

SOP 1: INITIAL IDENTIFICATION AND REFERRAL

APPENDIX 1E: EXPLANATION OF RIGHTS AND OPTIONS

CONSENT FORM

LAW OF THE REPUBLIC OF AZERBAIJAN ON TRAFFICKING IN PERSONS 2005

Under the laws and procedures of the Republic of Azerbaijan, you have now been provisionally classified as a presumed victim of trafficking.

As such, you now have the following rights as set out below. The support measures described in these rights will only happen if you consent to them.

1. Right to safe and free shelter, accommodation and support (**Rule 3.11: NRM; Article 13 - 2005 Law**).
2. Right to free legal assistance (**Rule 3.1: NRM**).
3. Right to free medical assistance (**Rule 3.2: NRM**).
4. Right to psychological counselling (**Rule 3.4: NRM**).
5. Right to confidentiality and anonymity (**Rule 3.5: NRM and Article 14.2 – 2005 Law**)
6. Right to make a civil claim for compensation and to recover material and moral damages as a result of the criminal act(s) committed against you (**Rule 3.6: NRM**).
7. Right to safe and free shelter, accommodation and support for up to a period of 30 days to reflect and recover and to take a firm decision whether to cooperate with the investigation authorities – if you consent, irrespective of whether or not you wish to cooperate with investigation authorities (**Articles 13.3 and 14.1 – 2005 Law**).
8. Access to a monthly allowance during the period of reintegration (**Rule 17.2 – 2005 Law**)
9. Exemption from civil, administrative or criminal liability for offences committed under coercion or intimidation while you were a victim of trafficking in persons (**Article 17.7 – 2005 Law**).
10. If you decide to cooperate with the investigation authorities, safety and protection measures will be made available for you which shall be continued all the while any threat exists, including up to and beyond any criminal proceedings you may be involved in (**Article 18.1 to 18.2 – 2005 Law**).
11. If you decide to cooperate with the investigation authorities, you have the legal right to use a pseudonym identity in order to ensure your confidentiality (**Article 18.3 – 2005 Law**).

12. If you decide to cooperate with the investigation authorities, you may make a request for the closed court proceedings **(Article 24.1 – 2005 Law)**.
13. Teleconferencing and or use of videotaped statements can be arranged for the purpose of ensuring your safety, preventing traffickers from influencing you, depending, on your emotional and psychological condition **(Article 24.1 – 2005 Law)**.

2.3: Explanation of Additional Rights – Non-Azerbaijani nationals

If you are not an Azerbaijani national or permanent resident of Azerbaijan, you have the following additional rights:

1. Exemption from expulsion from Azerbaijan during the reflection and recovery period of 30 days **(Article 14-1.3 – Law of 2005)**
2. You are entitled to the same rights and protections as those available to Azerbaijani nationals **(Article 17.8 – 2005 Law)**.
3. If you decide to cooperate with the investigation authorities, you shall not be expelled from Azerbaijan within a period of one year **(Article 20.1 – 2005 Law)**.
4. If the one-year period expires and you are still cooperating with the investigation authorities in respect of a criminal case, you shall not be expelled from Azerbaijan and the relevant authorities shall make no decision until the completion of the criminal prosecution **(Article 20.1 – 2005 Law)**.
5. If you intend to leave Azerbaijan, you shall be given the necessary assistance and advice to enable you to have a safe journey home **(Article 20.4 – 2005 Law)**.
6. You may seek permanent residency in Azerbaijan within the timeframe of 1 year, as mentioned in Article 20.1 – 2005 Law **(Article 20.5 – 2005 Law)**.

2.4: Explanation of available options

Having been made aware of your rights as a presumed victim of trafficking, you now have three options as to what happens next. You may:

You now have three options available to you, as set out below:

- Option 1:** You may refuse to consent to cooperate with the support measures that are available to you as set out below and decline to have your case referred to the appropriate investigation authorities.
- Option 2:** Register a formal complaint of being a victim of trafficking crime and to request the investigation authorities to investigate your allegation.
- Option 3:** Decide not make any decision either way at this stage but to request a 30-day period of reflection to recover and consider your options.

APPENDIX 2C: CONSENT FORM

Part 1: Explanation of rights

I (*enter the full name, date of birth, sex and nationality of the presumed victim*) confirm that I have been given a form detailing my rights as a presumed victim of trafficking and that these rights have been fully explained to me in a language that I can understand.

Signature: _____ Date and time: _____ Location _____

Signature of practitioner _____ Date and time: _____ Location _____

Part 2: Explanation of options

I (*enter the full name, date of birth, sex and nationality of the presumed victim*) confirm that the three options available to me as a presumed victim of trafficking and as set out on the form have been fully explained to me in a language that I can understand.

Signature: _____ Date and time: _____ Location _____

Signature of practitioner: _____ Date and time: _____ Location _____

Part 3: Decision

Option 1: You may refuse to consent to cooperate with the support measures that are available to you and decline to have your case referred to the investigation authorities.

I (*enter the full name, date of birth, sex and nationality of the presumed victim*) confirm that I do **not** wish to cooperate with the support measures that are available to me or to have my case referred to the investigation authorities.

Signature: _____ Date and time: _____ Location _____

Signature of practitioner: _____ Date and time: _____ Location _____

Option 2: Register a formal complaint of being a victim of trafficking crime at this time and to make a statement setting out the details of the allegation.

I (*enter the full name, date of birth, sex and nationality of the presumed victim*) confirm that I wish to register a formal complaint of being a victim of trafficking crime at this time and make a statement setting out the details of my allegation.

Signature: _____ Date and time: _____ Location _____

Signature of practitioner: _____ Date and time: _____ Location _____

Option 3: Decide not make any decision either way at this stage but to request a 30-day period of reflection to recover and consider your options.

I (*enter the full name, date of birth, sex and nationality of the presumed victim*) confirm that I do not wish to make a decision either way at this stage and request a 30-day reflection period to enable me to reflect and recover and to consider my decision whether or not to cooperate with the investigation authorities.

Signature: _____ Date and time: _____ Location _____

Signature of practitioner: _____ Date and time: _____ Location _____