

LAW OF UKRAINE

On Combating Trafficking in Human Beings

This Law establishes the organizational and legal principles of combating trafficking in human beings, guaranteeing gender equality, the main strands of the state policy and the basis for international cooperation in this field, the powers of executive authorities, the procedure to declare the status of victims of trafficking in human beings and the procedure for provision of assistance to such persons.

Section I. GENERAL

Article 1. Definitions

For the purposes of this Law, the terms provided below shall have the following meaning:

fight against trafficking in human beings - a system of measures, undertaken in the framework of combating trafficking in human beings, aimed at uncovering human trafficking crimes, including incomplete crimes, the identification of victims of trafficking, the establishment of natural persons and legal entities – perpetrators in human trafficking, and their prosecution;

identification of a person who suffered from trafficking in human beings (victim of trafficking in human beings) - discovery of any information, which gives grounds to believe that a natural person had become a victim of trafficking in human beings;

child – any natural person under the age of eighteen years;

institutions for assistance to victims of trafficking in human beings - centers of social services for family, children and youth , territorial centers of social services (provision of social services), centers for social and psychological rehabilitation of children and shelters for children;

protection of victims of trafficking in human beings - a system of measures to reinstate the rights of victims of trafficking in human beings;

country of origin - the country of nationality of a natural person, or the country of permanent residence or location of a stateless person;

victim of trafficking in human beings - any natural person who has been subjected to trafficking in human beings and who has been declared a victim thereof in accordance with the provisions of this Law;

return or retention of a child who is a victim of trafficking in children and is a foreigner or a stateless person - set of measures aimed at ensuring, according to the child's needs, his/her return to the country of origin, or the retention in the territory of Ukraine of a child who is a victim of trafficking in children in the territory of Ukraine and is a foreigner or a stateless person;

return of Ukrainian citizens-victims of trafficking in human beings to Ukraine - set of measures aimed at arranging for the return of Ukrainian citizens, who have become victims of trafficking in the territory of another country, to the territory of Ukraine;

prevention of trafficking in human beings - system of measures aimed at the discovery and removal of reasons and conditions causing trafficking in human beings;

combating trafficking in human beings - system of measures aimed at the elimination of trafficking in human beings by means of preventing this phenomenon, fighting it and providing assistance and protection to the victims thereof.

procedure to declare the status of a victim of trafficking in human beings - set of measures when an authorized person, on the basis of received information and its analysis, compares the elements of the act committed against the person with the definition of trafficking in human beings, assesses the likelihood of the commission of such act against the person and concludes that this person is a victim of trafficking in human beings;

rehabilitation of a victim of trafficking in human beings - set of medical, psychological, social, legal and other measures aimed at the reinstatement of physical and mental welfare and social functions of a person, who is a victim of trafficking in human beings.

trafficking in human beings - settlement of an illegal agreement, the object of which is a human being, as well as recruitment, transportation, harbouring, transfer or receipt of a human being for purpose of his/her exploitation, including sexual, by means of deception, fraud, blackmail, abuse of a person's position of vulnerability or by use of force or threat of use of force, with abuse of power or economic or other dependence of the victim on another person, which is considered a crime under the Criminal Code of Ukraine.

Article 2. Legislation on Combating Trafficking in Human Beings

The relationships arising in the field of combating trafficking in human beings shall be governed by the Constitution of Ukraine, this Law, other laws and international treaties which are binding for Ukraine by consent of the Verkhovna Rada of Ukraine, as well as by other legal and regulatory acts adopted in pursuance thereof.

Article 3. Main Principles of Combating Trafficking in Human Beings

1. Activities aimed at combating trafficking in human beings shall be based on the following principles:

1) security of human and civil rights and freedoms, in particular, the right to respect for dignity, private life, legal aid, reimbursement of economic and moral damages according to procedures established by law;

2) respect and impartial attitude to the victims of trafficking in human beings;

3) confidentiality of information concerning victims of trafficking in human beings;

4) voluntary acceptance of assistance by victims of trafficking in human beings, their non-discrimination on the basis of their race, color of the skin, political, religious and other beliefs, gender, ethnic and social origins, welfare status, place of residence, language or other traits;

5) mutual interaction of executive authorities and their interaction with the pre-trial investigation authorities, as well as non-governmental and international organizations.

2. Should the persons, who became victims or witnesses of trafficking in human beings, be children, all actions applicable to them shall be based on the principles established by the UN Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child with regard to trafficking in children, child prostitution and child pornography.

3. Should a person's age be unknown, and there be grounds to believe that such person is a child, such person shall be deemed a child and granted special protection until his/her age is determined.

Article 4. Main Strands of the State Policy on Combating Trafficking in Human Beings

1. The main strands of the state policy on combating trafficking in human beings are:

1) prevention of trafficking in human beings by means of raising public awareness, preventive work, reduction of the population's vulnerability and suppression of demand;

2) fight against crimes related to trafficking in human beings by means of discovery of crimes of trafficking, identification of persons involved in the crimes and prosecution of such persons;

3) provision of assistance and protection to victims of trafficking by means of improvement of the system for reinstatement of their rights, provision of a set of services, implementation of a mechanism for interaction of agents for combating trafficking in human beings.

Article 5. Agents for Combating Trafficking in Human Beings

1. The agents for combating trafficking in human beings are:

1) the Cabinet of Ministers of Ukraine;

2) the central state executive authorities;

3) the local state executive authorities;

4) diplomatic institutions of Ukraine abroad;

5) institutions for assistance to victims of trafficking.

2. Local governments, and in case of consent, enterprises, institutions and organizations regardless of ownership forms, non-governmental organizations and citizens, are involved in the implementation of measures aimed at combating trafficking in human beings.

Section II. GENERAL POWERS OF AGENTS FOR COMBATING TRAFFICKING IN HUMAN BEINGS

Article 6. Powers of the Cabinet of Ministers of Ukraine

1. The Cabinet of Ministers of Ukraine shall:
 - 1) direct and coordinate the work of agents for combating trafficking in human beings;
 - 2) appoint:
 - a) the national coordinator for combating trafficking in human beings;
 - b) the procedure for declaration of the status of a person-victim of trafficking in human beings;
 - c) the procedure for establishment and operations of the Unified State Registry of Crimes in Trafficking in Human Beings;
 - 3) approve:
 - a) the State Program on Combating Trafficking in Human Beings, and control its implementation;
 - b) the National Mechanism for Interaction of the Agents for Combating Trafficking in Human Beings, and control its implementation;
 - c) the format of the questionnaire for the establishment of the status of a victim of trafficking in human beings and the certificate confirming the declaration of the status of a person as a victim;
 - d) the format of the certificate confirming the fact of application of a foreigner or stateless person for the declaration of the status of a victim of trafficking in human beings in the territory of Ukraine;
 - e) the regulation on institutions for assistance to victims of trafficking in human beings;
 - 4) establish the procedure for payment of a one-time benefit to victims of trafficking in human beings.

Article 7. General Powers of Central State Executive Authorities in Combating Trafficking in Human Beings

1. The central state executive authorities in accordance with the duly established scope of their powers in the field of combating trafficking in human beings shall:
 - 1) develop and implement the policy of the State in the field of combating trafficking in human beings;

2) draft the State Program on Combating Trafficking in Human Beings, and provide for its implementation;

3) draft the National Mechanism for Interaction of the Agents for Combating Trafficking in Human Beings, and provide for its implementation;

4) monitor the activities of agents for combating trafficking in human beings;

5) prepare and publicize, in accordance with the procedure established by the Cabinet of Ministers of Ukraine, the annual report on the status of implementation of activities in the field of combating trafficking in human beings;

6) conduct the work aimed at the declaration of the status of a person as a victim of trafficking in human beings in accordance with the procedure established by the Cabinet of Ministers of Ukraine;

7) implement activities aimed at:

a) eradication of premises for trafficking in human beings, in particular, with regard to prevention of domestic violence and discrimination on the basis of gender;

b) raising awareness concerning combating trafficking in human beings among parents and persons replacing them and among persons, who have permanent contact with children in the domains of education, health care, culture, physical culture and sports, recreation and leisure, in judicial and law enforcement areas;

8) coordinate and control the activities of institutions for assistance to victims of trafficking in human beings;

9) implement activities regarding:

a) a comprehensive analysis of the status of prevention, discovery and uncovering of crimes in trafficking of human beings;

b) prevention, discovery and uncovering of crimes in trafficking of human beings, including the crimes which have the characteristics of transnational organized crime;

c) detection of persons in hiding from the investigative and judicial authorities, as well as those who evade criminal penalty for human trafficking crimes;

10) conduct activities:

a) of border control aimed at the prevention and discovery of facts of human trafficking, including with the use of transportation means used by commercial shipment agents;

b) of systemic and comprehensive nature aimed at the improvement of security and control of passports and other documents which grant entry to and exit from Ukraine;

c) of timely preparation of documents granting the right of stay in Ukraine or return to Ukraine;

d) of repatriation of foreigners and stateless persons, who became victims of trafficking in human beings;

e) of forceful expulsion from Ukraine of foreigners and stateless persons guilty of violations of the laws on trafficking in human beings.

2. The list of central executive authorities – agents for combating trafficking in human beings, their powers and procedures for activities, as well as the central state executive authority which shall declare the status of a victim of trafficking in human beings, shall be determined based on Part One of this Article in accordance with the Constitution of Ukraine and the Law of Ukraine “On Central State Executive Authorities”.

Article 8. Powers of Local State Administrations in Combating Trafficking in Human Beings

1. The local state administrations in accordance with the duly established scope of their powers in the field of combating trafficking in human beings shall:

1) ensure the conduction of social work and provision of social services to victims of trafficking in human beings;

2) organize awareness campaigns, including the use of mass media;

3) support the establishment and maintenance of “hot lines”, consultation services and dissemination of public education and outreach materials on combating trafficking in human beings;

4) co-operate with non-governmental organizations in matters of combating trafficking in human beings;

5) in accordance with the procedure established by the Cabinet of Ministers of Ukraine participate in the declaration of the status of a victim of trafficking in human beings;

6) support implementation and functioning of the National Mechanism for Interaction of the Agents in Combating Trafficking in Human Beings;

7) implement activities aimed at the eradication of premises for trafficking in human beings, in particular, with regard to prevention of domestic violence and gender discrimination;

8) raise awareness concerning combating trafficking in human beings among parents and persons replacing them and among persons, who have permanent contact with children in the domains of education, health care, culture, physical culture and sports, recreation and leisure, in judicial and law enforcement areas;

Section III. PREVENTION OF TRAFFICKING IN HUMAN BEINGS

Article 9. Prevention of Trafficking in Human Beings

Trafficking in human beings is prevented along the following lines:

- 1) study of the situation;
- 2) raising awareness;
- 3) reduction of the vulnerability of the population;
- 4) suppression of demand through implementation of organizational, research, informational, educational, legal, socio-economic and other activities.

Article 10. Objectives in Prevention of Trafficking in Human Beings

The objectives in prevention of trafficking in human beings include the following:

- 1) survey of status, causes and premises for spreading of the human trafficking phenomenon;
- 2) raising public awareness concerning causes and impact of trafficking in human beings by means of conducting awareness campaigns on combating trafficking in human beings among the public, including children;
- 3) regulation of external and internal labor migration processes, and other.

Section IV. FIGHTING TRAFFICKING IN HUMAN BEINGS

Article 11. Fighting Trafficking in Human Beings

1. Fighting trafficking in human beings is an integral component of the activities of the internal affairs crime control authorities, which implement measures to discover crimes of trafficking in human beings, identify victims of trafficking and traffickers, and prosecute the latter by means of implementing organizational, investigative and search, administrative-legal, procedural, analytical-research, informational and other activities.

Article 12. Objectives in Fighting Trafficking in Human Beings

Objectives in fighting trafficking in human beings include the following:

- 1) identification of causes and premises fostering trafficking in human beings, and implementation of measures to eliminate them;
- 2) provision of security of the persons declared victims of trafficking, of witnesses and other persons participating in criminal proceedings with regard to trafficking in human beings;
- 3) discovery and investigation of crimes related to trafficking in human beings;
- 4) prosecution, including criminal, of persons involved in trafficking in human beings;
- 5) ensuring the reinstatement of rights of victims of trafficking;

6) informing the agents for combating trafficking in human beings and the public with regard to the outcomes of activities in the field of fighting trafficking in human beings.

Section V. PROVISION OF ASSISTANCE AND PROTECTION TO VICTIMS OF TRAFFICKING IN HUMAN BEINGS

Article 13. National Mechanism for Interaction of the Agents for Combating Trafficking in Human Beings

1. In order to render effective assistance to the victims of trafficking and to protect them, the National Mechanism for Interaction of the Agents for Combating Trafficking in Human Beings (hereinafter referred to as the National Interaction Mechanism) shall be established.

2. Implementation of the National Interaction Mechanism shall include the identification of the needs of a victim of trafficking and of bodies or institutions capable to satisfy such needs.

In order to provide for effective assistance and protection of victims of trafficking, agents for combating trafficking in human beings shall take into consideration age, health condition, sex and special needs of such persons.

3. Agents for combating trafficking in human beings shall interact with each other in the process of combating trafficking in human beings within the framework of implementation of the National Interaction Mechanism and cooperate with non-governmental, regional and international organizations.

4. The main principles of the National Interaction Mechanism are:

1) mutual exchange of information, on the basis of confidentiality, concerning the crimes of trafficking in human beings, the premises and causes of such trafficking, methods used by the traffickers, and assistance required for victims of trafficking;

2) joint development of programs and plans for combating trafficking in human beings;

3) joint implementation of measures aimed at combating trafficking in human beings;

4) exchange of best practices in combating trafficking in human beings.

Article 14. Rights of the Person, Who Applied for the Declaration of Status of Victim of Trafficking in Human Beings

1. A person, who deems herself/himself a victim of trafficking in human beings, has the right to apply to the local state administration requesting the declaration of his/her status of a victim of trafficking, and to law enforcement authorities for protection of his/her rights and freedoms.

2. Before the decision on declaration of the person's status of a victim of trafficking is made, the person, who has requested declaration of his/her status of

a victim of trafficking, has the right for his/her personal security, respect and free receipt of:

1) information concerning his/her rights and opportunities in the language that such person understands;

2) medical, psychological, legal and other assistance regardless of the place of his/her residence;

3) temporary placement in institutions for assistance to victims of trafficking in human beings.

3. A foreigner or a stateless person, who has requested declaration of his/her status of a victim of trafficking in the territory of Ukraine, in addition to the rights envisaged by Part 2 of this Article and before the decision on declaration of such person's status of a victim of trafficking is made, also has the right to:

1) interpreter's services at no charge;

2) temporary stay in Ukraine according to the procedure established by the effective legislation.

4. A foreigner or a stateless person, who has applied for declaration of his/her status of a victim of trafficking in the territory of Ukraine, shall receive a certificate to confirm the fact of application for declaration of such status and of initiation of the respective proceedings; such certificate shall constitute grounds for such person's registration with territorial bodies of the specially authorized central executive authority for migration matters.

5. A person, who requested declaration of his/her status of a victim of trafficking, may neither be held in temporary detention facilities, except for the cases envisaged by law, nor may such person be expelled out of Ukraine before the declaration of his/her status of a victim of trafficking has been made.

Article 15. Procedure for Declaration of the Status of a Victim of Trafficking in Human Beings

1. The procedure for declaration of the status of a victim of trafficking in human beings is established by the Cabinet of Ministers of Ukraine.

2. A compulsory component of the procedure for declaration of the status of a victim of trafficking in human beings shall be the conduction by the local state administration of an interview with the applicant, and the filling-in of a questionnaire on the declaration of the status of a victim of trafficking in human beings.

In the event when the person cannot be interviewed in view of such person's chronic mental disease, temporary mental disorder, dementia or other ill condition or minor age, the status of such person shall be declared on the basis of other data.

3. The overall term for conducting the procedure for declaration of the status of a victim of trafficking in human beings may not exceed one month from

the moment of conduction of an interview with the person at the local state administration.

4. In case the declaration of the status of a victim of trafficking has been granted, the person shall be issued a respective certificate.

In case the declaration of the status has been refused, the applicant may appeal against this decision in court.

5. The status of a victim of trafficking is declared for the term of up to two years.

The term of validity of the status of a victim of trafficking may be extended based on a motivated application of the local state administration, but no longer than for one year.

6. The status of a victim of trafficking of a person may be terminated if it is found out that the decision on declaration or extension of the status was based on deliberately submitted false information or documents, which had material weight in decision-making.

Persons, who submitted such information or documents, may be subject to liability in accordance with the effective law.

7. The status of a victim of trafficking is lost in the event of the expiration of its term of validity for which such status was declared or extended according to Part Five of this Article.

Article 16. Rights of the Victim of Trafficking in Human Beings

A person, who has been declared a victim of trafficking in human beings, has the right to his/her personal security, respect and free receipt of:

1) information concerning his/her rights and opportunities in a language that such person understands;

2) medical, psychological, social, legal and other required assistance;

3) temporary placement, if the victim wishes so and does not have accommodation, in institutions for assistance to victims of trafficking in human beings for the term of up to three months, which, when necessary, may be extended by decision of the local state administration, including in view of participation of such person as a plaintiff or a witness in criminal proceedings;

4) compensation of economic and moral damages at the cost of persons, who caused such damages, according to the procedure established by the Civil Code of Ukraine;

5) one-time benefit in accordance with the procedure, established by the Cabinet of Ministers of Ukraine;

6) assistance in job placement, and exercise of the right to education and professional training.

2. Foreigners and stateless persons, who have been declared victims of trafficking in human beings in the territory of Ukraine, in addition to the rights provided by Part One of this Article, also have the right to:

- 1) interpreter's services at no charge;
- 2) temporary stay in Ukraine for the term of up to three months, which may be extended when necessary, in particular in view of their participation as plaintiffs or witnesses in criminal proceedings;
- 3) permanent residence in the territory of Ukraine according to the procedure established by the effective law.

3. The certificate on the person's status of a victim of trafficking shall constitute grounds for such person's registration with territorial bodies of the specially authorized central executive authority for migration matters at the place of residence of the victim of trafficking in human beings.

4. If the agents for combating trafficking in human beings have motivated grounds to believe that the life, physical or mental health or freedom and integrity of the victim, who is a foreigner or a stateless person, will be threatened in case of such person's return to the country of his/her origin after the expiration of the term of such person's stay, his/her victim's status may be extended in accordance with due procedure, which shall constitute grounds for receiving a permit for staying in the territory of Ukraine until the above circumstances end.

5. The person, who was allowed to stay in Ukraine according to Part Four of this Article and who has continuously lived in the territory of Ukraine during three years from the day of declaration of such person's status of a victim of trafficking, shall have the right to receive an immigration permit according to the procedure established by law.

6. The provision of assistance to a victim of trafficking shall not depend on:

- 1) the application of such a person to law enforcement agencies and his/her participation in criminal proceedings;
- 2) the existence with such a person of a personal identification document.

Article 17. Institutions for Assistance to Victims of Trafficking in Human Beings

1. In order to ensure implementation of the rights contemplated by this Law, the victims of trafficking in human beings may be referred to one of the network's centers for social services for family, children and youth, and social service centers (centers for provision of social services).

2. In order to provide assistance to the children-victims of trafficking, such children may be placed to the centers for child social and psychological rehabilitation and to shelters for children for purposes of psychological assistance and rehabilitation according to the procedure established by the effective legislation.

3. The conditions of stay and services rendered by the existing network of centers of social services for family, children and youth, the territorial social service centers (centers for provision of social services), centers for social and

psychological rehabilitation of children and shelters for children are regulated by the regulations on the aforementioned institutions.

Article 18. Return to Ukraine of Citizens of Ukraine-Victims of Trafficking in Human Beings

1. When necessary, Ukrainian diplomatic institutions abroad shall issue to citizens of Ukraine the documents required for the return to Ukraine, provide necessary consultative and legal assistance, and take the necessary actions for their return to Ukraine.

2. In the event when Ukrainian citizens-victims of trafficking have no financial means to return to Ukraine, Ukrainian diplomatic institutions abroad shall support the return of such persons to Ukraine.

Article 19. Repatriation of Foreigners and Stateless Persons-Victims of Trafficking in Human Beings

1. Upon completing the rehabilitation course in accordance with the provisions of this Law, the foreigner or stateless person may be repatriated under the procedure established by the legislation.

2. When necessary, the territorial bodies of the specially authorized central executive authority for migration matters shall send a request to such person's country of origin to confirm his/her citizenship or his/her right for permanent residence in its territory at the time of entry to Ukraine.

3. When necessary, the territorial bodies of the specially authorized central executive authority for migration matters, with participation of other agents in combating trafficking in human beings and non-governmental and international organizations, shall provide to the foreigner or stateless person subject to repatriation contact information on the institutions, which may help them in their repatriation destination country, including law enforcement authorities, non-governmental organizations, legal and social protection institutions.

Section VI. COMBATING TRAFFICKING IN CHILDREN

Article 20. Special Principles of Combating Trafficking in Children

1. In addition to the basic principles of combating trafficking in human beings provided for by Article 3 of this Law, combating trafficking in children shall be based on the following special principles:

- 1) observation of the rights of the child;
- 2) respect for the opinion of the child victim of trafficking with regard to measures applied to such child with consideration of the child's age, health condition, intellectual and physical development and interests;
- 3) explanation to the child victim of trafficking of his/her rights and obligations in a form understandable to the child;

4) provision of confidentiality of the information on the child's identity and of the information which would allow to declare the child's status of a victim of trafficking in children.

Article 21. Prevention of Trafficking in Children

1. Agents for combating trafficking in human beings shall implement, within their competence, the required social, legal, psychological, pedagogical and other measures aimed at the identification and elimination of causes and premises fostering trafficking in children.

2. Agents for combating trafficking in human beings shall implement, within their competence, measures to identify child victims of trafficking and conduct preventive work with children and their parents or persons replacing them.

3. Agents for combating trafficking in human beings shall develop and implement, within their competence, training and educational programs in educational institutions to combat trafficking in children.

4. Agents for combating trafficking in human beings shall implement, within their competence, measures to raise awareness concerning combating trafficking in children of parents and persons replacing them and of persons having continuous contact with children in the domains of education, health care, culture, physical culture and sports, recreation and leisure, in judicial and law enforcement areas.

Article 22. Informing About Child Victims of Trafficking

1. Any person who becomes aware of a child who is/has become a victim of trafficking in children, shall, without delay and in confidentiality, notify of such child the local state administration, the local government, law enforcement authorities or the prosecution.

2. Should suspicions arise concerning the involvement of the parent or persons replacing them in the trafficking in the child, the persons having continuous contact with children in the domains of education, health care, culture, physical culture and sports, recreation and leisure, in judicial and law enforcement sectors shall duly notify the internal affairs authorities or the prosecution according to the procedure established by law.

Article 23. Provision of Assistance to Child Victims of Trafficking

1. The State shall provide assistance to the child from the moment when grounds to believe that such child is a victim of trafficking are discovered and until the full completion of the child's rehabilitation.

2. Upon receipt of the information on a child victim of trafficking, the local state administration, in whose territory the child was found, shall immediately identify such child, assess circumstances and adopt a plan of

priority measures to assist the child for the period of time until the decision to declare the child a victim of trafficking is taken.

3. In the event when the child victim of trafficking has the status of an orphan or a child deprived of parental care, the local state administration shall immediately decide on the child's placement.

4. Centers for social and psychological rehabilitation and shelters for children, with involvement of educational and health care institutions, shall develop and implement an individual program of assistance to the child victim of trafficking.

5. Agents for combating trafficking in human beings shall ensure, within their competence, the exercise of the rights of the child victims of trafficking.

Article 24. Return or Retention of the Child Victim of Trafficking

1. If a child victim of trafficking who is a foreigner or a stateless person is identified in Ukraine, one of the following decisions shall be taken in accordance with due procedure:

- 1) return of the child to the country of his/her origin;
- 2) retention of the child in Ukraine.

2. Any child victim of trafficking shall be subject to return to his/her country of origin, provided that his/her parents or persons replacing them or the institution for child protection of such child's country of origin agreed to and can assume the responsibility for the child and grant to him/her appropriate protection and assistance.

3. A child victim of trafficking shall be retained in Ukraine if it is not possible to return such child to the country of his/her origin and provided that there are conditions for the child's integration in Ukraine with respect to ensuring his/her right for health care, education and social security.

When deciding on the return or retention of the child, the child's opinion shall be taken into account with consideration of such child's age, physical and intellectual development and interests.

4. A child victim of trafficking shall not be subject to return to his/her country if there are signs indicating that such return will not meet the child's best interests and will threaten his/her security.

Section VII. CONTROL AND MONITORING OF THE IMPLEMENTATION OF THE LEGISLATION IN THE FIELD OF COMBATING TRAFFICKING IN HUMAN BEINGS

Article 25. Control in Combating Trafficking in Human Beings

1. The Verkhovna Rada of Ukraine shall exercise parliamentary control in the field of combating trafficking in human beings within the scope, established by the Constitution of Ukraine.

Other state authorities shall exercise control in the field of combating trafficking in human beings within the scope of their powers and in accordance to the procedure, established by the Constitution and laws of Ukraine.

Article 26. Public Control Over the Implementation of Legislation in the Field of Combating Trafficking in Human Beings

1. Public control over the implementation of legislation in the field of combating trafficking in human beings shall be carried out in the following directions:

1) correspondence of the activities of the agents for combating trafficking in human beings to the provisions of this Law and other legislation;

2) observation of Ukraine's international commitments in the field of combating trafficking in human beings;

3) provision of inevitability of punishment for the crimes of trafficking in human beings.

2. Non-governmental organizations, their members or authorized representatives, as well as non-affiliated citizens in the course of exercising control in the field of combating trafficking in human beings have the right to:

1) provide information on violations of the legislation in the field of combating trafficking in human beings, on discovered facts of human trafficking and protection of victims of trafficking in human beings;

2) conduct the monitoring of the status of combating trafficking in human beings and the protection of victims of trafficking in human beings;

3) cooperate with the agents for combating trafficking in human beings;

4) inform the public on issues related to combating trafficking in human beings.

Article 27. Prosecutor's Supervision

1. The Prosecutor General of Ukraine and the prosecutors subordinated to him shall supervise the observance and implementation of the laws in the field of combating trafficking in human beings.

Section VIII. INTERNATIONAL COOPERATION

Article 28. International Cooperation in Combating Trafficking in Human Beings

1. Ukraine participates in the international cooperation in combating trafficking in human beings at the national, regional and local levels.

2. Agents for combating trafficking in human beings have the right to enter into agreements of cooperation, establish direct connections with respective authorities of foreign states and international organizations according to the legislation of Ukraine.

3. The State shall support and stimulate international cooperation in combating trafficking in human beings.

4. International organizations may engage, according to established procedures, in development and implementation in Ukraine of joint programs for combating trafficking in human beings.

Section IX. LIABILITY IN COMBATING TRAFFICKING IN HUMAN BEINGS

Article 29. Liability for Violation of the Legislation on Combating Trafficking in Human Beings

1. Persons culpable of violation of the legislation on combating trafficking in human beings shall be liable according to the law.

Section X. FUNDING AND SOURCES TO COVER THE COST OF IMPLEMENTING MEASURES AIMED AT COMBATING TRAFFICKING IN HUMAN BEINGS

Article 30. Funding of Activities in Combating Trafficking in Human Beings

1. Combating trafficking in human beings, as well as provision of assistance to victims of trafficking, include a number of measures which are funded at the cost of State and local budgets, funds of enterprises, institutions and organizations, trade unions and foundations, voluntary contributions of legal entities and natural persons, and from other sources.

2. The list of measures to counteract trafficking in human beings shall be determined by the State Program for Combating Trafficking in Human Beings.

Section XI. FINAL PROVISIONS

1. This Law shall become effective from the day following its publication.

2. Amend the following legal acts of Ukraine:

1) In Part Two of Article 20 of the Criminal Procedure Code of Ukraine, after the words “in cases concerning sexual crimes” shall be inserted the words “in cases concerning trafficking in human beings”.

2) In the Law of Ukraine “On Immigration” (Bulletin of the Verkhovna Rada of Ukraine, 2001, N 41, page 197):

Part Two of Article 4 shall be complemented with Point 8 reading as follows:

“8) persons who have resided continuously on the territory of Ukraine during three years from the day when their status of a victim of trafficking has been declared”.

Part Seven of Article 9 shall be complemented after Point 7 with a new Point reading as follows:

"8) for persons indicated in Point 8 of Part Two of Article 4 of this Law, a copy of the document confirming the declaration of the person as a victim of trafficking in human beings and the document confirming the fact of the person’s continuous residence on lawful grounds in the territory of Ukraine during three years from the day of declaration of such person’s status of a victim of trafficking”.

In this connection, Points from Eight to Ten shall be deemed Points from Nine to Eleven.

3) In Article 1 of the Law of Ukraine “On Social Services” (Bulletin of Verkhovna Rada of Ukraine, 2003, N 45, page 358; N 38, p.535; with amendments on the basis of the Law of Ukraine N 3236-VI, dated 19 April 2011):

Paragraph Three after the word “violence”, shall be complemented with the words “circumstances caused by consequences of trafficking in human beings”.

Paragraph Eight after the words “who became victims of physical or psychological violence” and Part Nine after the words “who were subject to abuse and violence” shall be complemented with the words “and trafficking in human beings”

Paragraph Nine after the words “who were subjected to abuse or violence” shall be complemented with the words “and became victims of trafficking in human beings”.

4) In the Law of Ukraine “On Social Work with Families, Children and Youth” (Bulletin of Verkhovna Rada of Ukraine, 2009 N 23, page 284):

Paragraph Eleven of Article 7 after the words “who were subject to abuse and violence” shall be complemented with the words “became victims of trafficking in human beings”

Paragraph Two of Article 9 after the words “domestic violence and abuse of children” shall be complemented with the words “trafficking in human beings”.

3. The Cabinet of Ministers of Ukraine, within one month after this Law taking effect,, shall:

1) bring its legal and regulatory acts in compliance with this Law;

2) within its competence, provide for adoption of legal and regulatory acts arising from this Law;

3) provide for the revision by ministries and other executive authorities of their legal and regulatory acts in order to bring them in compliance with this Law.

President of Ukraine

V.Yanukovych

Kyiv, 20 September 2011
N 3739 - VI