

## LAW OF THE REPUBLIC OF AZERBAIJAN

### On the amendments and addition to several legislative acts of the Republic of Azerbaijan

- DRAFT -

*NOTE: The Law of the Republic of Azerbaijan on the amendments and addition to several legislative acts of the Republic of Azerbaijan, was adopted in September 2005. The Protection Project does not yet have access to a translated version of the adopted text.*

Milli Majlis of the Republic of Azerbaijan makes a decision:

I. To make the following changes to the Criminal Code of the Republic of Azerbaijan (Compilation of the Legislative Acts of the Republic of Azerbaijan, 2000, No.4, Book II, Article 251, No.12, Art. 835; 2001, No.1, Article 24, No.7, Art. 455; 2002, No.1, Article 9, No.5, Arts. 236, 248, 258, No.6, Art. 326, No.8, Art. 465; 2003, No.6, Arts. 276, 279, No.8, Art. 425, No.12, Book I, Art. 676; 2004, No.1, Article 10, No.4, Art. 200, No.5, Art. 321, No.8, Art. 598, No.10, Art. 762, No.11, Art. 900; 2005, No.1, Art.3; the laws of the of the Republic of Azerbaijan of 15 April 2005, No. 885-IIQD; and 14 June, No. 937-IIQD):

1. To add the words “human trafficking” after the words ““war crimes” in Art. 12.3 of the Code;
2. To add new Arts. 144-1, 144-2 and 316-1 in the following content:

“Art. 144-1. Human Trafficking

144-1.1. Human trafficking, i.e. purchase and sale of human being or making other agreement with regard to ownership over the person or his/her involvement, obtaining, storage, concealment, transportation, giving or receiving with an aim to exploit for transferring through the state border of the Republic of Azerbaijan or for giving to other individuals with the same aim –

shall be penalized with five to ten years of deprivation of liberty with the confiscation of the property.

144-1.2. If similar actions are made:

144-1.2.1. against two or more persons

144-1.2.2. repeatedly;

144-1.2.3. against minors;

144-1.2.4. against a pregnant woman whose pregnancy is apparent to the accused person;

144-1.2.5. by preliminary conjoint group of people, organized group or criminal union (criminal organization);

144-1.2.6. by accused person by abusing his duty position;

144-1.2.7. by applying force that endangers the life and health or when threatening to apply this force;

144-1.2.8. by means of tortures to victims or cruel, inhumane, or degrading treatment;

144-1.2.9. with the purpose to use the organs or tissues of the victim –

shall be penalized with ten to twelve years of deprivation of liberty with the confiscation of the property.

Note:

1. “Exploitation of human being” in this Article means forced labour (service), sexual exploitation, slavery, traditions similar to slavery and dependence caused by them, illegal transplantation of human organs and tissues, conducting unlawful biomedical research on persons, involvement in illegal as well as criminal activity.

2. The consent of a victim of human trafficking to the exploitation, life style, as well as immoral behavior shall not be considered as mitigating circumstances with regard to the punishment of the accused person in human trafficking.

Art. 144-2. Forced Labour

144-2.1. Coercion to fulfillment of certain tasks by limiting the freedom of a person by means of application of force, threat or intimidation of the force to be applied -

Shall be penalized with two years of correctional work or deprivation of liberty for the same period.

144-2.2. if similar actions are made:

144-2.2.1. against two or more persons;

144-2.2.2. repeatedly;

144-2.2.3. against minors;

144-2.2.4. against a pregnant woman whose pregnancy is apparent to the accused person;

144-2.2.5. by accused person by abusing his/her duty position;

144-2.2.6. by preliminary conjoint group of people, organized group or criminal union (criminal organization);

Shall be penalized with three to five years of deprivation of liberty.

144-2.3 If actions stated in Arts. 144-2.1 and 144-2.2. of the Code, result in death of the victim or other grave consequences out of negligence –

Shall be penalized with five to ten years of deprivation of liberty.

Art 316-1. Dissemination of confidential information about the victim of human trafficking

316-1.1. Illegal collection or deliberate dissemination of confidential information about the victim of human trafficking –

Shall be punished with a fine from one hundred to five hundred of the sum of the conditional monetary unit or with public work for two hundred and forty hours or correctional work for the period of one year.

316-1.2. If the similar actions are committed by accused person by means of misusing his/her duty position –

It shall be punished with a fine from five hundred to one thousand of the sum of conditional monetary unit or correctional work for the period of one year or deprivation of liberty up to six months.

316-1.3. If the similar actions result in grave consequences –

It shall be punished from one to five years of deprivation of liberty.

Note:

“confidential information” in this Article means any information that may endanger the life or health of the victim, his or her relatives as well as persons who assist in struggle against human trafficking;

3. Art. 173 shall be removed.

II. To add Art. 150-1 in the following content to the Administrative Offences Code of the Republic of Azerbaijan (Compilation of Legislative Acts of the Republic of Azerbaijan, 2000, No.8, Book I, Art. 584; 2001, No.1, Art.24, No.3, Art. 139, No.7, Art. 455, No.11, Arts. 680, 698, No. 12, Art. 731; 2002, No.1, Art. 9, No.4, Book I, Art.165, No.5, Arts. 234, 237, 239, No.6, Art. 326, No.8, Art. 463, No.12, Art.692; 2003, No.1, Arts. 3, 12, 23, No.4, Arts. 177, 178; No.5, Art. 228; No.6, Arts. 257, 276, 279; 2003, No.8, Arts. 407,425, No.12, Book I, Arts. 676, 696,Book II, Arts. 713, 714; 2004, No.1, Arts. 6,7,10,13, No.4, Arts. 200,201,204; No.5, Arts. 313, 314, 317, 321, No.8, Arts. 596, 597, No.10, Arts. 762, 779, NO.11, Art. 900, No.12, Art.

973; 2005, No.1, Arts. 4,5; No.2, Art. 61, No.4, Arts. 272, 273, 275; the laws of the of the Republic of Azerbaijan of 15 April 2005, No. 885-IIQD; No. 890 – IIQD, 14 June, No. 938-IIQD, 24 June No. 947 –IIQD, No.948 - IIQD):

“Art. 150-1. Transportation of passengers not in possession of valid travel documents

Transportation of passengers not in possession of valid travel documents by the persons executing international transportations for entering to or departure from the territories of relevant country -

shall be subjected to a fine: in the case of natural persons: from thirty five to forty times of the sum of the conditional monetary unit; public officials: from eighty to ninety times of the sum of conditional monetary unit; legal persons: from two hundred to three hundred times of conditional monetary unit.

This Law shall enter into force on the day of its publish.

Ilham Aliyev

President of the Republic of Azerbaijan

Baku, 2005

## **CRIMINAL CODE OF THE AZERBAIJAN REPUBLIC**

### **- EXCERPTS –**

Article 106

Slavery

(1) Slavery—the partial or full possession of rights of other person treated like a property—

shall be punished by imprisonment from 5 to 10 years.

(2) If the subject of the deeds described above is a child or it has been done with a view to trafficking it shall be punished by imprisonment from 7 to 10 years.

(3) Slave trade, i.e. forcing into slavery or treatment like a slave, slave keeping with a view to sale or exchange, disposal of a slave, any deed related to the slave trading or trafficking, as well

as sexual slavery or divestment of sexual freedom through slavery, shall be punished by the imprisonment from 5 to 10 years.

## Article 108

### Sexual Abuse

Violence against a person, forced prostitution, forced sterilization or other deeds related to sexual abuse shall be punished by imprisonment from 5 to 10 years or by life imprisonment.

## Article 150

### Violence of a Sexual Nature

1. Pedophilia or other violence of sexual nature against a person(s) through the force or threat to apply force or availing of the disability of the victim of the crime shall be punished by imprisonment from 3 to 5 years.

2. The same offences shall be punished by imprisonment from 5 to 8 years if 2.1 committed by a group of persons, by a group of persons colluding in advance or by an organized group

2.2 the victim of the crime was infected as a result of the violence;

2.3 committed knowingly against a minor under 18;

2.4 committed with utmost atrocity

2.5 committed repeatedly

3. The same offenses shall be punished by imprisonment from 8 to 15 years if

3.1 result in death of victim by inadvertence;

3.2 result in HIV infecting or in other contagion of victim by inadvertence

3.3 committed knowingly against a child under 14.

## Article 151

### Force to Sexual Action

Force to sexual intercourse, pedophilia or other actions of sexual nature through the threat of property destruction, damage or embezzlement or availing of the victim's dependence shall be punished by a fine from 500 to 1000 minimum salaries or by 2 years correctional work or by imprisonment of up to 3 years.

#### Article 152

##### Sexual Intercourse or Action with a Minor under 16

Sexual intercourse or action with a minor under 16 committed knowingly by an adult shall be punished by imposing movement restrictions up to 3 years or by imprisonment for the same term.

#### Article 171

##### Involvement of minors in Prostitution or Bawd

1. Involvement of minors in prostitution and bawd shall be punished by imprisonment from 3 to 6 years.
2. The same offence shall be punished by imprisonment from 4 to 8 years if:
  - 2.1 committed by force or threat of force
  - 2.2 committed by an organized group.

#### Article 173

##### Trade in Minors

1. Trade in minors or arrangement to give a minor to another person shall be punished by imprisonment up to 3 years.
2. The same offence shall be punished by imprisonment from 3 to 8 years if
  - 2.1 committed repeatedly;
  - 2.2 committed against two or more minors
  - 2.3 committed by a group of persons colluding in advance or by an organized group;
  - 2.4 committed by a person abusing his power or authority;

2.5 the minor is smuggled to or from Azerbaijan

2.6 committed to use the minor's organs or spermatozoa.

3. If the offense specified in parts 1 and 2 of this article result in death of the minor by inadvertence it shall be punished by imprisonment from 8 to 10 years.

## Article 243

### Involvement in Prostitution

1. Involvement in prostitution by force or threat of force, by blackmail, by destruction or damage of property, and with a view to profit or benefit shall be punished by a fine from 500 to 5,000 minimum salaries, or by correctional works from 160 to 240 hours or by imprisonment up to 3 years.

2. The same offense shall be punished by imprisonment from 3 to 6 years if:

2.1 committed against a disabled person or a person with physical or mental disorders;

2.2 committed by an organized group.

## Article 244

### Brothels Keeping

1. Organization, keeping of brothels, or leasing premises for brothels shall be punished by social works from 200 to 240 hours or by correctional works up to 2 years, or by imprisonment up to 3 years.

2. The same offense shall be punished by imprisonment from 3 to 6 years if:

2.1 committed repeatedly;

2.2 committed by a group of persons colluding in advance or an organized group.

**LAW**  
**OF THE REPUBLIC OF AZERBAIJAN**  
**ON**  
**FIGHT AGAINST HUMAN TRAFFICKING**

*adopted June, 2005*

This law shall determine the legal and organizational grounds of prophylactics of human trafficking, fighting human trafficking in the Republic of Azerbaijan and legal status of victims of human trafficking, and shall regulate issues of protection of victims of human trafficking and rendering assistance to them.

**CHAPTER I. GENERAL PROVISIONS**

**Article 1. Basic definitions**

1.0. The following basic definitions are used in this Law:

1.0.1. *human trafficking* - involving, obtaining, storage, concealment, transportation, delivering or accepting of people (involving, obtaining, storage, concealment, transportation, delivering or accepting children for exploitation purposes shall be considered as human trafficking even if the means stipulated in this Article were not used) for exploitation purposes by using force or under the threat of force, by threat or other methods of compulsion, by means of theft, fraud, deception, abuse of possibility to influence or victim's weakness, or by providing or obtaining material and other boons, privileges or concession in order to get the consent of the person controlling another person;

1.0.2. *human exploitation* - forced labour (service), sexual exploitation, slavery, practices similar to slavery and dependence deriving from them, illegally extracting human organs and tissues, conducting illegal bio-medical research on a person, involving into illegal including criminal activity as well as other forms of exploitation of people (if human trafficking is conducted using means specified in Article 1.0.1, the consent of the victim of human trafficking to be subjected to exploitation shall not be taken into account);

1.0.3. *forced labour (service)* - illegally forcing a person to do certain work (to provide service);

1.0.4. *sexual exploitation* - using a person for prostitution, sexual slavery or production of pornographic materials, profiting from sexual exploitation of others;

1.0.5. *slavery* - carrying out powers in full or partially characteristic of the right to property over a person;

1.0.6. *practices similar to slavery* - institutions and practices mentioned in Article 1 of "Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery" from 30 April 1956;

1.0.7. *human trafficker* - natural or legal person practicing any activity related to human trafficking;

1.0.8. *victim of human trafficking* - a person who suffered from human trafficking or whose suffering is assumed;

1.0.9. *child* - a person under 18;

1.0.10. *potential victims of human trafficking* - people practicing vagrancy or begging, those living outcast, immoral life, children who are abandoned, uncared-for, intentionally deviating from education, persons who depend on narcotics and psychotropic agents.

## **Article 2. Legislation on fighting human trafficking**

The legislation on fighting human trafficking consists of the Constitution of the Republic of Azerbaijan, international treaties to which the Republic of Azerbaijan is a party, this Law and other legislative acts of the Republic of Azerbaijan.

## **Article 3. Goals of fighting human trafficking**

3.1. Goals of fighting human trafficking consist of:

3.1.1. protection of an individual and society from any forms of human trafficking;

3.1.2. disclosure and prevention of human trafficking as well as elimination of its after-effects.

3.2. The aforementioned goals shall be reached by means of:

3.2.1. disclosure and elimination of reasons of human trafficking and circumstances favouring to human trafficking;

3.2.2. reduction of the risk of converting individuals to victims of human trafficking;

3.2.3. restoration of rights of victims of human trafficking and their social rehabilitation.

## **Article 4. Main principles of fighting human trafficking**

4.0. The fight against human trafficking in the Republic of Azerbaijan is based on the following principles:

4.0.1. prevention of discrimination of victims of human trafficking in the society;

- 4.0.2. ensuring security of victims of human trafficking and polite treatment with them;
- 4.0.3. inevitability of punishment for human trafficking;
- 4.0.4. implementation of prophylactic measures of legal, political, social-economic and organizational nature;
- 4.0.5. involving non-governmental organizations into the fight against human trafficking;
- 4.0.6. development of international cooperation in the field of fighting human trafficking.

## **CHAPTER II. ORGANIZATIONAL GROUNDS FOR FIGHTING HUMAN TRAFFICKING**

### **Article 5. Providing assistance to state bodies fighting human trafficking**

State and local self-governing bodies, officials, natural and legal persons shall provide assistance to the state bodies fighting human trafficking.

### **Article 6. National Action Plan for Fighting Human Trafficking**

6.1. National Action Plan for Fighting Human Trafficking in the Republic of Azerbaijan (hereinafter - "National Action Plan") approved by relevant body of executive power of the Republic of Azerbaijan shall aim at providing effective system that would enable mutual activity of relevant agencies in fighting human trafficking.

6.2. The National Action Plan shall provide for main duties, participation of various agencies (bodies of executive power, non-governmental organizations, international partners and other bodies) in their implementation and coordination of the activity of these agencies by National Coordinator and other activities in the field of fighting human trafficking.

6.3. With an aim to increase the effectiveness of the National Action Plan, including ensuring security of people and protection of information, participants of the National Action Plan base the execution of their duties on the principle of "possessing only necessary information". The application of this principle ensures that participants take part in the implementation of National Action Plan only within their powers and National Action Plan aims at providing effective protection against the exposure of participants to corruption and possibility of persons who committed a crime connected with human trafficking to have an influence on participants.

### **Article 7. National Coordinator on fighting human trafficking**

7.1. National Coordinator on fighting human trafficking (hereinafter - "National Coordinator") appointed by relevant body of executive power of the Republic of Azerbaijan is charge for the implementation of National Action Plan.

7.2. The National Coordinator with an aim to establish common system of mutual cooperation of participants of National Action Plan and to ensure the exchange of information among those agencies shall coordinate the activity of these agencies.

7.3. The National Coordinator shall establish necessary contacts with bodies of security, border service, police, prosecutor's office, courts, other state bodies and non-governmental organizations with an aim to carry out operation-search activity and criminal persecution in connection with the crimes connected with human trafficking more effectively.

7.4. The functions of the National Coordinator shall be determined by the National Action Plan.

7.5. The National Coordinator shall submit annual communication on fighting human trafficking in the Republic of Azerbaijan to relevant body of executive power of the Republic of Azerbaijan, Milli Mejlis (Parliament) of the Republic of Azerbaijan and commissioner for human rights of the Republic of Azerbaijan (Ombudsman).

### **Article 8. Special police agency on fighting human trafficking**

8.1. Special police agency under relevant body of executive power of the Republic of Azerbaijan shall be established with an aim to effectively implement the duties stipulated in National Action Plan, ensure security of victims of human trafficking, provide professional assistance to them, collect in one centre and protect the information in the field of fighting human trafficking, have the fight against human trafficking conducted by the professional especially trained employees of police and police agency supplied with necessary equipment.

8.2. Special police agency shall along with determination and protection of victims of human trafficking carry out within its powers operation-search activity and criminal persecution on crimes connected with human trafficking. When having investigation on criminal cases concerning human trafficking, the unified information database shall be established for the registration and usage of the collected information. Special police agency on fighting human trafficking shall be subordinate directly to the National Coordinator.

8.3. The employees of special police agency shall be recruited based on transparency, taking into account whether they are fit for the service in special police agency on fighting human trafficking from the perspective of personal qualifications, professional development, educational level and psychological tenacity along with other criteria. The employees recruited on service for special police agency shall be trained on the following issues:

8.3.1. An acquisition of information, documents and other articles from the victims of human trafficking and other sources in the order provided for by the legislation, analyzing and submitting them as evidences.

8.3.2. Methods of determination of victims of human trafficking;

8.3.3. Usage of certain observation methods and technical means;

8.3.4. Rules of treatment with victims of human trafficking.

8.4. If there is an assumption that a person is suffering from human trafficking or if other bodies discover perpetration or preparation of a crime connected with human trafficking, special police agency shall be immediately kept informed about it, respective documents shall be submitted to the agency and necessary assistance shall be provided.

8.5. Law-enforcement bodies fighting against human trafficking shall determine their employees who shall act as liaisons with an aim to ensure mutual contacts with special police agency and be trained in human trafficking.

### **Article 9. Duties of state bodies in the field of fighting human trafficking**

9.1. The body of relevant executive power of the Republic of Azerbaijan shall conduct the fight against human trafficking by means of preventing crimes, connected with human trafficking and organized crime, on human trafficking, discovering and eliminating them.

9.2. If citizens of the Republic of Azerbaijan who became victims of human trafficking are beyond the boundaries of the Republic of Azerbaijan, the body of relevant executive power of the Republic of Azerbaijan shall carry out protection of their rights and interests. Diplomatic representations and consulates of the Republic of Azerbaijan abroad within their powers and in accordance with the legislation of a host nation shall provide thorough assistance to the bodies fighting against human trafficking.

9.3. The body of relevant executive power of the Republic of Azerbaijan shall conduct the fight against human trafficking by means of determining contacts of transnational organized criminal groups with human traffickers, preventing transnational organized criminal groups dealing with human trafficking, disclosing them and eliminating them.

9.4. The bodies of relevant executive power of the Republic of Azerbaijan shall conduct the fight against human trafficking by means of disclosing and eliminating a slip across state and customs borders of the Republic of Azerbaijan by human traffickers, a slip of state and customs borders of the Republic of Azerbaijan by victims of human trafficking, and preventing such acts.

9.5. The body of relevant executive power of the Republic of Azerbaijan shall prepare proposals on social rehabilitation of victims of human trafficking and submit them to the body of relevant executive power of the Republic of Azerbaijan.

9.6. The body of relevant executive power of the Republic of Azerbaijan shall prepare and conduct programs on medical assistance including psychological assistance to victims of human trafficking and the plans of complex of measures.

9.7. The body of relevant executive power of the Republic of Azerbaijan shall provide for courses in educational curriculum of educational institutions directed at prophylactics and prevention of human trafficking, and prepare educational programs for preparation of specialists in the field of fighting human trafficking.

## **Article 10. Cooperation with non-governmental organization in the field of preventing human trafficking**

10.1. State bodies shall cooperate with non-governmental organization in the field of preventing human trafficking.

10.2. Non-governmental organization operating in the field of preventing human trafficking shall be attracted for enlightenment work with potential victims of human trafficking, organization of activity of special institutions for victims of human trafficking, provision of legal aid to victims of human trafficking and their social rehabilitation.

10.3. The body of relevant executive power of the Republic of Azerbaijan can provide grants by determining the needs together with the National Coordinator for the purposes stipulated in Article 10.2 of the present Law.

## **CHAPTER III. PROPHYLACTICS OF HUMAN TRAFFICKING**

### **Article 11. Organizing human trafficking prophylactics**

11.1. Prophylactics of human trafficking is organized based on a system of special activities in the framework of various state programs.

11.2. A system of activities on prophylactics of human trafficking shall include the following:

11.2.1. conducting research on the prevention of human trafficking, particularly on gender aspects;

11.2.2. preparing and implementing programs aimed at solving social problems that lead to human trafficking;

11.2.3. strengthening legal and social protection of women and children;

11.2.4. involving potential victims of human trafficking into the labour of public use and ensuring their employment;

11.2.5. encouraging entrepreneurs to hire persons who suffered from human trafficking;

11.2.6. establishing propaganda and educational work among potential victims of human trafficking, informing them of the dangers awaiting the victims of human trafficking, on protection measures provided by the government and on administrative, criminal law and other measures on fighting human trafficking implemented by the government;

11.2.7. establishing a system of social, legal, pedagogical and other measures directed at discovering and eliminating reasons and grounds leading to children being abandoned or uncared-for and effectively using them;

11.2.8. discovering children deviating from education, upbringing them and taking measures to provide them with education;

11.2.9. preparing and implementing special programs within educational institutions, orphanages, boarding schools and other bodies and institutions carrying out prophylactics of abandonment and delinquencies of minors;

11.2.10. organizing specialized educational courses for the personnel of the bodies fighting human trafficking.

## **CHAPTER IV. SOCIAL REHABILITATION AND PROTECTION OF THE VICTIMS OF HUMAN TRAFFICKING**

### **Article 12. Special institutions for the victims of human trafficking**

12.1. The following special institutions shall be established for the protection of the victims of human trafficking:

12.1.1. temporary shelters for the victims of human trafficking;

12.1.2. assistance centres for the victims of human trafficking.

12.2. All services performed in the special institutes shall be free of charge. Special institutes shall not provide any paid services.

12.3. Establishment of special institutions, funding them, their activity as well as rules of control over their activity shall be determined by relevant body of executive power of the Republic of Azerbaijan.

### **Article 13. Temporary shelters for accommodating the victims of human trafficking**

13.1. Temporary shelters for accommodating the victims of human trafficking (hereinafter "shelters") shall be created to provide the victims of human trafficking with decent living conditions, to ensure their security, to provide them with food and medicine, first medical aid, psychiatric, social and legal assistance. The victims of human trafficking shall have the possibility to make phone calls and to use translator's services in shelters. Separate areas shall be allocated for confidential conversations.

13.2. Anonymity of the personality of the victims of human trafficking shall be guaranteed in shelters and without their permission no information about them shall be passed to bodies carrying out criminal persecution or other state bodies.

13.3. A shelter shall be provided to the victim of human trafficking on the basis of his/her request within 30 days regardless his/her behaviour, desire to collaborate with the bodies carrying out criminal persecution and to testify against human traffickers.

13.4. The period for sheltering can be prolonged on the basis of the motion by special police agency or the victim of human trafficking. In all cases prolongation of the period of accommodating in a shelter and providing a shelter shall be conducted with the consent of the victim of human trafficking.

13.5. Providing a shelter for children who are victims of human trafficking and keeping them there shall be conducted in accordance with Article 16 of the present Law.

#### **Article 14. Assistance centres for the victims of human trafficking**

14.1. Assistance centres for the victims of human trafficking (hereinafter "assistance centres") shall be created to give explanations to the victims on current administrative and legal procedures on protection of their rights and interests, to provide medical, psychological and other necessary assistance and to socially rehabilitate the victims of human trafficking.

14.2. Anonymity of the personality of the victims of human trafficking shall be guaranteed in assistance centres and without their permission no information about them shall be passed to bodies carrying out criminal persecution or other state bodies. If the victims of human trafficking are children, guardianship and trusteeship body and the Commission on issues of minors and protection of their rights shall be immediately informed about them.

14.3. An assistance in assistance centres shall be provided to any individuals presenting themselves as a victim of human trafficking on the basis of their request regardless their behaviour, desire to collaborate with the bodies carrying out criminal persecution and to testify against human traffickers.

14.4. If it is assumed in the assistance centres that an individual is a victim of human trafficking, measures shall be taken to accommodate the individual in a shelter in accordance with Article 13 of the present Law.

#### **Article 15. Social rehabilitation of the victims of human trafficking**

15.1. Social rehabilitation of the victims of human trafficking shall be conducted to reintegrate the victims of human trafficking in society, returning them to normal life style and it shall provide for legal assistance to them, continuation of their education, taking measures on psychological, medical and professional rehabilitation, providing them with job and premises to live.

15.2. While conducting a social rehabilitation of the victims of human trafficking it is prohibited to put any limitations to their human rights and rights of a citizen provided for by the Constitution, laws of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party, or to apply rehabilitation measures against their will.

15.3. While conducting a social rehabilitation of the victims of human trafficking, age, sex and needs of the victims, particularly children, of human trafficking including needs for shelter, education and care shall be taken into account.

15.4. The social rehabilitation of the victims of human trafficking shall be funded by state budget of the Republic of Azerbaijan and other sources provided for by the legislation of the Republic of Azerbaijan.

15.5. The rules of implementation of social rehabilitation of the victims of human trafficking shall be determined by relevant body of executive power of the Republic of Azerbaijan.

#### **Article 16. Assisting children who became a victim of human trafficking**

16.1. When assisting the child who became a victim of human trafficking his/her interests shall be favoured, and all measures for protecting rights and lawful interests of the child shall be taken into account in accordance with the Law of the Republic of Azerbaijan "On Rights of the Child", UN Convention on Rights of the Child, as well as other laws and international treaties to which the Republic of Azerbaijan is a party.

16.2. Shelters and assistance centres shall immediately inform guardianship and trusteeship body and the Commission on issues of minors and protection of their rights about the child who became a victim of human trafficking. Guardianship and trusteeship body and the Commission on issues of minors and protection of their rights shall take measures for the protection of rights and interests of the child in accordance with the legislation of the Republic of Azerbaijan.

16.3. If it is impossible to determine the exact age of the person who is being accepted for a shelter and if there is an assumption that the person is under 18, he/she shall be considered as a child. The children shall remain in shelters for 60 days. The period for sheltering can be prolonged on the basis of the motion of the special police agency, guardianship and trusteeship body or the Commission on issues of minors and protection of their rights. When accommodating children in shelters and prolonging sheltering period an opinion of children above 10 shall be asked about it and taken into account.

16.4. As a rule, children shall be sheltered separately. Taking into account interests of the child, he/she can also be accommodated together with the parents (except the cases when there is an assumption that the parents are the reason for the child to become the victim of human trafficking) or other individuals who can have positive influence on the psychological condition of the child.

16.5. The children accommodated in shelters shall have a possibility to continue their education and to contact their parents (except the cases when there is an assumption that the parents are the reason for the child to become the victim of human trafficking).

16.6. If a child who became a victim of human trafficking is not aware of his parents' whereabouts or is deprived of parental care, state bodies fighting human trafficking shall take measures to search the parents or to determine guardianship and trusteeship body. Social protection of such children shall be provided in accordance with the laws of the Republic of Azerbaijan on "Social protection of orphans and children deprived of parent's care."

16.7. The social rehabilitation of the children who became victims of human trafficking shall be conducted based on the specially prepared programs being guided by Article 15.4 and 16.1 of the present Law as well as provisions of legislation of the Republic of Azerbaijan on prophylactics of abandonment and delinquencies of minors.

### **Article 17. Measures on providing assistance to the victims of human trafficking and their protection**

17.1. On the basis of an address of the body carrying out criminal persecution, state bodies, within their powers, and shelters and assistance centres, within their functions, shall provide assistance to the victims of human trafficking.

17.2. Individuals who suffered from human trafficking shall receive an allowance during their reintegration period in the amount determined by the relevant body of executive power from state budget and other sources in accordance with the legislation of the Republic of Azerbaijan.

17.3. By the decision of a court or other body of criminal persecution an access to the information about the personality of the person who suffered from human trafficking kept at information-inquiry services and information-data funds shall be suspended.

17.4. Dissemination of information which is a private or a family secret of the victims of human trafficking shall lead to a responsibility in accordance with the legislation of the Republic of Azerbaijan. The information that represents a danger to life and health of the victim of human trafficking, his/her close relatives as well as individuals assisting in fighting human trafficking shall be considered confidential and its dissemination is prohibited.

17.5. Illegally collecting confidential information about the victim of human trafficking or about security measures applied with regard to him/her or intentionally disseminating this information shall lead to responsibility in accordance with the legislation of the Republic of Azerbaijan.

17.6. Legal persons carrying out international shipping operations, transportation organizations, owners or operators of means of transportation shall take measures on enlightening passengers about the danger of human trafficking, checking whether citizens possess documents for entering (leaving) the territory of the relevant state, to refuse in providing transportation services in case of absence of these documents.

17.7. Individuals who suffered from human trafficking shall be free from civil, administrative and criminal responsibility for acts committed under compulsion or instigation as a direct result of being in a condition of the victim of human trafficking in the order and under circumstances provided for by the legislation of the Republic of Azerbaijan.

17.8. Foreigners or stateless persons who became the victims of human trafficking shall have protection and assistance equal to that of citizens of the Republic of Azerbaijan.

### **Article 18. Ensuring security of individuals who suffered from human trafficking**

18.1. Ensuring security of individuals who suffered from human trafficking shall be carried out in accordance with the Law of the Republic of Azerbaijan "On state protection of individuals participating in criminal procedure". An employee of the body that carries out criminal procedure shall notify the person who suffered from human trafficking about the possibilities of ensuring the security and protection measures which are applied.

18.2. Security measures applied with regard to persons who suffered from human trafficking shall continue till the danger is completely past including preliminary investigation about crimes connected with human trafficking, court examination, as well as the period after declaring the final decision of the court.

18.3. False names can be used with an aim to ensure anonymity of the personality of persons who suffered from human trafficking.

### **Article 19. Responsibility of diplomatic representatives and consular services in assisting and protecting victims of human trafficking**

19.1. Diplomatic representatives and consular services of the Republic of Azerbaijan abroad, within their powers and in conformity with the legislation of the host nation, shall perform the activity aiming to protect the rights and interests of citizens of the Republic of Azerbaijan who became a victim of human trafficking and assist in their return to the territory of the Republic of Azerbaijan.

19.2. If identification documents of a citizen of the Republic of Azerbaijan are lost or if it is impossible to get these documents back from human traffickers, then diplomatic representatives and consular services of the Republic of Azerbaijan together with the relevant body of executive power of the Republic of Azerbaijan, shall shortly provide such citizens with a document allowing a return to the Republic of Azerbaijan.

### **Article 20. Repatriation of foreigners and stateless persons who became victims of human trafficking**

20.1. If a foreigner or stateless person is considered as a person who suffered from human trafficking, deportation in administrative order from the territory of the Republic of Azerbaijan for a period of 1 year shall not be applied to them.

20.2. When the period mentioned in Article 20.1 of the present Law is over, but a foreigner or a stateless person assists the body of criminal persecution with criminal cases regarding human trafficking, deportation in administrative order from the territory of the Republic of Azerbaijan shall not be applied to them unless criminal persecution comes to an end.

20.3. Deportation in administrative order from the territory of the Republic of Azerbaijan shall not be applied to children who became victims of human trafficking. Return of children who became victims of human trafficking to their countries or parents shall be allowed only if there is no assumption that the child will again become the victim of human trafficking. When working

on the issue of return of children who became victims of human trafficking to their countries or parents, an opinion of children above 10 shall be asked about the issue and taken into account.

20.4. If the victim of human trafficking wishes to leave the territory of the Republic of Azerbaijan, an assistance in providing him/her with relevant documents, covering travel and other necessary expenses shall be provided and recommendations on reducing a risk of becoming a victim of human trafficking in the country of destination shall be given.

20.5. A foreigner or a stateless person who became victim of human trafficking in the order provided for by the relevant legislation of the Republic of Azerbaijan can address the relevant state bodies for obtaining the right to live in the Republic of Azerbaijan within the period mentioned in Article 20.1 of the present Law. When dealing with such an address cooperation of the victim of human trafficking with the body of criminal persecution, physical and moral torments that the victim of human trafficking suffered, the period of being the victim of human trafficking as well as a risk of becoming again the victim of human trafficking once repatriated to his/her own country or persecution by human traffickers shall be taken into account.

20.6. A foreigner or a stateless person who is a victim of human trafficking and whose identity is impossible to establish can not be granted a right to live in the Republic of Azerbaijan. Measures on deportation of this person from the territory of the Republic of Azerbaijan in administrative order shall be taken.

20.7. A victim of human trafficking who was granted a right to live in the Republic of Azerbaijan obtains a status of immigrant and enjoys all rights and liabilities deriving from this status.

## **CHAPTER V. PARTICULARITIES OF DEALING WITH CASES OF HUMAN TRAFFICKING AND RESPONSIBILITY FOR HUMAN TRAFFICKING**

### **Article 21. Responsibility for human trafficking**

21.1. Individuals participating in human trafficking shall be brought before criminal responsibility in accordance with the legislation of the Republic of Azerbaijan.

21.2. Action or inaction of an official that may create conditions for human trafficking shall lead to criminal responsibility in accordance with the legislation of the Republic of Azerbaijan.

21.3. A foreigner or a stateless person who is assumed of being engaged in human trafficking shall not be granted an access to the territory of the Republic of Azerbaijan and entry visas issued to them shall be considered void.

### **Article 22. Confiscation and use of property obtained from human trafficking**

22.1. All the property obtained from human trafficking (real estate, financial means, securities and other property) shall be confiscated by the court decision in the order provided for by the

legislation and shall be transferred to especially established assistance fund for the victims of human trafficking.

22.2. Means collected at assistance fund for the victims of human trafficking shall be directed to paying out compensation for victims of human trafficking, their social rehabilitation, medical and other necessary expenses.

22.3. Transparency shall be observed in administration of and spending means of assistance fund for the victims of human trafficking. Legal grounds of the activity of assistance fund for the victims of human trafficking shall be determined by the relevant body of executive power of the Republic of Azerbaijan.

### **Article 23. Paying compensation for the damage to victims of human trafficking**

23.1. Courts shall decide on issues of paying compensation for material and moral damage to persons who suffered from human trafficking

23.2. Damage to persons who suffered from human trafficking shall be paid off from the property of human traffickers in accordance with the procedural legislation. If this property would not suffice, a damage, by court decision, can be paid out from assistance fund for the victims of human trafficking.

### **Article 24. Particularities of dealing with the cases of human trafficking**

24.1. In accordance with the legislation of the Republic of Azerbaijan criminal cases on human trafficking as well as cases on paying compensation for damage resulting from human trafficking can be considered at a closed court sitting by the decision of the court on the basis of an address of the victim of human trafficking.

24.2. With an aim to ensure the security of the victim of human trafficking and to prevent influence of human traffickers on them as well as taking into account physical and psychological condition of the victims of human trafficking the victims of human trafficking can be provided with an opportunity to testify during court examination by using technical means (TV-bridge, video-recording and so on).

### **Article 25. Responsibility of legal persons for human trafficking**

25.1. A legal person (its branch or representative) functioning in the territory of the Republic of Azerbaijan can be liquidated by the court decision in accordance with the legislation of the Republic of Azerbaijan for its ties with human trafficking.

25.2. When the legal person, whose ties with human trafficking have been identified, is liquidated, all its means shall be transferred to the account of the assistance fund for the victims of human trafficking.

## **CHAPTER VI. INTERNATIONAL COOPERATION IN THE FIELD OF FIGHTING HUMAN TRAFFICKING**

### **Article 26. International cooperation in the field of fighting human trafficking**

The Republic of Azerbaijan in accordance with international treaties to which it is a party shall cooperate in the fight against human trafficking with foreign countries and their law-enforcement agencies and with international organizations dealing with fighting against human trafficking.

### **Article 27. Jurisdiction of the Republic of Azerbaijan over the crimes connected with human trafficking**

Citizens of the Republic of Azerbaijan, foreigners and stateless persons who committed crimes connected with human trafficking shall be brought before responsibility on the basis of the Criminal Code of the Republic of Azerbaijan regardless where they committed the crimes.

### **Article 28. Legal assistance on criminal cases on human trafficking**

Rendering legal assistance on criminal cases on human trafficking shall be conducted in accordance with international treaties to which the Republic of Azerbaijan is a party and the legislation of the Republic of Azerbaijan on legal assistance in criminal cases.

### **Article 29. Surrender of persons who committed a crime connected with human trafficking**

Human traffickers and other persons participating in actions to do with human trafficking can be extradited to a foreign country for bringing before responsibility or execution of the applied punishment in accordance with international treaties to which the Republic of Azerbaijan is a party and the legislation of the Republic of Azerbaijan.

## **CHAPTER VII. FINAL PROVISIONS**

### **Article 30. Responsibility for the violation of the law**

Natural and legal persons shall bear responsibility for the violation of this law in accordance with the legislation of the Republic of Azerbaijan.