilitation, according to the procedure established by the legislation (Article 17 of the Law).

Chapter VI of the Law is dedicated to counteracting child trafficking.

The Verkhovna Rada of Ukraine carries out parliamentary control in the sphere of counteracting human trafficking, within the limits determined by the Constitution of Ukraine. Other bodies of state power exercise control in the sphere of counteracting human trafficking, within the authority and with the means provided for by the Constitution of Ukraine and the Laws of Ukraine (Article 25 of the Law).

The Law also introduces appropriate amendments to the Criminal Procedural Code of Ukraine, and the Laws of Ukraine "On Immigration", "On Social Services", "On Social Work with Families, Children, and Young People".