



CABINET OF MINISTERS OF UKRAINE

DECREE

of August 22, 2012, № 783

Kyiv

On approval of the Procedure for interaction of agents for combating trafficking in human beings

Under subparagraph "6" of paragraph 3 of Part 1 of Article 6 of the Law of Ukraine "On Combatting Trafficking in Human Beings" the Cabinet of Ministers of Ukraine **hereby decrees:**

1. To approve the Procedure for interaction of agents for combating trafficking in human beings, as attached.
2. The Ministry of Social Policy, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Health Care, the Ministry of Education, Science, Youth and Sports, the Administration of the State Border Guard Service, the State Migration Service, the Council of Ministers of the Autonomous Republic of Crimea, the oblast administrations, Kyiv and Sevastopol City administrations, raion administrations, and district administrations in Kyiv and Sevastopol City, shall provide for the interaction aimed at combatting trafficking in human beings.
3. The Ministry of Social Policy shall provide for the coordination of the activities of central and local executive authorities in the course of the implementation of this Decree.

Prime-Minister of Ukraine

M. AZAROV

APPROVED  
by Decree of the Cabinet of Ministers of  
Ukraine  
of August 22, 2012, № 783

PROCEDURE  
for interaction of agents for combating trafficking in human beings

1. This Procedure establishes the mechanism for interaction of agents for combating trafficking in human beings (hereinafter – the agents), and the procedure for taking action to provide assistance and protection to victims of trafficking in human beings (hereinafter – the victims).
2. The agents include all entities specified in paragraphs 2-5 of Part 1 and in Part 2 of Article 5 of the Law of Ukraine “On Combatting Trafficking in Human Beings”.
3. The tasks related to the provision for interaction of the agents fall under the responsibility of the respective structural department of the local state administration and the respective responsible official (hereinafter – the official), which are established in accordance with the Procedure for declaration of the status of a person-victim of trafficking in human being, as approved by Decree of the Cabinet of Ministers of Ukraine of May 23, 2012, № 417 (Official Newsletter of Ukraine, 2012, № 39, p. 1476).
4. The agent, who as a result of carrying out their activities becomes aware of a victim, upon consent of the victim or his/her authorized representative shall refer the victim to the respective structural department of the local state administration at the place of location of the victim (hereinafter – the responsible department).
5. In case the victim is a child, the agent shall immediately notify the respective child affairs service and the department of internal affairs.  
  
Any and all action taken with regard to the child shall be carried out in accordance with the requirements of the laws and regulations regarding protection of the child’s rights.
6. The child affairs service shall take action to protect the rights of the child and in case of necessity shall refer the child to a shelter of the child affairs service, or to a center for child social and psychological rehabilitation.
7. In case the victim is unable to travel on his/her own due to any reason (disability, illness or injury) or the state of health of the victim endangers his/her life or public safety, the agent which had discovered the victim shall immediately provide for emergency assistance or placement of the person to a health care facility if required.

Upon provision of the necessary medical assistance (treatment) the health care facility upon consent of the victim or his/her legal representative shall refer the victim to the responsible department and provide it with the medical information with regard to the examination and treatment of the victim.

8. Based upon the application of the victim or his/her legal representative, the official shall inform the victim of the possibility to receive assistance, the types of assistance the victim is entitled to, as well as of the requirements and procedure for provision of such assistance.
9. In order to receive assistance the victim shall apply to the local state administration at the place of his/her location with an application to declare his/her status of victim of trafficking in human beings in accordance with the procedure established by the law.

In case the victim had failed to contact and refuses to cooperate with the department of internal affairs, the responsible department shall submit to the department of internal affairs information about the commission of a crime together with information that the victim had refused to cooperate with the respective authorities.

The department of internal affairs shall consider this information and take relevant action in accordance with the procedure established by the law.

10. In case the victim fails to present personal identification documents, the responsible department shall apply to the territorial department of the State Migration Service, which shall take urgent action to restore or issue such documents.

In case the victim is a foreigner or stateless person, the responsible department in the course of two working days from the time of the application of such person shall inform thereof the territorial department of the State Migration Service.

The territorial department of the State Migration Service in case the victim is a foreigner or stateless person and does not have any personal identification documents which would confirm his/her citizenship, nationality, country of permanent residence, or right to permanent residence in the territory of the respective country, shall send an inquiry to the country of origin to confirm his/her identity, citizenship or nationality, and inform the responsible department of the results of the inquiry.

11. In case the person is a victim of trafficking in human beings abroad, he/she may apply for assistance to the diplomatic representative office of Ukraine in the country, where he/she is located.

The diplomatic representative office of Ukraine abroad shall support the return of the citizens of Ukraine who became victims of trafficking in human beings back to Ukraine in accordance with the law.

12. Upon receiving the application about the declaration of the status of victim of trafficking in human beings, the official shall refer the victim to the center of social services for family, children and youth at the place of location of the victim in order to assess his/her needs and provide legal, psychological, medical, consulting and other services.

13. In case the victim is in need of temporary shelter, the responsible department shall refer him/her to the territorial center of social services (provision of social services), or center for social and psychological rehabilitation.

In case the victim may not be placed at this facility due to absence of vacant places or for some other reasons, or in case there is no such facility in the region, the responsible department shall apply to non-governmental organizations or international organizations which are capable of providing the victim with placement services.

14. The center of social services for family, children and youth shall assess the needs of the victim in the course of five working days, taking into account his/her age, gender, health condition, and provide for the delivery of respective services to the victim, including legal, psychological, medical and consulting services, and shall facilitate the exercise of victim's rights to receive social benefits, employment, return to the country of origin, etc.

The form for the needs assessment of the victim shall be approved by the Ministry of Social Policy.

At the time of application of the victim or his/her legal representative directly to the center of social services for family, children and youth, the center shall conduct an assessment of his/her needs and inform the responsible department of this person.

15. In case the victim is a foreigner or stateless person, the assessment of his/her needs and the provision of respective services shall be carried out with the assistance of an interpreter, which is to be provided by the local state administration.

16. After the declaration of the status of a person as a victim of trafficking in human beings the center of social services for family, children and youth in the course of ten working days shall prepare a victim rehabilitation plan (hereinafter – the rehabilitation plan) based on the form approved by the Ministry of Social Policy.

The rehabilitation plan shall include a list of services to be provided by the agents within their competencies in order to restore the physical and psychological status of the victim and ensure his/her social adaptation.

The rehabilitation plan shall be prepared for the term required for its implementation taking into account the individual needs of the victim, and shall not exceed the term of validity of the status of the person as a victim of trafficking in human beings.

17. After the rehabilitation plan has been prepared, the center of social services for family, children and youth in the course of seven work days shall initiate a joint meeting of the agents, during which the agents agree to the rehabilitation plan, which is then approved by the head of the center.

The rehabilitation plan shall be prepared in two copies, one of which shall be kept by the center of social services for family, children and youth, and the other shall be passed to the victim or his/her legal representative.

18. The agents shall provide for the implementation of the rehabilitation plan, including the use of services of enterprises, institutions and organizations which fall under the scope of their governance.

19. The victim or his/her legal representative familiarizes himself/herself with the plan and signs it.

20. In case the victim is a child, in accordance with the law shall be prepared an individual social protection plan for the child who found his/herself in complex life conditions, a child-orphan, or a child deprived of parental care (hereinafter — the individual plan).

The individual plan shall be considered and approved at the meeting of the commission for protection of the rights of the child in accordance with the law.

21. In case the victim requires assistance involving agents from other regions, the responsible department shall initiate the consideration of this issue by respectively the Council of Ministers of the Autonomous Republic of Crimea, the oblast state administration, or the city state administration of Kyiv and Sevastopol cities.

22. The implementation of the rehabilitation plan or the individual plan shall be terminated in case of:

1) the expiration of the term for its completion;

2) its pre-term completion;

3) the written refusal of the victim or his/her legal representative, or the legal representative of a child, to receive the necessary assistance;

4) the systematic (over two instances) failure of the victim without any valid reason to take action required by the respective plan;

5) the death of the victim.

23. In case the victim changes his/her place of residence, upon the consent of the victim or his/her legal representative, the responsible department shall in the course of five days inform thereof the respective local state administration at the place of new residence or location (in case it is known) and transfer thereto the rehabilitation plan for its completion.

In case the victim is a child, the child affairs service shall transfer the individual plan to the respective child affairs service at the location of the child under the procedure established by the law.

24. The center of social services for family, children and youth shall submit on a quarterly basis to the responsible department information on the status of implementation of the rehabilitation plan, and the child affairs service – of the individual plan, in order to conduct analysis and make changes to the respective plan if necessary.

25. In case of the completion of the plan, or the termination of its implementation, the center of social services for family, children and youth shall notify the responsible department of the completion of the plan or its termination, indicating the reasons for which the termination had occurred.

The child affairs service shall inform the responsible department in writing about the completion of the individual plan.

26. Upon receipt of notification from the center of social services for family, children and youth about the completion or termination of the rehabilitation plan or from the child affairs service – about the completion of the individual plan, the responsible department shall record the respective information in the victim's personal file.

27. The responsible department shall analyze the implementation progress of rehabilitation or individual plans and inform thereof the Ministry of Social Policy.

28. Disclosure of information about the personal life of the victim or other information about this person which the agents had become aware of in the course of working with him/her is prohibited.

29. The raion state administrations and the district state administrations in Kyiv and Sevastopol shall keep records of the victims and every quarter before the 20<sup>th</sup> day of the next month shall report respectively to the Council of Ministers of the Autonomous Republic of Crimea, the oblast state administrations or the district administrations in Kyiv and Sevastopol City in accordance with the form, approved by the Ministry of Social Policy.

30. The Council of Ministers of the Autonomous Republic of Crimea, the oblast state administrations or the district administrations in Kyiv and Sevastopol City shall aggregate this information and submit semiannual reports to the Ministry of Social Policy based on the form, approved by the Ministry.

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