



CABINET OF MINISTERS OF UKRAINE

DECREE

of May 23, 2012, № 417

Kyiv

On approval of the Procedure for the declaration  
of the status of a victim of trafficking in human beings

Under subparagraph "6" of paragraph 2 of Part 1 of Article 6 and Part 1 of Article 15 of the Law of Ukraine "On Combating Trafficking in Human Beings" the Cabinet of Ministers of Ukraine **hereby decrees:**

To approve the Procedure for the declaration of the status of a victim of trafficking in human beings, as attached.

Prime-Minister of Ukraine

M. AZAROV

Ind.26

APPROVED  
by Decree of the Cabinet of Ministers of Ukraine  
of May 23, 2012, № 417

PROCEDURE

for the declaration of the status of a victim of trafficking in human beings

1. This Procedure establishes the process for the declaration of the status of a victim of trafficking in human beings (hereinafter — the status), based on the respective information.

2. The person who believes him/herself a victim of trafficking in human beings, shall submit to the local state administration at the place of his/her location an application to declare his/her status of victim of trafficking in human beings (hereinafter – the application) in accordance with the form, established by the Ministry of Social Policy.

In case the applicant is a foreigner or stateless person, and does not have a command of either Ukrainian or Russian language, he/she shall complete the application form with the assistance of an interpreter.

In order to declare the status of a child-victim of trafficking in human beings, the application shall be submitted to the local state administration by the legal representative of the child or by the person, who became aware of such a child.

3. The applications are registered in the respective register based on the form approved by the Ministry of Social Policy, and the applicants are notified of the possibility to receive assistance, as well as of the types of assistance they are entitled to.

4. The head of the local state administration shall establish a structural department, which is responsible for conducting the process of declaration of the status (hereinafter – the structural department), and appoint a responsible official (hereinafter – the official) in accordance with the division of functional responsibilities.

5. In case the applicant is a person who had been recognized by the law enforcement authorities or by the court a victim of a crime related to trafficking in human beings, or as a civil plaintiff in a case based on a decree or ruling, or a person, who became a victim of trafficking in human beings in the territory of another country, which is confirmed by the results of the inquest conducted by the respective authorities of that country, the application of the aforesaid person shall be accepted without the conduction of an interview with the official.

6. A foreigner or stateless person who submits the application to the local state administration, in the course of two working days shall be issued a certificate of application to declare the status of victim of trafficking in human beings in accordance with the form in Appendix 1, which constitutes a basis to apply to the territorial authorities or the State Migration Service for registration.

7. The official shall in the course of three working days from the date of the application conduct an interview with the person who believes him/herself a victim of trafficking in human beings, and complete the questionnaire form in accordance with Annex 2, in a manner which would avoid repeated victimization and psychological trauma of the person.

Upon request of the person who believes him/herself a victim of trafficking in human beings, the interview may be conducted in the presence of his/her family members or other persons.

In case of an interview with the legal representative of the child, who became a victim of trafficking in human beings, and was separated from his/her family, or of a disabled person who believes him/herself a victim of trafficking in human beings, the interview shall be conducted in the presence of an interpreter (if required), a psychologist or pedagogue, and an attorney, which should be marked in the questionnaire.

In case it is impossible to conduct the interview with the person who believes him/herself a victim of trafficking in human beings due to his/her chronic mental illness, temporary mental disorder, retarded mentality or any other mental disorder or young age, the questionnaire is completed by the official based on personal observations, accounts of witnesses or other data.

The official who conducts the interview shall sign a non-disclosure statement with regard to the information he/she became aware of during the interview, based on the form approved by the Ministry of Social Policy.

8. After the interview, the person who believes him/herself a victim of trafficking in human beings shall review the questionnaire and sign it. In case he/she disagrees with the content of the questionnaire, he/she is entitled to provide written observations.

After the interview, the legal representative of the child who became a victim of trafficking in human beings, and was separated from his/her family, or of a disabled person who believes him/herself a victim of trafficking in human beings, the interpreter (if present), the psychologist or pedagogue, and the attorney, shall review the questionnaire and sign it. In case they disagree with the content of the questionnaire, they are entitled to provide written observations.

9. In case the person who believes him/herself a victim of trafficking in human beings, had stated in his/her application the need for shelter, medical, psychological and other assistance, the local state administration, as well as the agents for combating trafficking in human beings who directly discovered such a

person over the course of performing their duties, shall immediately take action to provide this person with shelter, medical, psychological and other assistance.

10. Based on the information obtained during the interview, the official in the course of two working days shall prepare the personal file of the person who believes him/herself a victim of trafficking in human beings, based on the form approved by the Ministry of Social Policy.

The personal file of a person who meets the provisions of Paragraph 5 of this Procedure shall be prepared without an interview.

11. The structural department shall involve the agents for combating trafficking in human beings in the process of verification of the reliability of the information contained in the questionnaire (hereinafter — the verification) over a seven-day term.

12. The local state administration in the course of two working days from the day of completion of the verification shall submit the following documents to the Ministry of Social Policy:

- 1) a copy of the application;
- 2) a copy of the personal identification document of the person who believes him/herself a victim of trafficking in human beings, or of the person who meets the provisions of Paragraph 5 of this Procedure;
- 3) a copy of the completed questionnaire;
- 4) a copy of the personal file of the person who believes him/herself a victim of trafficking in human beings, or of the person who meets the provisions of Paragraph 5 of this Procedure;
- 5) a copy of the application of the person who believes him/herself a victim of trafficking in human beings to law enforcement authorities about the protection of his/her legal rights and interests (in case of application) or a copy of the notification (application) of the official to the law enforcement authorities about the discovery of a fact of trafficking in human beings;
- 6) a copy of the written observations of the person who believes him/herself a victim of trafficking in human beings, the legal representative of the child, who became a victim of trafficking in human beings, and was separated from his/her family, or of a disabled person who believes him/herself a victim of trafficking in human beings, the interpreter (if present), the psychologist or pedagogue, and the attorney with regard to the content of the questionnaire (if any);
- 7) other documents and materials regarding the existence of grounds to declare the status (copies of travel documents, reference about the opening of a criminal case, reference about crossing the state border, medical conclusions, etc).

13. The documents specified in Paragraph 12 of this Procedure, shall be considered by the Ministry of Social Policy in the course of five working days after their registration. Based on the results of consideration, the Ministry of Social Policy shall send to the local state administration a letter about the declaration of the status or the refusal to declare, together with the justification of such refusal.

14. The basis for the declaration of the status is:

- 1) the conclusion of an illegal agreement with regard to the person who believes him/herself a victim of trafficking in human beings;
- 2) recruitment, transportation, harbouring, transfer or receipt of the person who believes him/herself a victim of trafficking in human beings 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;
- 3) documents and materials which had been collected in the course of the verification and confirm the eligibility of the declaration of the status.

15. Contradictions between the information provided by the person who believes him/herself a victim of trafficking in human beings and the information collected in the course of the verification shall constitute grounds to refuse the declaration of the status.

16. In case of the declaration of the status for the person who believes him/herself a victim of trafficking in human beings, or the person, who meets the provisions of Paragraph 5 of this Procedure, the official shall in the course of five working days from the receipt of the letter from the Ministry of Social Policy issue to this person a certificate confirming the declaration of the status in accordance with Annex 3.

17. Upon receipt by a foreigner or stateless person of the certificate confirming the declaration of the status, the certificate of application to declare the status of victim of trafficking in human beings shall be rendered void.

18. The certificate confirming the declaration of the status shall be registered in the respective register according to the form approved by the Ministry of Social Policy.

19. The person whose status had been declared and who had received the certificate thereof, shall be entitled to receive a one-time benefit in accordance with the procedure established by the law.

20. The status is declared for a term of up to two years, and may be extended by decision of the Ministry of Social Policy for no more than a year. In order to have the term extended, the local state administration shall apply to the Ministry of Social Policy with the respective written justification. In case the

decision to extend the term is taken, the certificate confirming the declaration of the status shall be amended accordingly.

21. In case of taking the decision to refuse the declaration of the status, the local state administration in the course of five working days shall inform thereof the person who believes him/herself a victim of trafficking in human beings. This decision may be appealed against in court.

22. The documents specified in Paragraph 12 of this Procedure, together with a copy of the letter of the Ministry of Social Policy about the declaration of the status or refusal thereof, shall be kept by the Ministry of Social Policy and the respective local state administration in the course of five years after the expiration of the term established under Paragraph 20 of this Procedure.

23. The status shall be rendered void in case it were declared based on deliberately provided false data or invalid documents which played a substantive role in its declaration.

In this case the person, whose status was rendered void, shall return the one-time benefit he or she received, and compensate all the expenditures connected to the provision of services to him/her.

24. Disclosure by the agents for combating trafficking in human beings of information about a victim of trafficking in human beings shall only occur in cases specified by the law.

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**CERTIFICATE**

**of application by a foreigner or stateless person to declare the status of victim of trafficking in human beings**



Nº \_\_\_\_\_

\_\_\_\_\_ (name, surname and patronymic,

\_\_\_\_\_ citizenship/nationality, country of permanent residence)

has applied to declare his/her status of a victim of trafficking in human beings.

\_\_\_\_\_ (position of the employee of the local state administration,

\_\_\_\_\_ surname and initials)

Date of issue \_\_\_\_\_ 20\_\_.

Valid until \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
(position of the head of the local  
state administration)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(surname and initials)

Seal

\_\_\_\_\_ 20\_\_.

\_\_\_\_\_

QUESTIONNAIRE  
for the establishment of the status of a victim of trafficking in human beings

General part

1. \_\_\_\_\_  
(name of the respective structural department of the local state administration)
2. \_\_\_\_\_  
(name, surname and patronymic of the official of the local state administration who conducted the interview)
3. Date of completion \_\_\_\_\_ 20\_\_ p.
4. Consent of the person who believes him/herself a victim of trafficking in human beings (hereinafter – the person) or the legal representative of a child or a disabled person who believes him/herself a victim of trafficking in human beings, to provide information

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(surname and initials)

Personal data

5. Name, surname and patronymic \_\_\_\_\_
6. Gender \_\_\_\_\_
7. Date of birth \_\_\_\_\_
8. Citizenship/nationality, country of permanent residence \_\_\_\_\_
9. Place of birth \_\_\_\_\_
10. Address of latest residence \_\_\_\_\_
11. Personal identification document \_\_\_\_\_  
(type of document,  
\_\_\_\_\_  
date of issuance, number, date of expiry)
12. Family status \_\_\_\_\_
13. Names and surnames of children, their age \_\_\_\_\_
14. Name, surname and patronymic of parents or guardians \_\_\_\_\_
15. Persons, together with whom the person resided before becoming a victim of trafficking in human beings \_\_\_\_\_
16. Welfare status of the person's family \_\_\_\_\_  
(well-off, middle, poor (mark the necessary))
17. Education \_\_\_\_\_
18. Work experience \_\_\_\_\_
19. Latest place of work and position \_\_\_\_\_
20. Command of languages \_\_\_\_\_
21. Persons together with whom the person currently resides \_\_\_\_\_  
(initials, surname and degree of kinship)

Recruitment for the purpose of trafficking in human beings

22. Way of establishment of first contact with recruiters for trafficking in human beings  
\_\_\_\_\_  
(personal contact, newspaper advertisement, radio advertisement, Internet advertisement,  
\_\_\_\_\_  
TV advertisement, employment agency, travel agency, etc. (mark the necessary))
23. Way of involvement in trafficking in human beings \_\_\_\_\_  
(visiting with a friend or family,

adoption, sale by a family member, education, work migration, marriage, tourism, abduction, other (mark the necessary)

24. Gender and citizenship of persons who participated in the recruitment for trafficking in human beings

25. Level of connection with persons, who are engaged in recruitment for the purpose of trafficking in human beings \_\_\_\_\_

(family members, close kin, friends, partner, pimp, stranger (mark the necessary))

26. Field of employment to which the person agreed in case of arrival to the place of destination according to information received from the persons engaged in recruitment for the purpose of trafficking in human beings \_\_\_\_\_

(household work, babysitting, begging, military service, work at an enterprise, in construction,

mining industry, transportation, restaurant or hotel business, agriculture, fishing, provision of services,

training, trade, including street trading, service industry, etc (mark the necessary)

27. Salary promised by the persons engaged in recruitment for the purpose of trafficking in human beings \_\_\_\_\_

28. Did the person pay for placement at work to the persons engaged in recruitment for the purpose of trafficking in human beings \_\_\_\_\_

29. Month and/or year when the person got involved into trafficking in human beings \_\_\_\_\_

30. Age, at which the person got involved into trafficking in human beings \_\_\_\_\_

31. Place/country of origin \_\_\_\_\_

32. Place/country of destination \_\_\_\_\_

33. Type of transport used by the person to cross the state border \_\_\_\_\_

34. Other victims and/or migrants which had crossed the border together with the person \_\_\_\_\_

35. Documents, with which the person had crossed the state border

own documents, forged documents, with or without a visa (mark the necessary)

36. Way of crossing the state border \_\_\_\_\_

#### Exploitation

37. Was the person aware of being sold to persons involved in trafficking in human beings \_\_\_\_\_

38. Field of use of the work of the person upon arrival to the place (country) of destination \_\_\_\_\_

(household work, babysitting, begging, military service, work at an enterprise, in construction,

mining industry, transportation, restaurant or hotel business, agriculture, fishing, provision of services,

training, trade, including street trading, service industry, etc. (mark the necessary)

39. Has the person been forced to work against his/her will \_\_\_\_\_

40. Methods used to control the person at the time of his/her exploitation \_\_\_\_\_

(physical, psychological or sexual abuse, threat, including intimidation, threats to family members,

false promises, deception, deprivation of freedom of movement, access to medical assistance, food, water,

provision of drugs, alcohol, salary retention, retention of personal identification documents,

travel documents, debt bondage, excessive duration of the working day (mark the necessary)

41. Amount of salary paid to the person for the performance of jobs \_\_\_\_\_

42. Amount of funds the person was allowed to keep \_\_\_\_\_

43. Debt, which the person was forced to pay to the persons engaged in recruitment for the purpose of trafficking in human beings, and to persons who transported or exploited the person \_\_\_\_\_

44. Degree of the person's freedom of movement \_\_\_\_\_  
(complete confinement,

only accompanied by others, no restrictions (mark the necessary)

45. Duration of working day and working week \_\_\_\_\_

46. Other persons who were in the same situation as the person \_\_\_\_\_

47. Way, by which the person was freed from the situation of trafficking in human beings

(by him/herself, law enforcement, NGOs, family, etc (mark the necessary)

Repeated coming into the situation of trafficking in human beings

48. Did the person become a victim of trafficking in human beings before \_\_\_\_\_

49. Country (countries) to which the person was previously transported (sold) \_\_\_\_\_

50. Field of use of the work of the person \_\_\_\_\_

(household work, babysitting, begging, military service, work at an enterprise, in construction,

mining industry, transportation, restaurant or hotel business, agriculture, fishing, provision of services,

training, trade, including street trading, service industry, etc,

(mark the necessary)

Recorded correctly from my words

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(initials and surname)

\_\_\_\_\_  
(position of the interpreter)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(initials and surname)

\_\_\_\_\_  
(position of the psychologist)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(initials and surname)

\_\_\_\_\_  
(position of the teaching employee)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(initials and surname)

### Conclusion

\_\_\_\_\_  
(justification of the declaration of the status of a person as a

victim of trafficking in human beings, including information on the country where the offence had taken place

\_\_\_\_\_  
and the types of the assistance which the person requires)



\_\_\_\_\_  
(position of the official who conducted the interview)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(initials and surname)

\_\_\_\_\_  
(position of the head of the local state administration)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(initials and surname)

SEAL

NOTES:

1. The official of the local state administration who conducts the interview is obliged to inform the person that based on the results of the interview the local state administration reserves the right to:

provide information to the agents for combating trafficking in human beings, in order to provide direct assistance to the person;

disclose non-personal data received in the course of the interview to the agents for combating trafficking in human beings in order to rescue other persons being controlled by human traffickers;

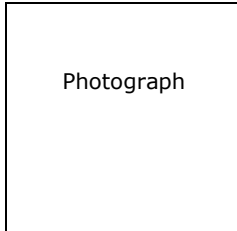
use the data from the person's case (anonymous and generalized) in order to prevent trafficking in human beings among the vulnerable groups of the population.

2. The interview is conducted exclusively on a voluntary basis.

\_\_\_\_\_

CERTIFICATE  
of declaration of the status of a person as a victim of trafficking in human beings

Face side



Issued to \_\_\_\_\_  
(name, surname, patronymic,

\_\_\_\_\_  
citizenship/nationality, country of permanent residence)

to certify that his/her status of a victim of trafficking in human beings  
has been declared (decision of the Ministry of Social Policy of  
\_\_\_\_\_ 20\_\_\_\_\_, № \_\_\_\_\_).

The bearer of this certificate has the rights provided for by Article 16 of the Law of Ukraine "On Combating Trafficking in Human Beings".

Date of issue \_\_\_\_\_ 20\_\_\_\_ .

SEAL

Valid until \_\_\_\_\_ 20\_\_\_\_ .

SEAL

Status extended until \_\_\_\_\_ 20\_\_\_\_ based on

SEAL

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\_\_\_\_\_  
(position of the head of the local  
state administration)

SEAL

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(initials and surname)

\_\_\_\_\_ 20\_\_\_\_ .

Back side

The bearer of this certificate is entitled to:

Provision of personal security, respect;

Free receipt of information about his/her rights and possibilities in a language he/she understands;

Free receipt of medical, psychological, social and legal aid;

Temporary placement in a shelter for victims of trafficking in human beings for a term of up to three months;

Compensation of pecuniary and non-pecuniary damage incurred at the expense of the persons who had caused the aforesaid damage in accordance with the procedure established by the Civil Code of Ukraine;

Receipt of a one-time benefit;

Assistance in employment, exercise of the right to education and professional training;

Free interpreter's services in case he/she does not have a command of Ukrainian or Russian;

Temporary stay in Ukraine for a term of up to three months, or permanent residence in Ukraine in accordance with the procedure established by the law (for foreigners or stateless persons).

This certificate constitutes a basis for registration of the person with the specially authorized executive authority in migration issues at the place of the person's residence.

The provision of assistance to the bearer of this certificate shall not depend on his/her application to law enforcement and participation in criminal cases, as well as on the availability of personal identification documents with the person.

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