

# **PRESIDENTIAL DECREE ON ENACTMENT OF THE LAW ON TRAFFICKING IN PERSONS**

5 August 2005

In order to provide enactment of the adopted Law on Trafficking in Persons I decide hereby:

1. To assign the Cabinet of Ministers within the next two months to:
  - 1.1 Prepare and submit president proposals on the alignment of national legislation to this law;
  - 1.2 Align internal acts and orders of the Cabinet of Ministers and other relevant government agencies to this law and to report to president on related issue;
  - 1.3 Develop rules on establishment, funding, operation as well as monitoring special entities as specified in the paragraph 12.3 of this law and to report to president on related issue;
  - 1.4 Develop rules on social rehabilitation of the VoTs (VoTs) as specified in the paragraph 15.5 of this law and to report to president on related issue;
  - 1.5 Determine amount of the compensatory fee paid to the VoTs during their reintegration as specified in paragraph 17.2 of this law and to report to president on related issue;
  - 1.6 Design legal basis for operation of Aid Fund for VoTs as specified in paragraph 22.3 of this law and to report to president on related issue;
  - 1.7 Draft act on types of charges for violation of this law and to submit to president;
  - 1.8 Settle within its mandate all issues related to the application of this law.
2. To determine that:
  - 2.1 President shall be “the relevant implementing agency” indicated in paragraphs 6.1 and 7.5 of this law;
  - 2.2 The Cabinet of Ministers shall be “the relevant implementing agency” indicated in paragraphs 9.5 (2<sup>nd</sup> part of clause), 10.3, 12.3, 15.5, 17.2 and 22.3 of this law;
  - 2.3 The Ministry of Internal Affairs shall be “the relevant implementing agency” indicated in paragraphs 7.1, 9.1 and 19.2 of this law;
  - 2.4 The Ministry of Foreign Affairs shall be “the relevant implementing agency” indicated in paragraph 9.2 of this law;
  - 2.5 The Ministry of National Security shall be “the relevant implementing agency” indicated in paragraph 9.3 of this law;
  - 2.6 The State Border Service and State Customs Committee within its mandates shall be “the relevant implementing agency” indicated in paragraph 9.4 of this law;
  - 2.7 The Ministry of Labor and Social Protection of the Population shall be “the relevant implementing agency” indicated in paragraph 9.5 of this law;
  - 2.8 The Ministry of Health shall be “the relevant implementing agency” indicated in paragraph 9.6 of this law;

The Ministry of Education shall be “the relevant implementing agency” indicated in paragraph 9.7 of this law.

# **LAW OF THE REPUBLIC OF AZERBAIJAN ON TRAFFICKING IN PERSONS**

This law defines the prophylactics of human trafficking, the legal and organizational basis for fighting against human trafficking, the legal status of the victims of human trafficking, and regulates measures for the protection and assistance to victims of human trafficking.

## **Chapter I. General provisions**

### **Article 1. Basic concepts**

1.0. The following basic concepts are used in this law:

1.0.1. Trafficking in persons – recruitment, obtaining, keeping, harboring, transporting, giving or receipt of a person by means of threat or use of force, intimidation or other means of coercion, abduction, fraud, deception, abuse of power [influence] or a position of vulnerability, or by giving or receiving payments or benefits, privileges or concessions to achieve the consent of a person having control over another person, for purposes of exploitation; (recruitment, obtaining, keeping, harboring, transporting, giving or receipt of a minor for purposes of exploitation shall be considered trafficking in persons even if the means set forth in this provision are not used);

1.0.2. Human exploitation – forced labor (servitude), sexual servitude, slavery, practices similar to slavery and related conditions of servitude, illicit removal of human organs and tissues, illicit conduct of bio-medical research on a person, use of a woman as a surrogate mother, recruitment for unlawful activities (including criminal activities), and other forms of human exploitation. The consent of a victim of trafficking in persons shall be irrelevant where any of the means set forth in the article 1.0.1 have been used;

1.0.3. Forced labor (service) – illicit coercion of a person into performing certain labor (service)

1.0.4. Sexual exploitation – coercion of a person into prostitution, sexual servitude or production of pornographic materials, or benefiting from the sexual activity of other individuals;

1.0.5. Slavery – the full or partial implementation of property rights with respect to an individual;

1.0.6. Practices similar to slavery – institutes and traditions indicated in article 1 of the April 30, 1956 Supplementary Convention on elimination of slavery, trading in slaves, and institutions and practices similar to slavery;

1.0.7. Human trafficker – individual or legal entity, practicing any activity related to human trafficking;

1.0.8. Victims of human trafficking – persons injured, or believed to be injured by trafficking in persons;

1.0.9. Child – a person under the age of 18;

1.0.10. Potential victims of trafficking in persons – people practicing vagrancy or begging, persons of a morally depraved lifestyle, uncontrolled minorities and children who are abandoned and uncared-for (orphans), persons who intentionally evade education, and persons who are addicted to narcotics and psychotropic agents.

## **Article 2. Legislation on combating trafficking in persons**

The legislation of the Republic of Azerbaijan on trafficking in persons is composed of the Constitution of the Republic of Azerbaijan, this law, and other legislative acts of the Republic of Azerbaijan and international treaties to which Azerbaijan is a party.

## **Article 3. Goals in combating trafficking in persons**

3.1. Goals in combating trafficking in persons are:

3.1.1. Protection of individuals and society from any form of trafficking in persons;  
3.1.2. Identification and prevention of trafficking in persons related activities and eliminating its results.

3.2. The above-indicated goals shall be achieved by:

3.2.1. Identifying and eliminating causes of trafficking in persons, and conditions leading to trafficking in persons;  
3.2.2. Reducing the risk of individuals to become victims of trafficking in persons;  
3.2.3. Restoring the rights and social rehabilitation of the victims of trafficking in persons.

## **Article 4. Basic principles for combating trafficking in persons**

4.0. Combating trafficking in persons in Azerbaijan Republic shall be based on the principles indicated below:

4.0.1. Preventing discrimination of the victims of trafficking in persons in the society;  
4.0.2. Providing safe and fair treatment of the victims of trafficking in persons;  
4.0.3. Inevitability of punishment for trafficking in persons;  
4.0.4. Implementation of preventive measures of legal, political, social-economic, and organizational nature;  
4.0.5. Involvement of non-governmental organizations to combat trafficking in persons;  
4.0.6. Improvement of international cooperation to combat trafficking in persons.

## **Chapter II. Organizational basis for combating trafficking in persons**

### **Article 5. Assisting the state bodies combating trafficking in persons**

State and local self-governing authorities, public officials, individuals and legal entities shall assist the State bodies combating trafficking in persons.

### **Article 6. National Action Plan to combat trafficking in persons**

6.1. The National Action Plan of the Republic of Azerbaijan to Combat Trafficking in Persons (hereinafter- National Action Plan,) which has been approved by the relevant executive agency of the Republic of Azerbaijan, aims to provide an effective system to provide for mutual functioning of the relevant agencies to combat trafficking in persons.

6.2. The National Action Plan defines the basic tasks in combating trafficking in persons, the participation of different units (executive bodies, non governmental

organizations, international partners, and other organs) in implementing these tasks, the coordination of the activity of these units by the National Coordinator, and other measures in combating trafficking in persons.

6.3. In an effort to increase the effectiveness of National Action Plan as well as to ensure the safety of the people and to protect the information, the participants of National Action Plan shall implement their responsibilities based on the “only necessary information” principle. Implementation of this principle provides that participation of the parties to National Action Plan in the combating against trafficking in persons is limited to the realm of their responsibilities and aims at ensuring an effective protection of the parties to National Plan from being exposed to corruption and influence of criminals involved in trafficking in persons.

#### **Article 7. National Coordinator for Combat against Trafficking in Persons.**

7.1. The National Coordinator for Combat against Trafficking in Persons (hereinafter – National Coordinator) shall be appointed by a relevant executive agency and shall be responsible for implementation of the National Action Plan.

7.2. The National Coordinator shall coordinate the activity of the participants of the National Action Plan in an effort to create a centralized system of cooperation and to provide the exchange of the information between them.

7.3. The National Coordinator shall establish necessary relations with prosecutorial bodies, security services, border guards, police, courts, other governmental agencies and non-governmental organizations to provide for better implementation of investigation and search activities and prosecution of crimes related to trafficking in persons.

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

7.5. The National Coordinator shall submit an annual report on combating against trafficking in persons in the Republic of Azerbaijan to the relevant state agency, Parliament, and the Ombudsman of the Republic of Azerbaijan.

#### **Article 8. Specialized police unit for combating trafficking in persons.**

8.1 A specialized police unit shall be established under the relevant executive agency in an effort to effectively execute the tasks indicated in the National Action Plan, ensure the security of victims of trafficking in persons, provide the victims of trafficking in persons with professional aid, summarize and store trafficking in persons related information in a single center, and to ensure that experienced and specially trained police officers and specially equipped police units combat trafficking in persons.

8.2 Along with the identification and protection of the victims of trafficking in persons the specialized police unit shall also organize task force activity and criminal prosecution of crimes related to trafficking in persons within the limits of their responsibility. A single specialized database shall be created to register and utilize information collected during the investigation of the cases related to trafficking in persons. The specialized police unit on combating trafficking in persons shall be subordinated to the National Coordinator.

8.3. The recruitment of the employees of the specialized police unit on combating trafficking in persons shall be based on transparency, personal values, professional preparedness, level of education and psychological endurance along with the other values. Officers employed with the specialized police unit on combating trafficking in persons shall be trained on the following issues:

8.3.1. Obtaining and analysing information, documents and other items from victims of trafficking in persons and other sources, and submitting them as evidence in a manner prescribed by the legislation;

8.3.2. Means to identify victims of trafficking in persons;

8.3.3. Use of appropriate methods of observation and special technical equipment;

8.3.4. Proper treatment of victims of trafficking in persons;

8.4. In case a person is believed to be a victim of trafficking in persons, or criminal act or preparations to criminal act related to trafficking in persons are identified by other agencies, the specialized police unit shall be immediately informed about and provided with respective documentation as well as assistance if necessary;

8.5. Law enforcement agencies combating trafficking in persons shall assign their officers with training background to coordinate the mutual cooperation between the agency and the specialized police unit.

## **Article 9. Responsibilities of Government agencies combating trafficking in persons**

9.1 The relevant executive authority of the Republic of Azerbaijan shall conduct the fight against human trafficking through preventing, identifying and eliminating trafficking in persons crimes as well as organized criminal activities related to trafficking in persons.

9.2. The relevant executive authority of the Republic of Azerbaijan shall protect the rights and interests of its citizens who became victims of trafficking in persons, if the victims are abroad. Foreign diplomatic missions and consulates of the Republic of Azerbaijan shall comprehensively support anti-trafficking in persons measures bodies within their responsibilities and in compliance with the legislation of the host country.

9.3. The relevant executive authority of the Republic of Azerbaijan shall fight against trafficking in persons by discovering relationships between transnational organized crime groups and human traffickers, and preventing, identifying and eliminating human trafficking related international criminal practices.

9.4. The relevant executive authorities of the Azerbaijan Republic shall combat trafficking in persons by preventing, discovering and eliminating illegal crossings of the state and customs borders by human traffickers and victims of trafficking in persons.

9.5. A relevant executive authority of the Republic of Azerbaijan shall propose social rehabilitation programs for the victims of trafficking in persons and submit to the special executive authority.

9.6. The relevant executive authority of the Republic of Azerbaijan shall propose and implement programs and complex action plans on medical and psychiatric assistance for the victims of trafficking in persons.

9.7. The relevant executive authority of the Azerbaijan Republic shall design trafficking in persons prophylactics and prevention courses in the curricula of educational

institutions, and prepare educational programs for training specialists in the field of fighting against trafficking in persons.

### **Article 10. Cooperation with non-governmental organizations on preventing trafficking in persons**

10.1. State agencies shall cooperate with non-governmental organizations on preventing trafficking in persons.

10.2. Non-governmental organizations working on trafficking in persons issues shall be involved in educating potential victims of trafficking in persons, creating specialized units for the victims of trafficking in persons, legal assistance and social rehabilitation of the victims of trafficking in persons.

10.3. A relevant executive agency of the Republic of Azerbaijan may issue grants together with National Coordinator for the purposes stipulated under Article 10.2 of this law.

## **Chapter III. Prevention of trafficking in persons**

### **Article 11. Organizing prevention of trafficking in persons.**

11.1. Prevention of trafficking in persons shall be carried out based on a system of special measures under different state programs.

11.2. The system of preventive measures against trafficking in persons shall include:

11.2.1. Conducting research on the prevention, particularly gender aspects of trafficking in persons;

11.2.2. Proposing and implementing programs targeting the social problems that lead to trafficking in persons;

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

11.2.4. Involving potential victims of trafficking in persons in social activity and providing for their employment;

11.2.5. Encouraging entrepreneurs to hire potential victims of trafficking in persons;

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

11.2.7. Creating and applying a system of social, legal, pedagogical, and other measures aimed at the identification and elimination of situations and circumstances leading to solitude and orphanage;

11.2.8. Identifying minors, who evade education, and taking measures on their education;

11.2.9. Proposing and implementing special programs for educational institutions, orphanages, boarding schools, and other bodies/units operating on the prophylactics of the juvenile offenses and desolation;

11.2.10. Organizing specialized educational courses for the personnel of the agencies fighting trafficking in persons.

## **Chapter IV. Social rehabilitation and protection of the victims of trafficking in persons**

### **Article 12. Specialized institutions for the victims of trafficking in persons**

12.1. Specialized institutions shall be established for the protection of the victims of trafficking in persons including:

12.1.1. Interim shelters for the victims of trafficking in persons;

12.1.2. Centers on trafficking in persons victims' assistance.

12.2. All services in the specialized institutions shall be performed free of charge. Specialized institutions are prohibited from performing paid services.

12.3. The relevant executive authority of the Republic of Azerbaijan shall define the terms for the creation and operation of the specialized units for the victims of trafficking in persons and their funding, and shall control their activity.

### **Article 13. Interim shelters for lodging of the victims of trafficking in persons**

13.1. Interim shelters for lodging of the victims of trafficking in persons (hereinafter "shelters") shall be created to provide the victims of trafficking in persons with acceptable living conditions, food, medicine, first medical aid, psychological, social and legal assistance, and their security. The victims of trafficking in persons shall have access to the telephone and interpretation services. Special places in the shelters shall be organized for confidential conversations.

13.2 The shelters shall preserve the anonymity of the victims of human trafficking, and no information shall be referred to law enforcement and/or other governmental agencies without the victims' consent.

13.3 Shelters shall be offered for 30 days to victims of human traffickers upon their request, regardless of their behavior and intention to cooperate with criminal prosecution agencies, or testify against human traffickers.

13.4. The shelter time can be prolonged based on the request of the specialized police unit, or the victims of trafficking in persons. Placement in the shelters and prolongation of the time of sheltering shall be possible with consent of the victims of trafficking in persons in all cases.

13.5 Sheltering children, who became victims of trafficking in persons shall be implemented in compliance with article 16 of this Law.

### **Article 14. Centers for assistance to the victims of trafficking in persons.**

14.1. Centers for trafficking in persons victims' assistance shall be created to give explanations to the victims on current administrative and legal procedures protecting their rights and interests, to provide psychiatric and medical assistance, and to socially rehabilitate the victims of trafficking in persons.

14.2 Anonymity is guaranteed for victims in centers for assistance and no information about victims is released to criminal prosecution authorities or other state agencies without their prior consent. When victims of trafficking in persons are minors, this shall



be reported immediately to the Commission on Children's Affairs and Protection of Rights, and guardianship and custodial authorities.

14.3. Assistance is provided to individuals considering themselves victims of trafficking in persons upon their personal request regardless of their behavior and intention to cooperate with criminal prosecution agencies, or testify against human traffickers.

14.4. If a person in the center for assistance is presumed to be a victim of trafficking in persons, then necessary arrangements shall be made in compliance with article 13 of this Law to place that person in a shelter.

## **Article 15. Social rehabilitation of the victims of trafficking in persons**

15.1. Social rehabilitation of the victims of trafficking in persons shall be conducted to reintegrate victims of the trafficking in persons into society and return them to their normal life and provide for them with legal and psychiatric assistance, medical and professional rehabilitation, employment and accommodation.

15.2. Neither any restraint of human and civil rights provided by the Constitution of the Republic of Azerbaijan, international treaties and laws, nor the application of the rehabilitation measures against the will of victims of trafficking in persons shall be tolerated in any form during the social rehabilitation of the victims of trafficking in persons.

15.3. The age, sex and needs, as well as needs for the necessary sheltering, education, and care of the victims of trafficking in persons, especially the minorities shall be taken into consideration while the social rehabilitation of the victims is implemented.

15.4. Social rehabilitation of the victims of trafficking in persons shall be funded from the state budget and other sources defined by the legislation of the Republic of Azerbaijan.

15.5. A special executive authority of the Azerbaijan Republic shall define under this law the terms of implementation of the social rehabilitation of trafficking in persons victims.

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

16.1. When assisting a child, who became a victim of trafficking in persons, the interests of the child shall be given priority and all measures shall be taken in accordance with the Law of the Republic of Azerbaijan "On Children Rights," the UN Convention "On Children Rights," as well as other legislative acts of the Republic of Azerbaijan and treaties to which Azerbaijan is party.

16.2. The shelters shall immediately report a child who became a victim of trafficking in persons to the guardianship and foster care agencies, and the Commission on Children's Affairs and Protection of Rights. The guardianship and foster care agency, and the Commission on Children's Affairs and Protection of Rights shall take the necessary measures on the protection of the rights and interests of the child in compliance with the legislation of the Republic of Azerbaijan.

16.3. A person shall be considered as a child if his age is impossible to identify, but is believed to be under 18, while placing him into the shelter. The limit for the sheltering of

children is 60 days. The sheltering time can be prolonged based on a request of the specialized police unit, guardianship and foster care agencies or the Commission on Children's Affairs and Protection of Rights. Should a child be 10 years old and over, his opinion shall be asked when he is placed in the shelter, or the sheltering time is prolonged.

16.4. Children shall be sheltered separately as a rule. For their best interests, children may also be placed together with their parents (except situations when it is believed that the parents are engaged in trafficking their child) and other persons, who can positively affect the children's psychology.

16.5. Children in the shelters shall be provided with an opportunity to continue their education and communicate with their parents (except situations when the parents are engaged in trafficking their child.)

16.6. Measures shall be taken to search for the parents or providing for guardianship and foster care if a child who became a victim of trafficking in persons is not aware of his parents' location or is deprived of parental care. Social protection of such children is provided for in conformity with the laws of the Azerbaijan Republic on, "Social Protection of Orphans and Children Deprived of Parent's Care."

16.7. Social rehabilitation of children victims of trafficking in persons shall be implemented based on specifically designed programs guided by provisions of Articles 15.4 and 16.1. of this Law and of the Law of Azerbaijan Republic on the Prevention of Child Neglect and Violations by Minors.

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

17.1. State Agencies within their responsibilities, and shelters and centers of assistance within their functions shall assist the victims of trafficking in persons on the appeals to criminal prosecution agencies or the court.

17.2. During the time of reintegration, victims of trafficking in persons shall be paid a monthly allowance from the State Budget and other sources in an amount defined by the relevant executive authority of the Republic of Azerbaijan.

17.3. Access to information about victims of trafficking in persons stored in information services and databases shall be terminated in accordance with a decision made by the criminal prosecution agency or court.

17.4. Disclosure of the information, which is a secret of personal and family life of the victims of trafficking in persons shall lead to criminal liability under the legislation of the Republic of Azerbaijan. Information threatening the life or health of the victims of trafficking in persons, their close relatives and persons who contribute to the fight against trafficking in persons shall be deemed as classified, and any disclosure of such information is prohibited.

17.5. Any illegal collection or disclosure of classified information related to victims of trafficking in persons or security measures regarding the victim shall be subject to liability under the legislation of the Azerbaijan Republic.

17.6. Legal entities, transportation organizations, owners or operators of transport facilities operating on international transportation of passengers shall take the necessary measures towards the awareness of passengers about the threat of trafficking in persons,

check all passengers to identify whether they have appropriate documents for entering (exiting) certain countries, and refuse to serve persons, who don't have the necessary documents.

17.7. Persons who have suffered trafficking in persons are exempted from civil, administrative or criminal liability for offenses committed under coercion or intimidation while they were victims of trafficking in persons.

17.8. Foreigners and persons without citizenship, who became victims of human trafficking shall be provided with protection and assistance equal to the citizens of the Republic of Azerbaijan.

#### **Article 18. Providing for the safety of the victims of trafficking in persons**

18.1. The safety of the victims of trafficking in persons shall be provided in compliance with the Law of the Republic of Azerbaijan "On State Protection of Participants of Criminal Process." An officer of the agency implementing the criminal process shall notify a victim of trafficking in persons about the possibilities for ensuring safety, and the measures of protection.

18.2. Safety measures taken with respect to the victim of trafficking in persons shall be continued unless the threat is fully eliminated during the preliminary investigation and trial of a trafficking in persons crime, and post trial time.

18.3. Pseudo (false) names shall be used in an effort to provide the anonymity of trafficking in persons victims.

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

19.1. Diplomatic representatives and consular services of the Azerbaijan Republic abroad, within their responsibilities and in conformity with the legislation of the country where they function, shall perform activity aimed at protecting the rights and interests of Azerbaijani citizens who became victims of trafficking in persons, and return them to the territory of Azerbaijan Republic.

19.2. If a citizen of the Azerbaijan Republic loses his identification document, or if it is impossible to get this document back from the human traffickers, consular services of the Republic of Azerbaijan, in conjunction with the special executive authority of the Republic of Azerbaijan, shall provide such citizens with a document to return to the Republic of Azerbaijan.

#### **Article 20. Repatriation of the foreigners and persons without citizenship, who became victims of trafficking in persons.**

20.1. Should a foreigner or person without citizenship be considered a victim of trafficking in persons, he shall not be repatriated from the Republic of Azerbaijan within one year.

20.2. When the term defined in article 20.1 comes to an end, but the foreigner or person without citizenship provides assistance to the criminal investigation agencies in the

investigation of a case related to the human trafficking he shall not be repatriated from the Republic of Azerbaijan until the final decision on the criminal case is made.

20.3. Deportation from the Republic of Azerbaijan shall not be applied to minors, who become victims of trafficking in persons. The minors can be returned to their home country or their parents only if the possibility of their potential to be trafficked again is excluded. Should a minor victim of trafficking in persons be 10 years old or older his opinion on the matter shall be asked and taken into consideration when his return to the home country of his parents is decided.

20.4. A victim of trafficking in persons desiring to leave the territory of the Republic of Azerbaijan shall be provided with assistance on obtaining the necessary documentation, paying transportation fees and other necessary expenses, and given recommendations on minimizing the risk of becoming a victim of trafficking in persons.

20.5. A foreigner or person without citizenship can apply to the governmental bodies of the Republic of Azerbaijan on acquiring the right to live in the territory of the Republic of Azerbaijan for the period defined in the section 20.1. in accordance with the procedures defined by legislation. Upon consideration of such an application, the willingness of a victim to cooperate with the human trafficking investigation agencies, the physical and moral damage suffered, the length of time of being a victim, and the possibility of becoming a victim of trafficking in persons again or the possible persecution by human traffickers in future shall be taken into account.

20.6. A foreigner or a person without citizenship can not be granted the right to live in the territory of the Republic of Azerbaijan if his personal identity is impossible to establish. This person shall be provided with assistance to leave the Republic of Azerbaijan.

20.7. After obtaining the right to live in the Republic of Azerbaijan, a victim of trafficking in persons shall be granted immigrant status, and shall acquire all rights and responsibilities of this status.

## **Chapter V. Specificity of the cases related to trafficking in persons, and liability for trafficking in persons**

### **Article 21. Liability for participation in trafficking in persons**

21.1. Individuals participating in trafficking in persons are brought to account under the legislation of the Azerbaijan Republic.

21.2. Action or inaction by officials which can facilitate trafficking in persons is prosecuted under the legislation of the Republic of Azerbaijan.

21.3. Foreigners and persons without citizenship allegedly participating in trafficking in persons 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. Forfeiture and use of proceeds of trafficking in persons**

22.1. All proceeds of trafficking in persons (real estate, funds, securities and other assets) shall be confiscated by a court decision, and shall be transferred to the specially created trafficking in persons victims' assistance fund, as it defined by the legislation.

22.2. Proceeds accumulated into the assistance fund for victims of trafficking in persons shall be utilized to pay compensation to the victims of trafficking in persons, their social rehabilitation, medical and other necessary expenses.

22.3. Transparency shall be provided in the utilization and management of the assets of assistance fund for victims of trafficking in persons. A relevant executive authority of the Republic of Azerbaijan shall define the legal basis for the functioning of the fund.

### **Article 23. Reimbursement of damage caused to the victims of trafficking in persons**

23.1. The courts shall resolve the matter of material and moral damages related to the victims of trafficking in persons.

23.2. Damage caused to the victims of trafficking in persons shall be compensated from the assets of human traffickers, or trafficking victims' assistance funds, if the assets of human traffickers are not enough for compensation.

### **Article 24. Consideration of cases related to trafficking in persons**

24.1. Consideration of criminal cases on trafficking in persons, and cases for restitution of losses caused by the trafficking in persons may be conducted in a closed court sessions upon victim's request and in accordance with legislation of the Republic of Azerbaijan.

24.2. Special testimonial measures such as teleconferencing or use of video-taped statements can be arranged with the purpose of ensuring the safety of the victims of trafficking in persons and preventing human traffickers from influencing them, as well as taking into consideration the emotional and psychological condition of the victim.

### **Article 25. Liability of legal entities for trafficking in persons**

25.1. A legal entity (its branch or representative) functioning in the territory of the Azerbaijan Republic can be closed down in accordance with legislation of the Azerbaijan Republic for its links to trafficking in persons.

25.2. Once a legal entity engaged in trafficking in persons is identified and abolished, all its property shall be transferred to the funds on assisting the victims of trafficking in persons.

## **Chapter VI. International cooperation on fighting human trafficking**

### **Article 26. International cooperation in trafficking in persons**

Pursuant to the relevant interstate treaties to which it is a party, the Azerbaijan Republic shall cooperate in the fight against trafficking in persons with foreign countries and their law enforcement agencies and with international organizations, which deal with fighting against trafficking in persons.

### **Article 27. Jurisdiction of the Republic of Azerbaijan on human trafficking**

Should citizens of the Republic of Azerbaijan, foreigners or persons without citizenship commit human or children trafficking crime, they shall be subject to criminal liability under the Criminal Code of the Republic of Azerbaijan regardless of the place of committing crime.

### **Article 28. Legal assistance on the crimes related to trafficking in persons**

Legal assistance on the crimes related to trafficking in persons shall be implemented in compliance with international treaties to which the Republic of Azerbaijan is a party, and the Law of the Republic of Azerbaijan “On Legal Assistance on Criminal Cases.”

### **Article 29. Extradition of persons committing trafficking in persons crimes**

Human traffickers or persons who participated in committing offenses related to trafficking in persons may be extradited to foreign countries for criminal prosecution, or execution of the sentence, in compliance with the legislation of the Republic of Azerbaijan and the international treaties to which the Republic of Azerbaijan is a party.

## **Chapter VII. Final Provisions**

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

Violation of this law by individuals and legal entities shall result in criminal responsibility in accordance with legislation of the Azerbaijan Republic.

Ilham Aliyev  
President of the Republic of Azerbaijan

Baku, 2005