

Approved by Decree # 208 of the President of the Republic of Azerbaijan, dated 6 May 2004

NATIONAL ACTIONAL PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS IN THE REPUBLIC OF AZERBAIJAN

Noting that, in compliance with the Constitution of the Azerbaijan Republic, ensuring of human and citizens' rights and freedoms is the highest aim of the State;

Taking into account that human trafficking infringes human rights, is incompatible with human dignity and presents a serious danger to human life;

Condemning strongly human trafficking activities and intending to ensure the highest-level fight against it;

Highlighting the necessity for active participation in international efforts in the prevention of and fight against human trafficking and protection of victims of human trafficking;

Considering that human and citizens' rights and freedoms are applied in conformity with the international agreements to which the Azerbaijan Republic is a party;

Taking into consideration the provisions of the UN Convention «Against Transnational Organized Crime» and supplementary Protocols «To prevent, suppress and punish trafficking in persons, especially women and children», signed by the Azerbaijan Republic on December 12, 2000 and ratified by the law of the Azerbaijan Republic on May 13, 2003, as well as those of the Brussels Declaration «On Preventing and Combating Trafficking in Human Beings» adopted on September 20, 2002;

The Azerbaijan Republic hereby adopts the National Action Plan Against Trafficking in Human Beings.

1. General Provisions

The National Action Plan Against Trafficking in Human Beings in the Azerbaijan Republic (hereafter "the National Action Plan") seeks to provide an efficient system, that will promote the cooperation of all institutions in combating human trafficking. The National Action Plan shall define the main responsibilities in struggling against human trafficking, their implementation by various institutions (relevant executive power bodies, non-governmental organizations, international partners and other bodies) and coordination of activities of such institutions by the National Coordinator. In order to maximise the efficiency of the National Action Plan and to ensure the safety of

individuals and safeguarding of data, the responsibilities of participants in the National Action Plan shall be based upon the “need to know” principle. Employment of this principle shall allow designated persons to participate in the implementation of the National Action Plan, commensurate with their authorities, and have the purpose to provide an efficient protection against exposure of participants of the National Action Plan to corruption, or influence upon them by persons committing human trafficking crimes. Therefore, the National Action Plan shall exclude the establishment of structures, which are “all-informed”, as well as the potential for bureaucratic administration structures, which may harm the efficiency of the fight against human trafficking and waste resources.

The National Action Plan seeks to utilise the practices of other countries, participation in international objectives, as well as to cooperate with both governmental and non-governmental institutions, international organizations and other partners working to combat human trafficking.

The National Action Plan shall determine the creation of a system that integrates all aspects of the fight against human trafficking, and can be efficiently coordinated. Potential donor partners, intending to support the National Action Plan, shall specify through the National Coordinator the relevant areas to be provided with specific (technical, physical, financial, etc.) support. The National Action Plan shall envisage consolidation of relevant governmental and non-governmental resources with those of international organizations and other partners, and the derivation of necessary means from those resources, under the supervision of the National Coordinator.

Essential measures, identified by the National Action Plan with regard to combating human trafficking, shall include improvement of the legal framework, assignment of a National Coordinator, creation of a special police department against human trafficking (hereinafter “Special Police Anti-Trafficking Squad”) under the Ministry of Internal Affairs of the Azerbaijan Republic, and ensuring the protection of victims and supposed victims of human trafficking crimes (hereafter “victims and supposed victims”).

2. Improvement of the Legal Framework in the Fight against Human Trafficking

For ensuring implementation of responsibilities specified in the National Action Plan, the following activities shall be carried out:

- bringing the Azerbaijan Republic legislation into line with the UN Convention «Against Transnational Organized Crime» and supplementary Protocols «To prevent, suppress and punish trafficking in persons, especially women and children» and other international documents in the sphere of combating human trafficking, as well as making amendments to the Constitution of the Azerbaijan Republic with regard to recognition of human trafficking as a criminal act in accordance with the above documents;

- recognition of victims of human trafficking as aggrieved persons and adoption of normative acts ensuring their safety and rights;

- adoption of a law on combating human trafficking, in order to ensure: identification of general principles of the fight against human trafficking, a framework for its arrangement, and the responsibilities of authorities fighting against human trafficking; implementation of preventive measures on human trafficking; physical, psychological and social rehabilitation and repatriation of victims of such crimes; and accomplishment of other tasks set out in the National Action Plan.

3. Coordination of Activities of the National Action Plan Participants

Various state and non-government institutions, international organizations and other partners shall be envisaged to take part in implementation of the National Action Plan.

Coordination of activities of such institutions shall be carried out by the National Coordinator. The purpose of coordination of activities shall be to create a cohesive system of cooperation amongst participants of the National Action Plan and to maintain information exchange between those institutions. The National Action Plan shall envisage fulfilment of the following responsibilities, which supplement each other, in order to realize the fight against human trafficking:

- implementation of operational investigation and criminal prosecution with regard to human trafficking crimes;
- maintaining contacts with victims, helping them and ensuring their safety and rehabilitation;
- coordination of support to the National Action Plan;
- coordination of resources.

At the same time, the National Action Plan shall identify observation and assessment functions *role* for the participants. The purpose of observation and assessment functions shall be determination of problems in struggling against human trafficking and bring them to notice of relevant institutions.

a. Operational Investigation and Criminal Prosecution of Human Trafficking Crimes.

Operational investigation and criminal prosecution of human trafficking crimes. shall be carried out by authorities defined by legislation of the Azerbaijan Republic.

Operational investigation activities shall be carried out in order to protect lives, health, rights and freedoms of victims and supposed victims.

Operational investigation activities of human trafficking crimes shall include prevention of such crimes, identification of persons who have prepared or committed the crimes, resolution of such crimes, as well as the obtaining of information from victims or suspected victims.

Criminal prosecution of human trafficking crimes shall include identification of such crimes, incrimination of the perpetrator(s) of human trafficking crime, the completion of coercive procedural measures where necessary, bringing of charges, defending those charges in court, sentencing the person(s) who are found to have committed human trafficking crime;

The Special Police Anti-Trafficking Squad shall be defined as a specialised authority combating human trafficking. Shall other law-enforcement bodies receive information on the perpetration of human trafficking crimes; they shall inform the Special Police Anti-Trafficking Squad through taking immediate measures and render relevant assistance. The Special Police Anti-Trafficking Squad shall also be a contact body with non-governmental organizations (hereafter "NGOs") providing helpline, secure accommodation and cooperation activities.

The National Coordinator shall liaise with the Special Police Anti-Trafficking Squad, security service organs, border service, police, public prosecutor's office and other law-enforcement bodies, as well as courts, in order to efficiently implement operational investigation and criminal prosecution of human trafficking crimes. The National Coordinator can strengthen liaison with other state or non-governmental organisations, when necessary. Officials of state and local government bodies shall be obliged to assist the authorities carrying out operational investigation activities of human trafficking crimes.

The authorities executing Operational investigation and criminal prosecution of human trafficking crimes shall take measures for the safety of victims within the period prior to their repatriation and during their social reintegration.

The authorities executing Operational investigation and criminal prosecution of human trafficking crimes shall cooperate with law-enforcement authorities of foreign countries.

b. Maintaining Contacts with Victims, Supporting Them and Ensuring Their Safety and Rehabilitation

Maintaining contacts with victims, helping them and ensuring their safety and rehabilitation shall be carried out by the following institutions, being coordinated by the National Coordinator:

- Special Police Anti-Trafficking Squad;
- Police bodies performing security functions;
- NGOs performing helpline activities;
- NGOs providing secure accommodation;
- NGOs performing cooperation activities;
- International partners;
- Relevant executive power bodies.

When performing such activities, the above-mentioned institutions shall provide victims and suspected victims with communication facilities (telephone line and other direct communication means), and ensure their safety and confidentiality within secure accommodation. Such institutions shall provide medical, psychological, legal and other kinds of assistance, when necessary.

These institutions shall also carry out relevant actions concerning repatriation and reintegration of victims, as well as take actions to ensure safety of both the victims and witnesses. Other partners can also be involved in the process of implementation of the above functions and the practices to be used.

c. Coordination of Support to the National Action Plan

Coordination of support to the National Action Plan shall be carried out by the National Coordinator. Coordination of support shall envisage provision of professional training and practical assistance to participants of the National Action Plan, through facilitation by international partners. Fulfilment of this responsibility will also provide the National Action Plan with necessary means and, as a result, help in maintaining its sustainability and efficiency.

d. Coordination of Resources

Purpose of coordination of resources shall be meeting of requirements arisen during implementation of activities provided for in the National Action Plan. Coordination of resources (information, methodological, organizational, material, consultative, etc) shall be carried out by the National Coordinator. The National Coordinator shall coordinate assistance provided by state and non-government institutions, international organizations and other partners, and apply to them for such resources.

4. National Coordinator

The National Coordinator shall be responsible for implementation of the National Action Plan, and perform the following functions:

- performance of coordination activities, for fulfilment of responsibilities set out in the National Action Plan;
- identification of appropriate participants for implementation of actions specified in the National Action Plan;
- supervision over activities of the Special Police Anti-Trafficking Squad;
- maintaining of contacts with the National Action Plan participants, and establishment of collaboration with other authorities;
- identification of requirements proceeding from implementation of the National Action Plan, and taking appropriate actions to resolve them;
- coordination of assistance provided by relevant state and non-government institutions, international organizations and other partners for fulfilment of activities provided for in the National Action Plan;

- provision of information to relevant authorities, adhering to the “need to know” principle;
- conduct of regular meetings of participants, for resolution of issues proceeding from implementation of the National Action Plan;
- provision of information on status of the fight against human trafficking;
- performance of other functions with respect to fulfilment of activities provided for in the National Action Plan.

5. Special Police Anti-Trafficking Squad

Creation of a specialised structure, that has undergone necessary training and is relevantly equipped, shall be required for efficient implementation of activities provided for in the National Action Plan.

Demand in establishing a Special Police Anti-Trafficking Squad proceeds from the following factors:

- ensuring security of victims and suspected victims;
- communication with and professional assistance to victims;
- centralisation and protection of information;
- conducting the fight against human trafficking by specially trained police and an appropriately equipped Special Police Anti-Trafficking Squad.

Staff of the Special Police Anti-Trafficking Squad shall be trained particularly on the following issues:

- obtaining, analyzing and presenting as evidence the information, documents, other things possessed by victims, and other sources according to the rules envisaged in the legislation;
- methods of identification of victims and suspected victims;
- use of relevant surveillance methods and tools;
- rules of treatment of victims and suspected victims.

A unique database shall be created for the registration and use of information collected in the course of the investigation of crimes related to human trafficking.

The Special Police Anti-Trafficking Squad shall be directly subordinated to the National Coordinator.

Law-enforcement authorities combating human trafficking shall appoint one of its officers who will act as a co-ordinator and who has been trained in the fight against human trafficking, in order to maintain relations with the Special Police Anti-Trafficking Squad.

The Special Police Anti-Trafficking Squad shall build relations with law-enforcement authorities of foreign countries in the area of anti- trafficking, via the National Coordinator.

Along with identification and protection of victims and suspected victims, the Special Police Anti-Trafficking Squad shall also, within its authority, carry out operational investigation and criminal prosecution activities. If a person is suspected by other bodies to be a victim of human trafficking, or revealed to have committed or abetted a human trafficking crime, the Special Police Anti-Trafficking Squad shall immediately be informed about the matter and provided with relevant documents and assistance. The Special Police Anti-Trafficking Squad shall place the victims or suspected victims in a place of safety and, together with other police bodies performing security functions, ensure their security.

6. Provision of Secure Accommodation and Helpline

The purpose of providing secure accommodation shall be to protect victims, suspected victims and witnesses, help them, meet their relevant needs, and create a safe environment for those persons. Secure accommodation shall also ensure suitable conditions for rehabilitation and reintegration. At the same time, secure accommodation shall provide a safe environment to the victims awaiting their repatriation and that of witnesses that have presented evidence.

Order to place and keep victims and suspected victims in secure accommodation shall be regulated by legislation of the Azerbaijan Republic.

Secure accommodation shall have the following conditions:

- properly secured building with appropriate living conditions;
- access to telephone;
- access to medical care;
- possibility of legal assistance;
- opportunity to have a translator;
- separate place for conversation;
- ensuring confidentiality of information about the person placed in the accommodation.

Preliminary investigation into a case of victims or suspected victims shall be carried out by the Special Police Anti-Trafficking Squad officers (when necessary, with participation of legal representation), within the secure accommodation. The accommodation shall in no case be considered to be an institute of confinement. Protection of the accommodation and victims placed therein shall be carried out by the Special Police Anti-Trafficking Squad and other police bodies performing security functions. Persons undertaking the security of the asylum shall undergo specific training. Persons placed in the secure accommodation should be treated as victims or suspected victims. Service or assistance to the persons in the secure accommodation shall be carried out by specially trained NGOs.

A helpline shall be created to provide a free of charge and permanent (7 days a week, 24 hours a day) communication service for victims and potential victims of human

trafficking crimes. Helpline operators shall closely cooperate with the Special Police Anti-Trafficking Squad. The helpline service and assistance to people using this service shall be performed by specially trained NGOs.

7. Education Activities (Awareness Raising)

Relevant activities shall be carried out to educate and inform people on the dangers presented by human trafficking.

Institutions performing education and outreach activities shall provide the public with comprehensive education and information on the meaning of, the dangers and risks caused by human trafficking and illegal migration. Education and outreach activities shall be performed by all participants of the National Action Plan.