

DECISION

No. 123

of the CABINET of MINISTERS

The Republic of Azerbaijan

Baku, August 11, 2009

on the ratification of the “Rules of National Referral Mechanism on victims of trafficking in human beings”

The Cabinet of Ministers of The Republic of Azerbaijan makes a **DECISION** on the execution of Item 2 of “Plan of Measures (2009-2013) for carrying out the National Action Plan on struggle against trafficking in human beings” of the “National Action Plan (2009-2013) of the Republic of Azerbaijan on struggle against trafficking in human beings” ratified under the Order # 133 of the President of The Republic of Azerbaijan, dated February 6, 2009:

1. To ratify “Rules of National Referral Mechanism on victims of trafficking in human beings” (supplement).
2. This decision shall enter into force as of effective date.

**The Prime Minister of the
Republic Azerbaijan:**

A. Rasi-zade

**Approved with the Decision No. 123
of the Cabinet of Ministers of the
Republic of Azerbaijan,
dated to August 11, 2009**

RULES

of National Referral Mechanism on victims of trafficking in human beings

1. General Provisions

1.1. These Rules were prepared according to the “National Action Plan of the Republic of Azerbaijan (2009-2013) on struggle against trafficking in human beings” ratified under the Order No. 133 of the President of the Republic of Azerbaijan dated to February 6, 2009 and defines the rules for implementation of national referral mechanism on victims of trafficking in human beings (hereinafter referred to as “victims”).

1.2. The primary objective of the National Referral Mechanism on victims of trafficking in human beings is to create an effective system and to form rules in this field for protection of victims` rights, their handover to the relevant authorities, provision of their safety, repatriation and social rehabilitation.

1.3. The National Referral Mechanism on victims of trafficking in human beings is implemented through prioritizing the following principles:

1.3.1. provision of rights and freedoms of victims;

1.3.2. provision of confidentiality of information about victims;

1.3.3. provision of equality of victims in the application of protection and social rehabilitation measures;

1.3.4. ensuring individuality of protection and social rehabilitation measures with regard to the needs of victims;

1.3.5. ensuring mutual cooperation between state authorities and non – governmental organization;

1.3.6. ensuring the effectiveness of regional and international cooperation.

2. Implementation of the National Referral Mechanism on victims of trafficking in human beings

2.1. The interagency committee is established to implement the National Referral Mechanism on victims of trafficking in human beings.

2.2. The interagency committee consists of representatives of the Ministry of Internal Affairs of the Republic of Azerbaijan, Ministry of National Security of the Republic of Azerbaijan, Ministry of Education of The Republic of Azerbaijan, Ministry of Health of the Republic of Azerbaijan, Ministry of Justice of the Republic of Azerbaijan, Ministry of Foreign Affairs of the Republic of Azerbaijan, Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan, Ministry of Youth and Sport of the Republic of Azerbaijan, Ministry of Culture and Tourism of the Republic of Azerbaijan, Prosecutor General's Office of the Republic of Azerbaijan, State Customs Committee of the Republic of Azerbaijan, Azerbaijan State Committee on Family, Women and Children Affairs, State Border Service of the Republic of Azerbaijan, State Migration Service of the Republic of Azerbaijan.

2.3. The interagency committee carries out the National Referral Mechanism on victims of trafficking in human beings.

2.4. A meeting of the interagency committee under the National Coordinator (hereinafter referred to as “National Coordinator”) on struggle against trafficking in human beings is held at least once a year. The activities performed by the interagency committee in the field of implementation of the National Referral Mechanism on trafficking in human beings are analyzed and discussed, and further duties are defined in the meeting. The representatives of non-governmental and international organizations acting in the field of struggle against trafficking in human beings could be invited to the meetings of interagency committee.

2.5. The interagency committee defines appropriate working regulations.

2.6. Permanent trainings are held to improve knowledge and professionalism of the representatives of state authorities and non-governmental organizations executing the National Referral Mechanism on victims of trafficking in human beings.

3. Protection of victims` rights

3.1. Victims are entitled to get free of charge legal assistance. Victims get information about free of charge legal assistance and organizations providing this service from proper police authorities and non-governmental organizations.

3.2. The National Coordinator may apply to the Cabinet of Ministers of the Republic of Azerbaijan for grants to finance legal assistances of victims.

3.3. Free of charge medical assistance for victims is arranged by the Ministry of Health of the Republic of Azerbaijan. Victims are examined by their own consent, except cases set forth on the legislation.

Necessary health needs of victims must be completely met and they must be courteously treated during the medical assistance.

3.4. The needs of victims for psychological assistance must be met.

3.5. Collection and dissemination of confidential information about victims during medical and psychological assistance is impermissible and such cases must be considered as a criminal act.

3.6. Victims are entitled to raise civil claim to get compensation and to recover material and moral damages as a result of criminal act.

3.7. Victims are getting compensation by the Relief Fund for Victims of Trafficking in Human Beings (hereinafter referred to as – Relief Fund) established under the Ministry of Internal Affairs of the Republic of Azerbaijan under the rules set forth in the legislation. The compensation is paid regardless the fact whether the person affected from in human beings cooperated with the law – enforcement bodies.

3.8. The damages of persons affected from in human beings will be paid form the assets of the property of traffickers under the procedural legislation, and if this property is insufficient, victims will be compensated from the Relief fund.

3.9. Compensation paid from the Relief Fund will not deprive victims to claim compensation for moral and material damages as a result of criminal act.

3.10. Compensation will be paid to victims in cash or through bank on his/her sole request.

3.11. The specialized institutions established for the protection of victims of trafficking in human beings are one of the ways to ensure protection of victims` rights. The specialized institutions include relief centers and accommodations for temporary residence of victims of trafficking in human beings. The above mentioned specialized institutions function under the Law of the Republic of Azerbaijan on “Struggle against trafficking in human beings” and “Rules for establishment, financing and activity of the specialized institutions as well as their control” approved with the Decree No. 203 of the Cabinet of Ministers of the Republic of Azerbaijan dated to November 9, 2005.

4. Handover of victims to the relevant authorities

4.1. Relevant police authorities must be immediately informed for provision of victims' safety and professional assistance, to collect information in the field of struggle against trafficking in human beings in the central unit if a person is supposed to be a victim of trafficking in human beings or organization and commitment of trafficking in human beings act is discovered by other bodies.

4.2. The applications of victims or suspected victims of trafficking in human beings will be officially registered after their situation is identified and their proper documents will be sent to the mentioned body and they will be assisted by taking urgent measures to handover them to the special police authority.

4.3. Rights and freedom, honor and dignity of victims or suspected victims of trafficking in human beings must not be violated and each of them must be treated politely in the process of identification and handover to the special police authority.

4.4. Victims or suspected victims of trafficking in human beings and their documents must be handed over to the assistant on – duty in the police authority only.

4.5. Handover of victims or suspected victims of trafficking in human beings to other police authority or law – enforcement bodies are prohibited.

5. Provision of victims' safety

Provision of victims' safety is one of the principal objectives of the struggle against trafficking in human beings and it is implemented under the laws of the Republic of Azerbaijan on "Struggle against trafficking in human beings" and "State protection of persons participated in the criminal act".

6. Victims' social rehabilitation and reintegration

6.1. Social rehabilitation of victims are implemented by the specialized institutions (shelters for temporary residence of victims, relief centers for victims) in mutual cooperation with the Ministry of Internal Affairs, Ministry of Health, Ministry of Labor and Social Protection of Population, Ministry of Education of the Republic of Azerbaijan under the Law of the Republic of Azerbaijan on "Struggle against trafficking in human beings" and other relevant authorities as well as non –governmental organizations specialized in this field under the "National Action Plan of the Republic of Azerbaijan on Struggle Against Trafficking in Human Beings (2009-2013)".

6.2. Relevant private plans are developed for rehabilitation of victims and their reintegration to society by the relief centers acting under the defined legislation.

6.3. The Ministry of Education, Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan prepare and implement appropriate enlightenment programs in cooperation with NGOs to provide integration of victims to the labor market.

6.4. The objective of social rehabilitation of victims is reintegration of victims to the society and provision of their normal lifestyle as well as access to legal assistance, improvement of their education, taking measures for psychological, medical and professional rehabilitation, provision of work and residence.

6.5. Limitation of human rights and freedoms and application of rehabilitation measures against victims' own will are prohibited while implementing social rehabilitation of victims as defined on the Constitution of the Republic of Azerbaijan, laws and international treaties that Azerbaijan is a party.

6.6. Age, gender and requirements as well as necessary safe shelter, education and care needs of victims must be taken into consideration while implementing their social rehabilitation.

6.7. Social rehabilitation of victims is covered from the state budget of the Republic of Azerbaijan and other sources set forth on the legislation of the Republic of Azerbaijan.

6.8. Non – governmental organizations can be involved in the reintegration of victims to society.
