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# **G R E T A**

Group of Experts on Action  
against Trafficking in Human Beings

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**Questionnaire  
for the evaluation of the implementation  
of the Council of Europe Convention on Action  
against Trafficking in Human Beings by the Parties**

**Third evaluation round**

**Thematic focus: Access to justice and effective remedies for victims of trafficking in human beings**

**Reply submitted on 10 February 2022**

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings (“the Convention”), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on victims of THB’ **access to justice and effective remedies**, which is essential for victims’ rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and

procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of non-refoulement. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## Part I - Access to justice and effective remedies

### 1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

**Answer –** In accordance with Article 11.2.6 of the Law on Combating Trafficking in Human Beings (hereinafter referred to as the Law), the system of measures to prevent trafficking in human beings includes the arrangement of outreach and awareness-building among potential victims of THB, educating them on hazards faced by victims of THB, protection measures provided by the state, administrative, criminal justice and other measures taken by the state against THB.

In accordance with Article 10.2 of the Law, non-governmental organizations carrying out activities in combating THB are involved in awareness-building among potential victims of THB, arrangement of the activities of special institutions for this purpose, rendering legal assistance to victims and the social rehabilitation.

It should be noted that in accordance with Articles 13.1 and 14.1 of the Law, shelters are created for temporary accommodation of victims of THB to provide them with decent living conditions, safety, and legal aid as well as assistance centers for victims of THB are established to advise them on existing administrative and legal procedures for the protection of rights and interests of victims of THB and rendering other necessary assistance to promote their social rehabilitation.

In shelters, victims of THB have the opportunity to talk on the phone and use the services of an interpreter. Special rooms are provided to conduct confidential communication. Assistance is rendered to all persons presenting themselves as victims of THB irrespective of their behavior in the assistance center, willingness to co-operate in any criminal investigation and witness against traffickers.

In addition, according to Article 8.1 of the law, a special police body was created to ensure security of victims of THB, render legal assistance to them, collect and protect information in the sphere of combating trafficking in human beings in a single center, provide carrying out of combating THB by dedicated skilled police officers and a police unit provided with the necessary equipment.

In accordance with sections 2 and 6 of the “Rules for the accommodation of child victims of trafficking in human beings in the shelter” approved by Resolution No 180 of the Cabinet of Ministers of the Republic of Azerbaijan dated November 19, 2009, information on children’s

status, rights, and services to be provided is presented to child victims of THB accommodated in the shelter in an understandable way taking into account their age and level of maturity. Children in the shelter are provided with the opportunity to contact and communicate with the persons who protect their rights and interests (except for cases where any such person presumably caused the child to become a victim of THB). Children in the shelter have the opportunity to talk on the phone and use services of an interpreter.

In addition, according to Section 4 of the “Rules of transfer of human trafficking crimes to a special police unit for combating trafficking in human beings” approved by Resolution No 21 of the Cabinet of Ministers of the Republic of Azerbaijan dated February 1, 2008, the institutions that identified victims of THB must explain their rights provided for by the legislation and information on the institution to which they will be transferred, its authorities as well as potential subsequent proceedings. Pursuant to Sections 6 and 7 of the Rules, if it is assumed that any person may become a victim of THB, or other authorities discover a fact of preparation for or commitment of a THB crime, the special police unit shall be immediately informed to provide security of victims of THB, render professional assistance to them, collect and protect information related to combating trafficking in human beings in a single center. Applications of identified victims and presumed victims of THB are registered in proper manner prescribed by the legislation upon the identification and prompt measures are taken to transfer their applications to the special police unit within 24 hours together with relevant documents of such persons, and appropriate assistance is rendered.

Part 6 of the Rules (Indicators) for Identification of Victims of Human Trafficking approved by Resolution No 131 dated September 3, 2009 of the Cabinet of Ministers of the Republic of Azerbaijan provides for the explanation of rights to victims of THB (including foreign citizens and stateless persons) and provision of information on the institution to which they will be transferred, its authorities as well as potential subsequent proceedings during the inquiry conducted for the purpose of taking prompt measures to facilitate identification of victims of THB and protect their rights. At the same time, actions and measures that may be carried out in future based on a mutual agreement are defined during the inquiry.

A consent form (*enclosed*) specifying the rights of victims or presumed victims of THB during their initial identification and referral has been included in the guideline on the “Standard Operating Procedures within the National Referral Mechanism for Victims of THB” developed by an expert Paul Holmes based on the coordination, opinion and proposals and with the support of the Main Department on Combating Trafficking in Human Beings of the Ministry of Internal Affairs of the Republic of Azerbaijan. Government agencies use this Guideline in their service activities.

It should be emphasized that persons recognized as victims in criminal cases related to THB receive a notice of definition of victim rights in accordance with the Code of Criminal Procedure of the Republic of Azerbaijan (*enclosed herewith*).

## **1.2. How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?**

**Answer** – In accordance with Article 26.2 of the Code of Criminal Procedure of the Republic of Azerbaijan, the agencies carrying out criminal proceedings must ensure full access to the right to use free of charge services of an interpreter during the pre-trial investigation and judicial examination for those participants of criminal proceedings who do not speak the language of criminal proceedings.

At the same time, in accordance with Article 11.2 of the Code of Criminal Procedure, the right to use free of charge services of an interpreter is secured and explained to those participants of criminal proceedings who do not speak the language of criminal proceedings.

Presumed victims are provided with information booklets published in 3 languages (Azerbaijani, English, and Russian). Such booklets are an auxiliary tool for communication at the initial stage. At the same time, in accordance with the legislation of the Republic of Azerbaijan, translation services are provided to victims of THB (*victims or presumed victims*) at all stages.

See also: information in subparagraph 1.1.

## **2. Legal assistance and free legal aid (Article 15)**

### **2.1. How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?**

**Answer** – One of the major areas of victim social rehabilitation is the provision of legal assistance to restore their rights. Shelters and assistance centers provide legal assistance to victims of THB at the initial moment when they are presumed to be a criminal offence victim. The provisions of the Law of the Republic of Azerbaijan on the Prevention of juvenile homelessness and delinquency are taken into consideration while providing assistance to children. Interests of the child victim of THB prevail when providing assistance, and all necessary measures are taken to protect the rights and lawful interests of the child in accordance with the Law of the Republic of Azerbaijan on the Rights of the Child, the United Nations Convention on the Rights of the Child as well as other laws of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party.

Shelters and assistance centers immediately inform the custody and guardianship agency and commission for juvenile affairs and protection of their rights on a child who become a victim of THB.

## **2.2. Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?**

**Answer** – Foreigners and stateless persons who became victims of THB are provided with protection and assistance on an equal basis with citizens of the Republic of Azerbaijan.

## **2.3. What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.**

**Answer** – The social rehabilitation of victims of THB is carried out by special agencies (*shelters and assistance centers for victims of THB*) provided for in the Law of the Republic of Azerbaijan on Combating Trafficking in Human Beings at the request of persons who present them as victims of THB in mutual co-operation with the Ministry of Internal Affairs of the Republic of Azerbaijan, Ministry of Health of the Republic of Azerbaijan, Ministry of Labor and Social Protection of the Republic of Azerbaijan, Ministry of Education of the Republic of Azerbaijan, and other relevant agencies provided for in the National Action Plan to Combat Trafficking in Human Beings.

The major areas of the social rehabilitation of victims of THB are:

- provision of legal aid to restore rights of victims of THB;
- provision of psychological aid to treat psychological trauma of victims of THB and their family members;
- medical rehabilitation of victims of THB – carrying out therapeutic measures to restore disordered or lost functions, resolve consequences of their diseases and injuries, full or partial restoration of psychological, physiological and anatomical disorders;
- professional rehabilitation of victims of THB aimed at the restoration of their professional skills;
- ensuring professional training, occupational retraining and employment of victims of THB;
- assistance in further education of victims of THB;
- provision of accommodation to victims of THB.

Execution of the individual plan of social rehabilitation of victims of THB includes the following steps:

- shelters and assistance centers for victims of THB provide them with free legal assistance;
- psychological aid is provided to victims of THB free of charge in accordance with the Law of the Republic of Azerbaijan on Psychological Aid;
- medical rehabilitation is carried out by relevant healthcare facilities by the assignment of shelters and assistance centers for victims of THB;

- professional training, occupational retraining and employment are provided by local agencies of the State Employment Agency under the Ministry of Labor and Social Protection of the Republic of Azerbaijan and DOST centers in the manner prescribed by the legislation and by the assignment of assistance centers for victims of THB;

- education of victims of THB is carried out by educational institutions in the manner prescribed by the legislation and by the assignment of assistance centers for victims of THB;

- accommodation is provided to victims of THB by the Ministry of Labor and Social Protection of the Republic of Azerbaijan, Ministry of Education of the Republic of Azerbaijan, Ministry of Youth and Sports of the Republic of Azerbaijan, Ministry of Health of the Republic of Azerbaijan and local executive authorities based on the age, family and health status of victims of THB and by the assignment of assistance centers for victims of THB.

The social rehabilitation of victims of THB including financing of assistance centers for victims of THB is funded from the budget of the Republic of Azerbaijan and other sources provided for by the legislation of the Republic of Azerbaijan.

**2.4. Are there lawyers specialized to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?**

**Answer** – In accordance with Resolution No 244 dated June 25, 2015 of the Cabinet of Ministers on Amendments to the Regulations on establishment, financing, activities and control of activities of special agencies for victims of THB approved by Resolution No. 203 of the Cabinet of Ministers of the Republic of Azerbaijan on November 9, 2005, an outside specialist was involved based on a contract in the measures of social rehabilitation of victims of THB by the special agency subject to agreement with the National Coordinator for Combating Trafficking in Human Beings, and a contract was made between the Main Department on Combating Trafficking in Human Beings of the Ministry of Internal Affairs and a member of the Bar Association in order to provide legal aid to victims of THB.

**2.5. How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).**

**Answer** – In accordance with Section 10 of the Rules on the social rehabilitation of victims of THB approved by Resolution No.62 dated March 6, 2006 of the Cabinet of Ministers, the social rehabilitation of victims of THB including financing of assistance centers for victims of THB is funded from the state budget of the Republic of Azerbaijan and other sources provided for by the legislation of the country.

At the same time, in accordance with Section 3 of the Regulations for the National Referral Mechanism for victims of THB approved by Resolution No. 123 dated August 11, 2009, of the



Cabinet of Ministers of the Republic of Azerbaijan, the National Coordinator may apply to the Cabinet of Ministers for allocating grants to finance legal assistance rendered to victims of THB.

### **3. Compensation from the perpetrators (Article 15)**

#### **3.1. What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?**

**Answer –** The authority to resolve the matter of compensation for pecuniary and non-pecuniary damages caused to persons (*children*) affected by trafficking in human beings has been given to the courts in accordance with the legislation of Azerbaijan.

In accordance with the procedural legislation, the damage caused to victims of THB is paid at the expense of the property of traffickers. If this property is not sufficient, the damage may be covered by the assistance fund for victims of THB based on the court's decision.

All property obtained from trafficking in human beings (*real estate, cash, securities and other property*) shall be confiscated by the court decision in accordance with the procedure established by law and transferred to the assistance fund specially created for victims of THB.

The public prosecutor is to defend the charge in a criminal case. At the same time, the public prosecutor defends the motion filed by the victim in court in connection with a civil lawsuit.

#### **3.2. How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?**

**Answer –** A person affected by a deed that meets the criteria of a crime has the right to demand the initiation of prosecution, take part in the proceedings as a victim or special prosecutor as well as to receive the compensation for physical, non-pecuniary and pecuniary damage caused to him/her in an order prescribed by the Code of Criminal Procedure of the Republic of Azerbaijan.

Victims of THB have the right to recover the damage caused by the criminal act provided for in the law in the amount defined by the law out of the state budget funds as well as to recover costs incurred during criminal proceedings and the damage caused to them in the result of illegal acts of the authority conducting criminal proceedings.

Victims of THB have the right to recover the damage caused by the criminal act provided for in the law in cases when commission of such criminal act is determined:

- by a court verdict;
- by a final decision of the authority conducting criminal proceedings.

Victims of THB have the right to recover the damage caused by the criminal act provided for in the law in the following amounts:

- three hundred and thirty manats - if affected by especially grave crime;
- one hundred and sixty five manats – if affected by grave crime;
- fifty five manats – if affected by minor offences;
- eleven manats – if affected by misdemeanor.

The matter of compensation is resolved in civil legal proceedings regardless of a verdict delivered on the criminal case.

In criminal proceedings, a civil claim is filed, justified and resolved according to the rules established by the provisions of this Code.

In cases when pecuniary damage is caused to an individual or legal entity in the result of a deed provided for in the criminal law, such individual or legal entity can file a civil claim for damage to provide the following:

- reimbursement of the cost of lost or damaged property and reimbursement of property in kind whenever practicable;
- compensation of expenses for purchase of lost property, as well as restoration of the property quality and marketable state and repair of damaged property;
- compensation of the income lost;
- compensation for moral (non-pecuniary) damage.

Pecuniary damage is considered to be caused in the result of a deed provided for by criminal law when the following expenses occur:

- expenses for treatment and care of the victim;
- victim funeral expenses;
- insurance proceeds, allowances and pension;
- expenses incurred in the execution of the contract on the protection of property.

A civil claim may be filed on behalf of an individual or legal entity by their representative during criminal proceedings.

In the event of death of an individual entitled to file a civil claim in the course of criminal proceedings, this right passes to a heir and to a legal successor (in case of reorganization of the legal entity).

Whenever an individual who has the right to protection of property as well as entitled to file a civil claim is unable to protect his/her legal interests personally, the prosecutor shall file and defend the civil claim to protect such legal interests. The prosecutor can file a claim about the compensation for non-pecuniary damage only upon a motion of the victims.

The prosecutor shall file and defend a claim against the accused person or a person liable for his/her actions in criminal proceedings in the following cases:

- when applying to a public administration, enterprise or organization for safeguarding the public interests;
- in case of incapacity or limited capacity of an individual entitled to file a civil claim.

In exceptional cases, when a person is prevented from defending the civil case personally in court proceedings, the court shall have the right to deliver a verdict at its own discretion on the compensation of damage caused to such person by a deed provided for by the criminal law, whenever documents and criminal evidences in a criminal case or other prosecution materials allow so.

### **3.3. How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?**

**Answer –** The court resolves the matter of compensation for damage caused by a deed provided for by the criminal law out of the state budget of the Republic of Azerbaijan based on the victim's application.

The court reflects in its guilty verdict the order on the payment of the compensation out of the state budget of the Republic of Azerbaijan as well as specifies that the compensation amount shall be withheld from the convicted person and returned to the state budget.

In accordance with Article 233.1 of the Civil Procedural Code, if the court's verdict was not appealed (except in cases specified in the Code), the verdict shall enter into legal force upon the expiration of one month from the day of official issue of the verdict to the case participants. In accordance with Article 234.1 of the Code, the verdict shall be executed upon entry into force (except for verdicts for which immediate execution is provided for).

### **3.4. When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?**

**Answer –** First of all it should be noted that foreigners and stateless persons who have become victims of THB are provided with protection and assistance on an equal basis with citizens of the Republic of Azerbaijan. Foreigners who have become victims of THB are repatriated, not deported from the country.

Victims are repatriated on a voluntary basis, measures to protect persons affected by THB are essential elements that ensure their right to receive aid as victims of THB and create favorable conditions for their reintegration into society and return to usual lifestyle.

International cooperation on repatriation of victims is effected based on the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Council of Europe Convention on Action against Trafficking in Human Beings.

Victims of THB are given a period of 30 (thirty) days of recovery and reflection to recover and avoid the influence of perpetrators and make a deliberate decision on cooperation with prosecution agencies.

During the recovery and reflection period victims of THB may use services of shelters and assistance centers for provision of security and protection as well as for recovery of physical, psychological and social status. In the period of recovery and reflection victims of THB shall not be enforced to expulsion from the territory of the Republic of Azerbaijan under administrative procedure.

Temporary residence permit for 1 (one) year is granted to foreigners and stateless persons (on their request) who became victims of THB upon completion of the recovery and reflection period.

Upon completion of the recovery and reflection period as well as during the period of temporary residence permit validity they can leave the territory of the Republic of Azerbaijan and repatriate.

If the victim to be repatriated does not have appropriate documents (*ID document, driver's license, etc.*), measures are taken to obtain such documents in accordance with the procedure established by law.

Assistance is provided to cover transport and other necessary costs associated with repatriation.

Appropriate measures are taken on a continuous basis to ensure the protection of rights of victims, their security and courteous treatment during repatriation. No unreasonable delays or delays in repatriation are admissible.

When repatriating a victim of THB, measures are taken to verify if he/she is a citizen of the recipient country or has the right of residence in it as well as other measures to avoid any problems in this regard in future.

When repatriating a victim of THB, appropriate official consent of the receiving state is obtained to provide necessary cooperation in repatriation and to receive the victim. Cooperation is maintained after the victim's repatriation in all related aspects.

The risk of repeated exposure of victims to THB or persecution by traffickers after their repatriation is assessed and such assessment findings are taken into account in the process of repatriation.

Victims are provided with recommendations to minimize the risk of becoming victims of THB in the receiving country as well as contacts of law enforcement agencies, NGOs, human rights lawyers and social protection facilities that may provide support in the receiving countries.

Measures are taken within the scope of the Law of the Republic of Azerbaijan on Combating Trafficking in Human Beings, the Rules on the social rehabilitation of victims of THB approved by Resolution No.62 dated March 6, 2006 of the Cabinet of Ministers, and the Guidelines of the National Referral Mechanism for Victims of THB approved by Resolution No 123 dated August 11, 2009 to ensure occupational skill acquisition or improvement, integration into the labor market and social rehabilitation as well as return to normal lifestyle of victims of THB repatriated to Azerbaijan.

**3.5. What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labor exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labor, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?**

**Answer-** See the answers to sub-paragraphs 3.1, 3.2, 3.3.

**3.6. What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?**

**Answer –** In 2018-2021 the subjects: “The Law of the Republic of Azerbaijan, “The international legislation in combating trafficking in human beings (the European legislation)”, “Combating trafficking in human beings”, “Public danger of crimes related to trafficking in human beings, domestic violence and combating domestic violence”, “Trafficking in human beings and specifics of legal proceedings for trafficking-related criminal cases” were included in the compulsory training for admission to the profession of successful applicants admitted to service in justice agencies, successful applicants admitted to service in the centers of forensic examinations of the Ministry of Justice and the Nakhchivan Autonomous Republic, applicants admitted to the middle management staff of the Penitentiary Service and for the first time admitted to service in prosecution agencies, successful applicants admitted to the Bar Association; in the initial training course for candidates for judgeships; and in the program of training course aimed at the acquisition of legal knowledge by staff members of the Center of forensic examination and new staff members of the Medical Service, and are currently being taught. Due attention is given to the issue of “Compensation and allowance payments to victims of THB” by trainers within the above mentioned subjects. A total of 1269 persons took part in these training courses.

A number of training sessions and other events were held for judges, lawyers and members of staff of the prosecutor’s office on the above mentioned subject in 2018-2021.

Training sessions were delivered on the subjects: “Combating trafficking in human beings for criminal prosecution agencies”, “Consideration of cases on THB-related crimes through legal proceedings”, “Rules (Indicators) for Identification of Victims of Human Trafficking”, “The system of witness protection in combating THB in Azerbaijan”, “Compensation and allowance payments to victims of THB” on relevant dates.

A total of 116 judges, 157 lawyers, 12 members of staff of the prosecutor’s office, 8 employees of the Ministry of Internal Affairs and 10 law officers took part in these training sessions.

In addition, trips of 3 judges, 1 lawyer, 3 employees of the Ministry of Internal Affairs, 2 members of staff of the prosecutor's office and 3 employees of the Justice Academy to Vienna, Austria, on 14-19 April 2019, and trips of 2 judges, 1 lawyer, 3 employees of the Ministry of Internal Affairs, 2 members of staff of the prosecutor's office and 3 employees of the Justice Academy to Vilnius, Lithuania for the purpose of studying the experience of developed countries in the field of combating trafficking in human beings were arranged with the support of the Representative Office of the International Organization for Migration (IOM) in Azerbaijan and the regional office of IOM.

At the same time, a tutorial on the subject of "Combating Trafficking in Human Beings" was printed within the scope of the project "Increasing the capacity and strengthening the cooperation for effectiveness of action to combat trafficking in human beings – Phase VI" jointly organized by the International Organization for Migration and the Justice Academy.

In addition, within the scope of the project, video tutorials on "The concept and elements of THB according to the national legislation", "International cooperation in the field of combating THB", and "Combating THB: legislation and practice" were included in the "Moodle" platform created within the scope of the project "Electronic training modules for support to the Justice Academy of the Ministry of Justice – Phase II".

#### **4. State compensation (Article 15)**

**4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?**

**Answer** – Prevention of discrimination of victims of THB in society is one of the main principles of combating trafficking in human beings. Unlike victims of other types of crime, victims of THB have the following exclusive rights:

- use of services of special facilities (shelters and assistance centers);
- use of free (at no charge) services;
- recovery and reflection period;
- compensation;
- non-punishment;
- residence permit;
- voluntary participation;
- confidentiality.

The damage caused to victims of THB is paid at the expense of the property of traffickers. If this property is not sufficient, the damage is covered by the Assistance Fund for victims of THB.

#### **4.2. How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?**

**Answer –** In accordance with Article 17.2 of the Law on Combating Trafficking in Human Beings, victims of THB receive an allowance payable out of the state budget or other sources according to the legislation of the Republic of Azerbaijan in the period of reintegration.

In accordance with Resolution No 152 of the Cabinet of Ministers dated June 17, 2006 on determination of the amount of the allowance payable to victims of THB in the period of reintegration, the amount of the allowance payable to victims of THB is 700 manats. Financing is carried out at the expense of the funds of the state budget provided for the Ministry of Internal Affairs.

In accordance with the Regulations for the National Referral Mechanism for victims of THB approved by Resolution No. 123 dated August 11, 2009, of the Cabinet of Ministers of the Republic of Azerbaijan, victims have the right to file a civil claim for the compensation of pecuniary and non-pecuniary damage caused to them as a result of a crime. The Assistance Fund for victims of THB formed under the Ministry of Internal Affairs pays the compensation to victims under the procedure established by law. The compensation is paid regardless of whether the victim cooperates with the law enforcement agencies or not. The damage caused to victims of THB is paid at the expense of the property of traffickers in accordance with the procedural legislation. If this property is not sufficient, the damage is covered by the Assistance Fund for victims of THB based on the court order. The payment of compensation by the Assistance Fund does not limit the victim's right to demand compensation for pecuniary and non-pecuniary damage caused as a result of a crime. Compensation is paid to the victim through a bank or in cash at the victim's own discretion.

See the answer of sub-paragraph 3.2.

#### **4.3. Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.**

**Answer –** See the answer in sub-paragraph 3.4. Although the right of foreigners to apply for state compensation after repatriation is provided for by the legislation, no such cases have been reported in practice.

#### **4.4. Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?**

**Answer** – For the purpose of protection of rights and interests of victims of THB, defence of victims of THB is carried out under the contract made with the lawyer, a member of the Bar Association, and the Main Department on Combating Trafficking in Human Beings of MIA and financed through budget allocations of the Ministry of Internal Affairs. No tax is withheld when filing a civil claim during criminal proceedings.

## **5. Sanctions and measures (Article 23)**

**5.1. Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?**

**Answer** – In accordance with sub-paragraph 4.3.2 of the National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan for 2020-2024, measures to identify criminally acquired funds and other property and prevent their legalization are provided for as part of pre-trial investigation of crimes related to THB and forced labor.

In accordance with the Code of Criminal Procedure, as a rule, a court order is required for mandatory investigative activities to suspend transactions that presumably related to the legalization of criminally acquired funds or other property or financing terrorism. The investigator may conduct mandatory investigative activities to suspend transactions that presumably related to the legalization of criminally acquired funds or other property or financing terrorism without recourse to court in exigent circumstances when there are sufficient grounds to believe that financing terrorism or legalization of criminally obtained funds or other property takes place.

In addition, Article 193-1 of the Criminal Code of the Republic of Azerbaijan established criminal liability for legalization of criminally acquired funds or other property.

**5.2. In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programs for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.**

**Answer** – All property obtained from trafficking in human beings (*real estate, cash, securities, etc.*) is confiscated by court order in accordance with the procedure established by the legislation and transferred to the special Assistance Fund for victims of THB. Funds accumulated in the Assistance Fund are allocated to compensation for victims of THB, their social rehabilitation, medical and other significant expenses.



**5.3. Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?**

**Answer** – First of all it should be noted that the legislation of the Republic of Azerbaijan doesn't provide for plea bargaining. In accordance with Article 59 of the Criminal Code of the Republic of Azerbaijan, the fact that a person pleads guilty voluntarily, actively contributes to the solution of case, exposure of other participants of the crime, search and detection of criminally acquired property is taken into account as a mitigating case in court.

**5.4. What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?**

**Answer** – Article 48 of the Code of Criminal Procedure of the Republic of Azerbaijan provides for the urgency of proceedings in criminal cases. Criminal proceedings must be initiated and completed by the investigator, interrogator, prosecutor or court within the time limits provided for in the Code of Criminal Procedure, in order to:

- provide timely obtaining and examination of evidence;
- ensure that persons do not wait too long for accusation, case hearing and redress of an infringed right.

The period of pre-trial investigation is calculated from the date of institution of criminal proceeding and ends on the date of making a decision on referring the case to the court or terminating proceedings.

Since the crime of trafficking in human beings is defined as grave and especially grave crimes, the pre-trial investigation must be completed within 4 months. The pre-trial investigation may be extended for a period of not more than 3 and 4 months due to the complexity of the criminal case, for a period of not more than 3 and 5 months due to the specific complexity, and for a period of not more than 3 and 6 months due to the exceptional complexity. In accordance with the foregoing, the pre-trial investigation shall be completed within 13 and 19 months in each initiated criminal case for grave and especially grave crimes.

A court session shall be scheduled within a period not exceeding 15 (fifteen) days from the date of the preliminary case hearing.

There is a dedicated police unit (the Main Department for THB of MIA) to ensure prompt investigation of THB cases. The Main Department for THB carries out investigation and search operations as well as criminal prosecution within its authority.

Taking into account that THB crimes are classified as grave and especially grave crimes, the special Grave Crimes Courts hear such cases as a matter of urgency. No delay in THB cases review by judges of the mentioned courts is admissible.

At the same time, the Code of Criminal Procedure provides for criminal proceedings in electronic form through the "electronic court" information system.

### **5.5. How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?**

**Answer** – A custodial sanction is imposed on persons who committed THB crimes by the Grave Crime Court.

## **6. Ex parte and ex officio applications (Article 27)**

### **6.1. What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?**

**Answer** – Since victims of THB are the THB crime victims, they are regarded as participants in the criminal process and act as the prosecution. The rights and interests of victims of THB including children are defended by the lawyer in criminal proceedings. The lawyer acts under a contract made with the Main Department on Combating Trafficking in Human Beings. Victims of THB including child victims of THB can exercise all procedural rights as victims in the case in criminal proceedings. At the same time, the interrogator, investigator, and prosecutor (public prosecutor) who act as the prosecution defend interests of victims of THB and child victims of THB. NGOs do not represent victims of THB, however NGOs engaged in prevention of trafficking in human beings take part in awareness raising activities for potential victims of THB, arrangement of activities of special facilities for victims of THB, provision of legal assistance to victims of THB, and their social rehabilitation.

### **6.2. If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?**

**Answer** – Victims of THB and their representatives have the right to file an *appeal, cassation or additional cassation* against any decision or acts of the interrogator, investigator,

prosecutor or court, and among other things against the court verdict and other decisions of the court. The victim exercises his/her rights and discharge obligations personally or through a representative. Rights of juvenile or disabled victims of THB are exercised through a legal representative in accordance with the procedure prescribed in the legislation.

The ombudsman examines right infringement complaints of citizens of the Republic of Azerbaijan, foreign citizens and stateless persons, as well as legal entities (hereinafter referred to as “applicants”).

Third parties including NGOs may file such complaint with the consent of the affected person. Whenever it is impossible to obtain such consent (in the event of the death, disability, etc. of the affected person), third parties or NGOs may file the complaint without the consent.

Complaints addressed by persons held in penitentiary institutions, pre-trial detention centers and temporary detention facilities shall be sent to the ombudsman within 24 hours without censorship.

Information on the procedure of examination of complaints by the Ombudsman (commissioner for human rights) regarding trafficking in human beings, indicators of this type of crimes, legal aspects of criminal and penal principles, methods of generation, submission and analysis of reports in accordance with the national requirements and international instruments ratified by our country, as well as effectiveness of the law enforcement mechanisms for the National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan for 2020-2024 is provided interactively. Complaints are received through the 916 Call Center of the Ombudsman. In addition, employees of the Ombudsman’s Apparatus monitor on a regular basis the centers for irregular migrants of the State Migration Service in Baku and Yevlakh including in shelters and rehabilitation facilities subordinate to the Ministry of Labor and Social Protection, residential schools subordinate to the Ministry of Education as well as in special open and close type educational institutions. Monitoring includes one-on-one interviews with persons accommodated in the above mentioned facilities, taking of their complaints and rendering possible assistance within the Ombudsman’s authorities. During monitoring visits they are also informed of dangers victims of THB face, ways of protection, administrative, criminal and other sanctions against traffickers.

### **6.3. What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?**

**Answer –** See the answer of sub-paragraph 3.4.

Citizens of the Republic of Azerbaijan have the right to apply personally or through a representative in writing or verbally, individually and collectively to state and municipal authorities, legal entities or budgetary organizations in state or municipal ownership or legal entities/ budgetary organizations in which the state or a municipality (or their officials) is the main owner (has a controlling interest). It is prohibited to limit the right of a person to apply based on his/her race, nationality, religion, language, gender, origin, property status, service

position, convictions, membership in political parties, trade unions and other public associations. The provisions of this Law also apply to foreign citizens, stateless persons and foreign legal entities, unless otherwise provided for in the international treaties, to which the Republic of Azerbaijan is a party. The provisions of this Law apply to all appeals of citizens, unless otherwise provided for in the Constitution of the Republic of Azerbaijan, other laws and regulatory enactments adopted based on such laws, as well as the international treaties, to which the Republic of Azerbaijan is a party. The provisions of this law do not apply to appeals made by citizens in legal or administrative proceedings. The procedure of filing of human rights infringement complaints to the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan and the procedure of examination of complaints are regulated by the Constitutional Law of the Republic of Azerbaijan on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan. Complaints of criminal nature are examined in accordance with the requirements of the Code of Criminal Procedure.

**6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.**

**Answer** – Victims of THB have the right to file a complaint against a state agency for its failure to prevent trafficking in human beings or to protect them to the superior officials of such agency or to the prosecutor's office and judicial authorities.

No cases of involvement of persons in exploitation by state agency officials, their participation in crimes of THB or failure to ensure protection of the rights and interests of victims have been registered.

**6.5. What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?**

**Answer** - See the answer of sub-paragraph 3.6.

## **7. Non-punishment provision (Article 26)**

**7.1. Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.**

**Answer** - According to Article 17.7 of the Law of the Republic of Azerbaijan on Combating Trafficking in Human Beings, persons shall not be subjected to civil, administrative and criminal prosecution for their involvement in criminal activities, which they were compelled to commit as a direct consequence of being a victim of human trafficking according to the procedure and in cases provided by applicable legislation of the Republic of Azerbaijan. In the course of the investigation conducted by the criminal prosecution agency, the fact of involvement, transportation, keeping and transfer of the third person with the aim of trafficking in human beings committed by a victim of THB in the process of exploitation, by threat of violence or with force and as a result of intimidation and other impact, which resulted in pecuniary and non-pecuniary damage caused to the third person, and the victim of THB was exempted from administrative and criminal liability in accordance with the above mentioned article of the law. In the period from 2018 to 2020, the investigative agency exempted victims of THB from liability in seven similar cases.

**7.2. Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?**

**Answer** – Victims of THB can exercise all rights to which they are entitled.

**8. Protection of victims and witnesses (Articles 28 and 30)**

**8.1. How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?**

**Answer** – In accordance with Article 4.0.2 of the Law on Combating Trafficking in Human Beings, securing the safety of victims of THB is one of the key principles of combating THB.

In accordance with Article 12 of the Law, shelters and assistance centers are set up for the protection and temporary accommodation of victims of THB.

In addition, victims of THB are given a period of 30 days of recovery and reflection to recover and avoid the influence of perpetrators and make a deliberate decision on cooperation with prosecution agencies in accordance with Article 14-1 of the Law. During the recovery and reflection period victims of THB may use services of shelters and assistance centers for provision of safety and protection as well as for recovery of physical, psychological and social status.

It should be noted that, in accordance with the Law on Combating Trafficking in Human Beings (Article 20), the Codes of Administrative Offences (Article 29) and Migration (79), no expulsion orders may be issued in respect of foreigners and stateless persons within one-year

period, and within the period of criminal prosecution for foreigners and stateless persons cooperating with criminal prosecution agencies. No expulsion orders may be issued in respect of child victims of THB.

In addition, according to Article 18 of the Law, safety of trafficked persons is ensured in accordance with the Law on State Protection of Participants in Criminal Proceedings. The criminal prosecution agency official shall inform the trafficked person of the opportunities to ensure his/her safety and measures taken to protect him/her. Protection measures are provided in respect of trafficked persons at the stage of pre-trial investigation, judicial proceedings and in the period after the verdict of the court, until the danger is completely eliminated. Fictitious names may be used to ensure the anonymity of the identity of victims of THB.

In accordance with Article 17 of the Law, disclosure of any confidential information of the victim of THB or his/her family entails liability as provided for in the legislation of the Republic of Azerbaijan. Information that may pose a threat to the life and health of the trafficked person, his/her close relatives, as well as persons contributing in combating THB is considered confidential and its disclosure is prohibited. Illegal collection or intentional disclosure of confidential information about the trafficked person or protection measures taken for him/her entails liability.

Liability for disclosure of confidential information on a victim of THB is defined in Article 316-1 of the Criminal Code.

At the same time, in accordance with Article 24 of the Law on Combating Trafficking in Human Beings, THB-related criminal cases as well as cases on the compensation of the damage caused in the result of trafficking may be examined at closed judicial sessions at the THB victim's request. For the purpose of securing the safety of victims of THB and prevention of any impact by traffickers on them as well as taking into account their physical and psychological state, victims of THB may testify in court through technical means (teleconference, video record, etc.).

The following authorities ensure the safety:

- 1) authorities that made a decision to apply protection measures;
- 2) authorities applying protection measures based on this decision.

The decision to apply measures to protect persons are taken by the agency engaged in criminal proceedings in accordance with the procedure established by the Criminal Procedure legislation of the Republic of Azerbaijan. Protection measures with respect to a person to be protected under such decision are carried out by the Ministry of Internal Affairs of the Republic of Azerbaijan and the State Security Service of the Republic of Azerbaijan within their authority.

The actual data established by the authorities ensuring the victim safety on concerns about execution of threat of homicide, use of force, property destruction or damage in respect of the protected persons due to their cooperation with the investigation or criminal proceedings serve as a basis to apply protection measures.

The authority applying protection measures informs the criminal prosecution agency of the application of safety measures and their effects, and requests the cancellation of protection measures when safety-threatening circumstances are eliminated.

**8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?**

**Answer –** The criminal prosecution agency shall examine the petitions and requests of persons participating in criminal proceedings regarding the application of measures to protect them without delay, but not later than 72 hours upon receipt. The applicant shall be immediately notified of the outcome of the examination. A copy of the relevant order shall be sent to the applicant by the agency conducting the criminal proceedings.

The applicant have the right to lodge an appeal with the court against a decision on rejection of the petition or request to apply protection measures in his or her regard within five days after receiving the copy of such decision, or to apply to the court for applying protection measures, when the agency conducting the criminal proceedings fails to send a copy of the relevant decision to the applicant within seven days of the filing of the petition or request.

**8.3. How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?**

**Answer –** See the answer of sub-paragraphs 8.1 and 8.2.

**8.4. In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?**

**Answer –** In 2017-2021, there was only one case (in 2019) of application of measures to protect the trafficked person by decision of the investigative agency. Taking into account that the accommodation of victims of THB in safe shelters, pre-trial detention of traffickers, and residence of victims beyond the traffickers' reach have minimized their influence on victims, in most cases, there was no need to make decisions about the application of protection measures.

**8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?**

**Answer –** Protection of victims of THB is not provided by NGOs, victims of THB are accommodated in safe shelters which are directly subordinate to the Main Department on

Combating Trafficking in Human Beings, and their protection is provided by the police team for protection of the shelter for THB victims.

**8.6. How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children?**

**Answer** – Children are accommodated in the shelter for safety reasons. Accommodation of children in the shelter is carried out based on the principles of voluntariness, confidentiality, individual approach, protection of victim interests, provision of safety, equality, respect to victims, emergency aid, and provision of free assistance.

Interests of the child victim of THB prevail when providing assistance, and all necessary measures are taken to protect the rights and lawful interests of the child in accordance with the Law of the Republic of Azerbaijan on the Rights of the Child, the United Nations Convention on the Rights of the Child as well as other laws of the Republic of Azerbaijan and international treaties to which the Republic of Azerbaijan is a party.

All services and measures provided in the shelter are primarily adjusted to the child interests and needs.

No discrimination is tolerated in attitude toward children accommodated in the shelter, regardless of their identity.

Information on children's status, rights, and services to be provided is presented to children accommodated in the shelter in an understandable way taking into account their age and level of maturity.

All information about children accommodated in the shelter and their parents is kept confidential in accordance with the legislation of the Republic of Azerbaijan.

Participation of a person who protects the child rights and interests in the process of accommodation is ensured.

Children are accommodated in the shelter for temporary residence with the aim to provide their protection.

The manager of the shelter immediately informs the custody and guardianship agency, the Commission for juvenile affairs and protection of their rights at the location of the shelter and the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan in order to take urgent measures.

When it is impossible to identify the person's age at the time of accommodation in the shelter, the victim who is allegedly under 18 years of age shall be treated as a child.

As a rule, children are accommodated separately in the shelters. Taking into account interests of the child, he/she may be accommodated together with the parents (except in cases



where it is assumed that the child's parents caused the child to become a victim of THB) or other persons who have a positive effect on the child's psychological status.

Children stay in the shelter for period of 60 days. This period may be extended at the request of the special police unit, custody and guardianship agency, and Commission for juvenile affairs and protection of their rights in the following cases:

- if there is still a threat to child's life;
- if measures to locate the child's parents or to establish a guardianship or custody of the child are not completed;
- if the child's rehabilitation under the individual program is not completed;
- when there is a need of the criminal prosecution agency for additional interrogation of the child;
- in other cases when child's interests require to extend the period of accommodation in the shelter.

An application for extension of the term of stay in the shelter is given 10 days before the end of that period. The shelter administration makes a decision to extend the period within 3 days from the date of the submission of application.

The views of children over 10 are sought and taken into account when accommodating in the shelter and extending the period of their accommodation in the shelter.

The State Committee for Family, Women and Children Affairs, custody and guardianship agency, the Commission for juvenile affairs and protection of their rights take relevant steps within the scope of their authority to ensure the protection of rights and interests of the child accommodated in the shelter in accordance with the legislation of the Republic of Azerbaijan and international conventions and treaties to which Azerbaijan is a party.

State Committee for Family, Women and Children Affairs:

- submits petitions and makes proposals to relevant agencies regarding the accommodation of the child in the shelter in accordance with the requirements of the legislation;
- review the implementation of the individual plan of social rehabilitation of child victims of THB and makes proposals on this aspect;
- carries out rehabilitation works with the child's parents (except for cases when the parents are supposed to cause the child to become a victim of THB) and applies to relevant authorities to provide them with appropriate assistance;
- takes appropriate measures in cooperation with relevant authorities to determine the future lifestyle of children leaving the shelter;
- addresses other issues arising from the legislation.

Custody and guardianship agency:

- provides the participation of a representative during interviews and interrogation of the child;
- establishes a guardianship or custody of the child;
- requests for the extension of the period of accommodation in the shelter;
- addresses other issues arising from the legislation.

Commission for juvenile affairs and protection of their rights:

- controls the implementation of the individual plan of social rehabilitation of child victims of THB;

- monitors the child's accommodation conditions;

- applies to the relevant authority to impose liability on persons violating the child's rights;

- files a request to extend the period of child's accommodation in the shelter;

- addresses other issues arising from the legislation.

Children placed in the shelter are provided with necessary medical, psychological, legal and social assistance, and have the opportunity to continue their education.

Identity of children in the shelter is kept anonymous.

Children in the shelter are provided with the opportunity to contact and communicate with the persons who protect their rights and interests (except for cases where any such person presumably caused the child to become a victim of THB).

Assistance to children in the shelter is provided in a gender- and age-sensitive manner and an individual social rehabilitation program is developed for each child.

Children in the shelter have the opportunity to talk on the phone and use services of an interpreter.

Safety of children accommodated in the shelter is ensured in the manner prescribed by the legislation.

The manager of the shelter informs the Ministry of Internal Affairs and the agencies and persons involved in the protection of child's rights 10 days before the end of the period of accommodation in order to provide the child's placement.

Responsibilities of relevant state agencies related to the placement of the child at the end of the period of accommodation in the shelter, protection of the child's rights and interests as well as addressing the child's needs are defined by legislation.

## **9. Specialised authorities and co-ordinating bodies (Article 29)**

### **9.1. What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?**

**Answer** – a special police body was created to effectively discharge the duties specified in the National Action Plan, ensure security of victims of THB, render professional assistance to them, collect and protect information in the sphere of combating trafficking in human beings in a single center, provide carrying out of combating THB by dedicated skilled police officers and a police unit provided with the necessary equipment (Main Department on Combating Trafficking in Human Beings of the MIA).

In addition to the identification and protection of victims of THB the special police unit carries out investigation and search activities within the scope of its authority on THB-related

crimes. A single center was created for registration and use of data collected during the investigation in criminal cases on trafficking in human beings.

The officers of the special police unit have been recruited on the basis of transparency and taking into account their suitability for the service in the special police unit on combating THB in terms of their personal qualities, professional training, level of education and psychological stability along with other criteria. Recruited officers of the special police unit take training in the following issues:

- obtaining, analysis and introduction as evidence of any information, documents and other items from victims of THB and other sources in accordance with the procedure established by law;
- methods of victims of THB identification;
- use of certain methods of observation and technical means;
- rules of conduct toward victims of THB.

If any person is supposed to be a victim of THB or if other agencies detect the commission or preparation for THB-related crimes, the special police unit shall be informed immediately, appropriate documents shall be submitted to the unit and necessary assistance shall be provided.

Law enforcement agencies involved in combating trafficking in human beings appoint the officers trained in THB who act as coordinators in order to ensure interaction with the special police unit.

The interdepartmental commission was formed to implement the National Referral Mechanism for victims of trafficking in human beings. This commission consists of the representatives of the Ministry of Internal Affairs 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 Republic of Azerbaijan, Ministry of Youth and Sports of the Republic of Azerbaijan, Ministry of Culture of the Republic of Azerbaijan, Prosecutor General's Office of the Republic of Azerbaijan, National Security Service of the Republic of Azerbaijan, State Customs Committee of the Republic of Azerbaijan, Azerbaijan State Committee for Family, Women and Children Affairs, State Tourism Committee of the Republic of Azerbaijan, State Border Service of the Republic of Azerbaijan, and State Migration Service of the Republic of Azerbaijan.

Of particular note is that sub-paragraph 4.1.9 of the Plan of Measures to implement the National Action Plan on Combating Trafficking in Human Beings in the Republic of Azerbaijan in 2020-2024 approved by Decree No.2173 dated July 22, 2020 of the President of the Republic of Azerbaijan provides for more effective implementation of the National Referral Mechanism related to victims of THB, review of the legal status of the relevant interdepartmental commission and the Work Group under the National Coordinator for Combating THB in order to enhance coordination in combating THB, and its re-formation through the involvement of specialized NGOs and international organizations.

New laws have been drafted and presented to the Government in this regard.

**9.2. If your country has specialized units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialized financial investigation units co-operate with in relation to THB cases?**

**Answer** – In accordance with the National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan for 2020-2024, measures to identify criminally acquired funds and other property and prevent their legalization are provided for as part of pre-trial investigation of crimes related to THB and forced labor. The Ministry of Internal Affairs, the State Security and Financial Monitoring Services of the Republic of Azerbaijan are involved in the implementation of these measures.

The Financial Monitoring Service, being a financial authority, carries out the financial investigation of predicate crimes including trafficking in human beings by applying methods of tactical and strategic analysis based on data obtained from various sources. The Financial Monitoring Service can conduct the financial investigation as a preventive measure at the initial stage prior to the initiation of the criminal case or following the initiation of the criminal case upon the request of the law enforcement agency. The Financial Monitoring Service is entitled to use the data bases provided by the state for financial monitoring and to obtain data on financial transactions from monitoring participants and persons involved in monitoring.

Financial investigation on crimes of trafficking in human beings was not carried out in 2018-2021 for the following reasons:

- It has been established in the course of criminal proceedings that traffickers, who were acting individually, settled in cash at the time of the crime and didn't effect bank transfers.
- Enquiry made in respect of the property purchased by a trafficker at the time of the crime yielded no results, since there was no property or financial transactions registered in the name of that person.

## **10. International co-operation (Article 32)**

**10.1. How does your country co-operate with other countries to enable victims of THB to realize their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?**

**Answer** – See the answer of sub-paragraph 3.4.

**10.2. Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.**

**Answer** – In accordance with the Law of the Republic of Azerbaijan on Legal Assistance in Criminal Cases, our country maintains the cooperation with other states on submission of original bank and financial documents or duly certified copies of such documents, search or arrest of property, identification of income or property gained by criminal means and tools used to commit the crime, as well as on other matters.

No cases of financial investigation related to trafficking in human beings have been registered.

**10.3. How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?**

**Answer** – Requests for **legal assistance** in relation to trafficking in human beings were submitted to the Republic of Turkey: 1 request in 2017, 1 request in 2018, and 2 requests in 2019; all requests were responded.

At the same time, 1 request was submitted to the Islamic Republic of Pakistan in 2019, and 2 requests were submitted to the Republic of Turkey in 2021; these requests are still pending. In 2020, no requests were received or submitted.

One request for extradition related to the commission of THB crime was submitted to the Republic of Turkey in 2017, 1 request for extradition was submitted to the United Arab Emirates (pending). In 2019, one request for extradition was received from the Republic of Cyprus and 1 request from the Republic of Turkey, both were responded, wanted persons were extradited to the states requesting the extradition. In 2020, one request for extradition was submitted to the Islamic Republic of Iran, however the request was rejected since this person was a citizen of this state. In 2021, 2 requests were submitted to the Republic of Turkey and are still pending.

**10.4. What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?**

**Answer** – Responding to requests for ensuring the return of persons exposed to exploitation in the country of destination to the Republic of Azerbaijan and issue of the return document;

- issuance and execution of International investigation requests to collect additional evidence essential in criminal prosecution;
- detention and extradition of persons wanted for trafficking in human beings;

- translation and transfer of the criminal case against a foreign member of the criminal group engaged in trafficking in human beings to the country of origin, and conviction of that person by the court of the person's country;
- responding to requests related to ensuring the return of THB victims to their country (with the return document), assessment of the risk for repatriated THB victims to become a THB victims in future, and taking steps to continue the rehabilitation and reintegration of THB victims in their country of origin.

International cooperation maintained in the above mentioned areas is carried out through law enforcement agencies of the countries, embassies of Azerbaijan in those countries, embassies of the mentioned countries in Azerbaijan, and INTERPOL's bureaus in those countries.

Effective cooperation in this area was maintained with Turkey, Pakistan, and Ukraine.

#### **10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?**

**Answer** – In accordance with the THB Victim Repatriation Rules approved by Resolution of the Cabinet of Minister of the Republic of Azerbaijan of September 10, 2013, the trafficked person may leave for the country of destination only after the investigation and assessment of the following circumstances:

- the risk of re-trafficking of victims after repatriation;
- the risk of retaliation of victims by traffickers after repatriation;
- the country of repatriation is the origin, transit or destination country of the crime of trafficking in human beings;
- availability of rehabilitation and reintegration programs for repatriated persons in the country of origin;
- potential capacities of state agencies and NGOs which will render necessary social services to victims in the country of origin;
- commitment to combat trafficking in human beings and potential level of necessary support to be given to victims in their country of origin;
- other specific criteria of the assessment of the risk and danger level.

Assessment is carried out based on the findings of inquiries sent to relevant state institutions of the victim's country of origin. The inquiries are collected through the embassy of that country in Azerbaijan and the embassy of Azerbaijan in that country and summarized. Based on positive results of the assessment, the victim of THB is provided with a travel ticket and the party receiving the victim is informed of the time of departure and asked to take measures to ensure safety.

**10.6. What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?**

**Answer –** See the answer of sub-paragraph 10.5. The country of the victim THB is informed of the real danger and relevant agencies of that country is primarily responsible for ensuring the victim's safety.

## **11. Cross-cutting questions**

**11.1. What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?**

**Answer -** See the answer of sub-paragraph 2.2.

**11.2. What steps are taken to ensure that criminal, civil, labor and administrative proceedings concerning victims of THB are gender-sensitive?**

**Answer –** The primary objective of the National Referral Mechanism for trafficking in human beings is to create an effective system to ensure protection of rights, referral of victims to the relevant agency, ensure their safety, repatriation and social rehabilitation, and to shape the rules in this area. Equality of victims in measures for protection and social rehabilitation is one of the key principles of the National Referral Mechanism.

**11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?**

**Answer –** See the answer of sub-paragraph 8.6.

**11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?**

**Answer –**The National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan (2020-2024) provides for preparing proposals on the assessment, detection and elimination of all risks of trafficking in human beings and forced labor at all stages of production and services up to the consumer, as well as joint combating activities of relevant state authorities.

**11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.**

**Answer –** In accordance with the Law of the Republic of Azerbaijan on Combating Corruption, corruption shall mean illicit obtaining by an official of material and other values, privileges or advantages, by using for that purpose his or her position, or the status of the body (institution) he or she represents, or his or her official powers, or the opportunities deriving from those status or powers, as well as bribery of an official by illicit offering, promising or giving him or her by individuals or legal persons of the said material and other values, privileges or advantages.

The law provides for prevention of corruption, corruption-related offences and sanctions for such offences.

At the same time, in accordance with the Law of the Republic of Azerbaijan on Combating Trafficking in Human Beings, participants of the National Action Plan rely on the principle of “access only to relevant information” in the discharge of their duties. The application of this principle ensures the participation of participants in the implementation of the National Action Plan only within the scope of their authority and provides effective protection of the National Action Plan participants against corruption and potential influence of traffickers.

In accordance with Article 144-1.2.6 of the Criminal Code of the Republic of Azerbaijan, commission of a THB crime by the perpetrator using his/her official position was defined as aggravating attribute and the penalty for this crime involves imprisonment for up to 12 years.

## **Part II – Country-specific follow-up questions**

12. Please provide information on new developments in your country since GRETA’s second evaluation report concerning:

- **emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);**



**Answer –** There was a slight increase in the number of THB crimes and a decrease in forced labor crimes in 2017-2021. 142 THB facts, 6 facts of forced labor and 71 victims of THB (66 females and 5 males) were registered in 2017; 144 THB facts, 4 facts of forced labor and 98 victims of THB (82 females and 16 males) were registered in 2018; 146 THB facts, 4 facts of forced labor and 91 victims of THB (85 females, 5 males and 1 child) were registered in 2019; 155 THB facts, 5 facts of forced labor and 94 victims of THB (89 females, 3 males and 2 children) were registered in 2020; 156 THB facts, 3 facts of forced labor and 94 victims of THB (94 females and 1 male) were registered in 2021. In general, victims of labor exploitation have been exploited in agriculture, and victims of sexual exploitation have been exploited in hotels, night clubs, bars and rented apartments.

- **the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public prosecution);**

**Answer –** The following laws and regulations were adopted in 2017 to improve the legislation in combating THB:

1. Decrees No. 1275 dated March 3, 2017 and No. 1574 dated August 7, 2017 of the President of the Republic of Azerbaijan on the improvement of the National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan for 2014-2018;
2. Laws of the Republic of Azerbaijan approving the Joint Declaration on cooperation in combating THB signed by the President of the Republic of Azerbaijan and Presidents of Republics of Venezuela, Bolivia (April 7, 2017), Belarus and Kazakhstan (October 2017), approving the Joint Declaration about the road map of strategic partnership and economic cooperation between the Republic of Azerbaijan and Republics of Latvia, Poland (December 1, 2017) and Turkmenistan (December 29, 2017); Decree No 1701 dated November 29, 2017 of the President of the Republic of Azerbaijan approving the Cooperation Agreement between the Ministry of Internal Affairs of the Republic of Azerbaijan and the Ministry of Internal Affairs of the Republic of Turkmenistan;
3. The Law of the Republic of Azerbaijan dated May 31, 2017 on ratification of the CE Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and Financing of Terrorism which provides for combating THB;
4. Order No.3236 of September 15, 2017 of the President of the Republic of Azerbaijan approving the State Program “Azerbaijani Youth in 2017-2021” which provides for strengthening the awareness-building among young people in combating trafficking in human beings.

The following laws and regulations to improve the legislation against THB were adopted in 2018:

1. Joint resolution No 36 dated February 7, 2018 on making the General Collective Agreement for 2018-2019 signed between the Cabinet of Ministers of the Republic of Azerbaijan, Trade Union Confederation and National Confederation of Entrepreneurs' Organizations (employers) of Azerbaijan provides for the support of state social programs ensuring elimination of child labor, forced labor and trafficking in human beings and regulating labor migration, as well as for joint monitoring.
2. The Law of the Republic of Azerbaijan on Psychological Aid No 1385-VQ dated December 7, 2018 established the right of THB victims to free psychological aid.
3. Decree No387 dated December 10, 2018 of the President of the Republic of Azerbaijan on Ensuring Continuous and Effective Activities of the Social Protection Agency provides for the arrangement of social rehabilitation of THB victims within services rendered in the DOST centers in the field of social service.
4. In accordance with Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No543 dated December 19, 2018 the Program for Program of elimination of social problems creating conditions for THB approved by other Resolution No 81 dated May 20, 2011 was amended (the words "primary vocational-qualification" with the word "vocational" in sub-paragraph 4.3.3).
5. The Laws of the Republic of Azerbaijan approving the Joint Declaration signed by the President of the Republic of Azerbaijan and President of the Republic of Tajikistan (October 30, 2018) and the Joint Action Plan for Strategic Partnership between the Republic of Azerbaijan and Republic of Serbia (October 12, 2018) were adopted (to provide the cooperation in combating trafficking in human beings).

The following laws and regulations on activities in combating trafficking in human beings were adopted in 2019:

1. Amendments were made to the Program of elimination of social problems creating conditions for THB according to Resolutions No 18 dated January 21, 2019 and No99 dated March 14, 2019 of the Cabinet of Ministers of the Republic of Azerbaijan (the words "first-time job-seekers" were replaced by the word "unemployed" in the column "Name of measure" of sub-paragraph 4.3.1; the words "Communications and High-tech Solutions" were replaced by the words "Transport, Communications and High-tech Solutions" in the column "Executive authorities" of sub-paragraph 4.4.4 of the Program)

- 2.** The words “Chamber for the Control of Financial Markets” were replaced by the words “Financial Monitoring Service” in the column “Executive authorities” of sub-paragraph 13.3.9 of the National Action Plan to combat THB in the Republic of Azerbaijan for 2014-2018 by Decree No 926 dated February 4, 2019 of the President of the Republic of Azerbaijan.
- 3.** The Protocol on cooperation in combating organized crime in the Caspian Sea to the Agreement on Cooperation in the Field of Security in the Caspian Sea was approved by Law of the Republic of Azerbaijan dated February 12, 2019 (The Protocol provides for the cooperation of law enforcement agencies of the parties in combating crimes related to trafficking in human beings especially in women and children).
- 4.** Amendments were made to the Law of the Republic of Azerbaijan on Youth Policy by Law of the Republic of Azerbaijan dated March 5, 2019 (according to the added paragraph 1.0.7, young victims of THB were included in the list of at-risk youth).
- 5.** Training of drivers on the theme: “Information on prevention and combating trafficking in human beings” is provided for in accordance with the “Special Program for professional activities and professional behavior of drivers involved in international and national passenger and freight transportation by road, working conditions and recreation features as well as development of statutory and regulatory enactments regulating passenger and freight transportation by road” approved by Resolution No 157 dated April 11, 2019 of the Cabinet of Ministers of the Republic of Azerbaijan.
- 6.** In accordance with Resolution No 256 of the Cabinet of Ministers dated June 4, 2019 the amount of the allowance payable to victims of THB was increased to 700 manats.
- 7.** In accordance with paragraphs 45.1.10-1; 46.6; 50.2; 64.0.15-1 added to the Migration Code of the Republic of Azerbaijan by the Law of the Republic of Azerbaijan dated June 27, 2019, foreign citizens and stateless persons considered victims of THB and providing assistance to the criminal prosecution agencies are allowed to live temporarily in the territory of the Republic of Azerbaijan without paying the state duty, as well as released from the obligation to obtain a permit to work in the country.
- 8.** In accordance with the amendments made to the Law on Combating Trafficking in Human Beings by the Law of the Republic of Azerbaijan dated October 8, 2019, the words “rehabilitation and psychological correction” were added after the word “psychological” in paragraph 15.1.
- 9.** Indicators related to THB victims were added to the form of quarterly (annual) Migration statistical report No. 1 “On foreign citizens and stateless persons in the

Republic of Azerbaijan” by Decision dated October 28, 2019 of the State Statistics Committee of the Republic of Azerbaijan.

**10.** Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was ratified by Law of the Republic of Azerbaijan of October 22, 2019.

The following laws and regulations on activities in combating trafficking in human beings were adopted in 2020:

1. Amendments were made to Resolution No. 123 dated August 11, 2009, of the Cabinet of Ministers of the Republic of Azerbaijan on approval of the Regulations for the National Referral Mechanism for victims of THB by Resolution No 63 of February 22, 2020 of the Cabinet of Ministers of the Republic of Azerbaijan - the words “rehabilitation and psychological correction” were added after the word “psychological” in paragraph 6.4 of the mentioned Regulations.

2. According to Decision No 2 of March 3, 2020 of the Board of the State Migration Service of the Republic of Azerbaijan, amendments were made to Decision No 11 dated December 9, 2014 on approval of the administrative procedure for acceptance of applications and documents to obtain (extend) a permit for temporary residence in the Republic of Azerbaijan so that presumption that a person is a THB victim would be classified as a case of issuing a permit for temporary residence.

3. Expenses for the payment of allowances payable to victims of THB in the period of reintegration were included in the supplementary section “Social Aid” based on the International Accounting Standards for the Public Sector of the use of funds allocated according to the economic classification of budgetary expenditures in accordance with the Single Budget Classification of the Republic of Azerbaijan approved by Decision No. Q-08 of March 10, 2020 of the Board of the Ministry of Finance of the Republic of Azerbaijan.

4. In accordance with the General Collective Agreement for 2020-2022 signed between the Cabinet of Ministers of the Republic of Azerbaijan, Trade Union Confederation and National Confederation of Entrepreneurs' Organizations (employers) of Azerbaijan by Resolution No 99 dated March 19, 2020, the support of state social programs ensuring elimination of child labor, forced labor and trafficking in human beings and regulating labor migration, as well as for joint monitoring were added to the areas of enhancement of social protection of citizens of the Republic of Azerbaijan.

5. In accordance with the Law of the Republic of Azerbaijan dated April 24, 2020, the fourth part (“Registration of foreign citizens and stateless persons who are presumed victims of THB or provide assistance to criminal prosecution agencies is carried out at the address of the criminal prosecution agency”) was added to the Regulation to implement the Law of the Republic of Azerbaijan on Registration at the place of residence and stay.

6. Amendments were made to the Law of the Republic of Azerbaijan on State Duty dated May 5, 2020 under which citizens of the Republic of Azerbaijan who are victims of THB are exempted from state duty for issuance of the return certificate replacing the passport for the return to the country.

7. Sub-paragraph 3.1.9 of the Regulations of the Social Service Agency approved by Decree No 1077 of June 30, 2020 of the President of the Republic of Azerbaijan defined occupational and social rehabilitation of victims of THB in the assistance centers as a duty of the Agency on a submission from the Ministry of Internal Affairs of the Republic of Azerbaijan.

8. The themes “Prevention of THB” and “Combating THB” were included in the programs for professional skills of the competent person of the operator of international passenger and freight transportation by road and drivers carrying out the above mentioned transportation by the Resolution dated July 8, 2020 of the Cabinet of Ministers of the Republic of Azerbaijan.

9. National Action Plan of the Republic of Azerbaijan on Combating Trafficking in Human Beings for 2020-2024 was approved by Decree No 2173 dated July 22, 2020 of the President of the Republic of Azerbaijan.

10. Condemnation of exploitation of people and popularization of mercy to victims of THB in the information product was provided for in the Rules of Age Rating for Information Products approved by Resolution No. 267 of July 29, 2020 of the Cabinet of Ministers of the Republic of Azerbaijan.

11. The “Procedure and Conditions of Free Psychological Aid” approved by Resolution No 398 of October 16, 2020 of the Cabinet of Ministers established the right of trafficked persons to free psychological aid and provided for specifics of psychological aid.

12. Amendments were made to the Rules on social rehabilitation of victims of THB by Resolution No 402 dated October 20, 2020 of the Cabinet of Ministers of the Republic of Azerbaijan – the words “rehabilitation and psychological correction” were added after the word “psychological” in part 2, provision of free psychological aid was reflected.

13. The words “and Tourism” were removed and words “State Tourism Agency of the Republic of Azerbaijan” were added after the words “State Committee on Children’s Affairs” in paragraph 2.2 of the Regulations for the National Referral Mechanism for victims of THB by Resolution No. 418 dated October 26, 2020 of the Cabinet of Ministers of the Republic of Azerbaijan.

14. In accordance with Resolution No 471 dated November 30, 2020 of the Cabinet of Ministers of the Republic of Azerbaijan, the words “and State Agency on Compulsory Health Insurance” were added after the words “Ministry of Youth and Sports” in paragraph 2.3; the word “(authorities)” was added after the words “state bodies” in paragraph 3.1; the words “and State Agency on Compulsory Health Insurance” were added after the words “Ministry of Health” in sub-paragraph 3.1.1 of Resolution No 203 dated November 9, 2005 on approval of the Regulations for creation, financing, activities and control of activities of the special facilities for victims of THB.

The following laws and regulations on activities in combating trafficking in human beings were adopted in 2021:

1. Amendments were made to Resolution No 62 of March 6, 2006 by Resolution No 53 of March 5, 2021 of the Cabinet of Ministers of the Republic of Azerbaijan, the words “employment service agencies” were replaced by the words “local authorities and DOST centers of the State Employment Agency under the Ministry of Labor and Social Protection of the Republic of Azerbaijan” in paragraph 7.4 of the Rules on social rehabilitation of victims of THB.

2. In accordance with the Decision of May 5, 2021 of the Board of the Ministry of Finance of the Republic of Azerbaijan, amendments were made to the Procedure of submission of reporting forms for budgetary organizations and organizations receiving financial support from the state budget on the use of such funds measured on a monthly, quarterly basis and on a cumulative total from the beginning of the year according to functional, economic and administrative classifications; the economic classification code of expenditures for THB was established in the revised Annexes to the Rules.

3. In accordance with Resolution No 144 dated May 8, 2021 of the Cabinet of Ministers of the Republic of Azerbaijan, the words “appropriate standards” were replaced by the words “standards and norms and regulations of labor safety” in the 4th paragraph of sub-paragraph 3.1.4 of the Rules (Indicators) for Identification of Victims of Human Trafficking approved by Resolution No 131 dated September 3, 2009 of the Cabinet of Ministers of the Republic of Azerbaijan.

4. In accordance with Resolution No 274 dated September 21, 2021 of the Cabinet of Ministers of the Republic of Azerbaijan, the words “and health authorities” were replaced by the words “authorities, health care facilities” in the 8th paragraph of sub-paragraph 4.4.1 of the Rules (Indicators) for Identification of Victims of Human Trafficking approved by Resolution No 131 dated September 3, 2009 of the Cabinet of Ministers of the Republic of Azerbaijan.

5. In accordance with Resolution No 329 dated October 30, 2021 of the Cabinet of Ministers of the Republic of Azerbaijan, amendments were made to Resolution No 62 of March 6, 2006, the word “health care” was replaced by the word “medical” in paragraph 7.3 of the Rules of social rehabilitation of victims of THB.

6. In accordance with Resolution No 377 dated September 3, 2021 of the Cabinet of Ministers of the Republic of Azerbaijan, amendments were made to Resolution No 131 of September 3, 2009, the word “migration” was added after the words “social protection” in the 8th paragraph of sub-paragraph 4.4.1 Rules (Indicators) for Identification of Victims of Human Trafficking.

7. In accordance with Resolution No 378 dated December 1, 2021 of the Cabinet of Ministers of the Republic of Azerbaijan, amendments were made to Resolution No 252 of September 10, 2013, the full stop at the end of sub-paragraph 5.1.1.3 of the “Rules on repatriation of victims of THB” was replaced by a comma and sub-paragraph 5.1.1.4 was added specifying the following: “taking preventive measures to assess and prevent the risk of being re-trafficked in future for a person”.

- **The institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);**

**Answer** - The National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan for 2020-2024 was approved by Decree No 2173 dated July 22, 2020 of the President of the Republic of Azerbaijan.

The National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan for 2020-2024 provides for 69 events in the spheres of the improvement of the statutory and regulatory basis and institutional mechanisms in combating trafficking in human beings; prophylactic work to prevent THB; criminal prosecution on THB crimes; social rehabilitation and protection of victims of THB; improvement of the assistance and protection provided to trafficked children, presumed child victims of THB or potential child victims of THB; development of cooperation; training for authorized representatives (specialized occupational training); awareness-raising activities; coordination of the National Action Plan participants activities, support and resources for combating THB to be carried out by 32 state agencies, local executive authorities, specialized NGOs, institutions of higher education, and commission for juvenile affairs and protection of their rights.

In accordance with the Law of the Republic of Azerbaijan on Combating Trafficking in Human Beings, the National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan is aimed at ensuring an effective system to enable interaction of relevant agencies in combating THB.

The National Action Plan provides for key targets in combating THB, participation of various agencies in the implementation of this plan (executive authorities, NGOs, international partners and other agencies) and coordination of activities of these agencies by the National Coordinator, as well as other measures in combating THB. The National Coordinator carries out the coordination of activities of the National Action Plan participants in order to create a single system of mutual cooperation and exchange of information among these agencies.

The National Coordinator establishes necessary communications with the security bodies, frontier service, police, prosecutor's office, courts, other state agencies and NGOs to provide more effective carrying out of law enforcement intelligence-gathering activities and criminal prosecution related to THB crimes.

At the same time, the interdepartmental commission consisting of 15 state agencies undertakes activities to implement the National Referral Mechanism for victims of THB.

➤ **Recent case law concerning THB for different forms of exploitation.**

**Answer – N/a.**

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- **increase efforts to prevent trafficking for the purpose of labor exploitation and proactively identify victims in the sectors most at risk. Please provide statistical data on the number of workplace inspections conducted during the period 2018-2021 and the number of cases of victims of trafficking for the purpose of labor exploitation detected;**



**Answer** – According to the Law of the Republic of Azerbaijan on Suspension of Inspections in the Field of Entrepreneurship, inspections carried out at business entities in the territory of the Republic of Azerbaijan have been suspended since 2015.

In connection with the implementation of sub-paragraph 4.1.4 of the National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan (2020-2024) draft laws on defining the duties of relevant controlling bodies were elaborated and submitted to the Government with respect to the identification and prevention of circumstances conducive to crimes of trafficking in human beings and forced labor, monitoring based on the statutory requirements related to business inspections was carried out in the sectors of construction, agriculture and service to identify victims of these crimes including presumed victims.

In addition, the National Action Plan to Combat Trafficking in Human Beings in the Republic of Azerbaijan (2020-2024) provides for the formulation of proposals till the end of 2022 on analysis, identification and elimination of risks related to THB and forced labor, and carrying out of joint counteractions by relevant state agencies at all stages – from production and services up to the consumer.

In 2018-2021, in accordance with the requirements of the Law of the Republic of Azerbaijan on Applications from Citizens, the Ministry of Labor and Social Protection revealed 7 facts of forced performance of job (service) responsibilities not related to the role of the employees were detected and an administrative fine in the amount of AZN 7200 was imposed on the employer.

- **Improve the detection and identification of victims of trafficking among irregular migrants and asylum seekers;**

**Answer** – No victims of THB were identified in 2017-2021 among persons applying to the State Migration Service including those who were granted refugee status.

- **improve the protection of children in vulnerable situations, paying particular attention to children in street situations, children from rural areas at risk of child labor and, children placed in or leaving childcare institutions. What measures have been taken in the period 2018-2021 to prevent child, early and forced marriages and ensure that all children are registered at birth?**

**Answer** – The “Procedure of awareness-raising among young people on the relevance of the family and marriage and negative consequences of early marriages and marriages between blood relatives in order to protect and strengthen the family and marriage” were approved by Resolution No 213 of June 23, 2020 of the Cabinet of Ministers of the Republic of Azerbaijan.

The Ministry of Justice along with other government agencies informs through civil registration offices young people of early marriage age who apply for marriage about the negative impact that early marriage and marriage between relatives have on their life and health, quality of life, moral and psychological development.

Civil registration offices of the Ministry of Justice provided creation of awareness among 61 persons who applied for marriage in 2020, and 256 persons of early marriage age (under 18) who applied for marriage on the negative impact that early marriage and marriage between relatives have on their life and health, quality of life, moral and psychological development.

It should be noted that the development of institution of the family, strengthening of marriage relations and protection of families had been of particular concern of the leadership of the Ministry of Justice prior to the adoption of the relevant Procedure, and since 2018 efforts in this area has been further intensified.

Thus, employees of the Ministry of Justice regularly carry out awareness raising work on the importance of state registration of marriage among the population in all residential areas of the country, distribute guidelines reflecting the requirements of the legislation on registration of marriage, identify persons who are in common-law marriage relations and help them to undergo medical examination and register their marriages.

It is reported that 1483 persons in common-law marriage registered their marriage in 2018, 1395 in 2019, 981 in 2020 and 879 in 2021.

In addition, employees of the Ministry of Justice conduct outreach among the population and especially among minors and public meetings on a regular basis to prevent early marriages in our country and to raise awareness in this sphere. A total of 229 awareness-raising events were held in 2018, 397 in 2019, 53 in 2020, and 140 in 2021.

It is also reported that at the time of birth registration no restriction of rights is allowed against the person or his / her parents on the basis of race, ethnicity, religion, language, gender, origin, property status, official position, convictions, membership in political parties, trade unions and other public associations.

It should be noted that Decree No 1160 of September 23, 2020 of the President of the Republic of Azerbaijan on enhancing the deployment of electronic services in state civil status registration provided for the increased use of state-of-the-art information and communication technologies in state civil status registration, as well as improvement of activities and ensuring effectiveness and accessibility in the field of birth and death records.

After the fact of birth is established by the health care authorities, information on the birth is sent to the information system of the Ministry of Justice through the information system, and after the information is entered in the State Register of Population of the Republic of Azerbaijan, the child is provided with a personal identification number. This number is assigned in an automated mode and is unique and does not change until the end of life.

According to the Decree, increasing access to the services in this field was provided by registration of birth and death on the basis of electronic application and issuance of electronic certificates.

At the same time, on the initiative of the Ministry of Justice, in 2018 employees registered 4940 births in maternity hospitals in a mobile manner, in 2019 – 3474, in 2020 – 1401, and in 2021 - 636.

- **provide assistance to all victims and presumed victims of THB, including by ensuring access to shelter and services across the territory of the country. Please provide information on the state funding received by NGOs for assisting victims of THB as well as data on the assistance provided by assistance centers and health care facilities to victims of THB in the period 2018-2021;**

**Answer -** In **2018**, in accordance with the relevant Resolution of the Cabinet of Ministers, 98 identified victims of THB received a lump-sum allowance in the amount of 400 AZN, 95 victims of THB, 3 presumed victims of THB and 2 minor children of 1 victim were given accommodation in the shelter for victims of THB directly subordinated to the Main Department on Combating Trafficking in Human Beings of the Ministry of Internal Affairs for temporary stay, all of them received necessary medical assistance, social, psychological and other forms of assistance and were provided with clothing.

46 of victims of THB were enrolled in vocational courses, 32 were employed, 6 victims were assisted in obtaining ID cards, 1 victim was assisted in getting the surgery, 5 victims were assisted in obtaining inpatient treatment, one victim was placed to a social service facility for persons of retirement age of the Ministry of Labor and Social Protection, and return of 69 victims of THB to their families was provided following the conversation with their family members.

Relevant assistance was provided to: 36 victims of THB in the shelter of the Non-Government Organization for Supporting Women “Tamiz Dunya” of 61 victims of THB referred to NGO rendering social services, 11 victims in the shelter of the “Azerbaijan Children’s Union”, 10 persons in the shelter of the “Tamas” regional development non-governmental organization, and 19 persons in the “Aile Dunyasi” NGO for Family Legal Assistance.

Among 98 identified victims of THB 92 were referred to the Assistance Center for human victims of THB under the Ministry of Labor and Social Protection, 47 persons were provided with psychological aid, 32 persons were provided with legal assistance, 28 persons were provided with medical assistance, and 13 persons were referred to the State Employment Service for enrolling in vocational courses.

Non-governmental organizations referred 25 persons as potential victims of THB to the Assistance Center. Among them, each person received medical aid, 19 persons received legal assistance, 17 persons received psychological aid, 9 persons were enrolled in vocational courses, and 10 were referred to the State Employment Service of the Ministry for their employment.

Attention was also given to victims' children, 27 of them were provided with school kits used in educational programs, 25 were involved in preschool education program, 13 children of 9 victims of THB were provided with birth certificates, 2 minor children of one victim of THB were accommodated in the "Umid" children's shelter, as well as paternity of 16 children was identified and assistance was given in awarding alimony.

NGOs carrying out activities in combating THB are involved in awareness-raising, organization of activities of arrangement of activities of special facilities for victims of THB, provision of legal assistance to victims of THB, and their social rehabilitation. Each of 17 NGOs received an award in the amount of 1000 (one thousand) manats from the Ministry of Internal Affairs for their active participation in combating THB.

The Council on State Support to NGOs under the Auspices of the President of the Republic of Azerbaijan financed 15 projects valued at 110 thousand manats presented by NGOs for combating THB.

**In 2019,** In accordance with the relevant Resolution of the Cabinet of Ministers, 91 identified victims of THB received a lump-sum allowance, 78 victims of THB and 1 presumed victim of THB and their 2 minor children (a total of 81) were given accommodation in the shelter for victims of THB directly subordinated to the Main Department for Combating Trafficking in Human Beings of the Ministry of Internal Affairs for temporary stay, all of them received necessary medical, social, psychological, legal and other forms of assistance and were provided with clothing.

45 victims of THB were enrolled in vocational courses, 14 were employed, 5 victims were assisted in obtaining ID cards, and 1 victim (a stateless person) was assisted in acquiring the citizenship and the passport of the Russian Federation, 1 child victim was assisted in obtaining the birth certificate and access to individual education, 1 victim was assisted in getting the surgery, 1 victim was placed to a social service facility for persons of retirement age of the Ministry of Labor and Social Protection, and return of 58 victims (63.7%) of THB to their families was provided following the conversation with their family members.

Relevant assistance was provided to: 27 victims of THB in the shelter of the Non-Government Organization for Supporting Women "Tamiz Dunya" of 67 (73.6%) victims of THB referred to NGO rendering social services, 11 persons in the shelter of the "Tamas" regional development non-governmental organization, 7 victims in the shelters of the "Azerbaijan Children's Union", and 22 persons in the "Aile Dunyasi" NGO for Family Legal Assistance.

Among 85 victims of THB referred to the Assistance Center for human victims of THB under the Ministry of Labor and Social Protection, 36 persons were provided with psychological aid, 21 persons were provided with legal assistance, 19 persons were provided with medical assistance, 1 victims of THB was and 1 victim's child were assisted in getting the surgery, 9 victims were referred to the State Employment Service for enrolling in vocational courses, and 11 for the purpose of employment.

Non-governmental organizations referred 36 potential victims of THB to the Assistance Center. Among them, each person received medical aid, 24 persons received psychological aid, 20 persons received legal assistance, 7 persons were referred to the State Employment Service of the Ministry for the enrollment in vocational courses and 2 for their employment.

Assistance was also provided to victims' children, 56 of them were provided with school kits used in educational programs, 22 children were involved in preschool education program, 18 children of 14 victims of THB were provided with birth certificates, as well as paternity of 15 minor children of 12 victims of THB was identified and assistance was given in awarding alimony.

Each of 18 NGOs received an award in the amount of 1000 (one thousand) manats from the Ministry of Internal Affairs for their active participation in combating THB.

The Council on State Support to NGOs under the Auspices of the President of the Republic of Azerbaijan allocated 209 thousand manats for 20 projects presented by NGOs for combating THB, 105 thousand manats were allocated to fund three shelters and five rehabilitation centers.

**In 2020**, In accordance with the relevant Resolution of the Cabinet of Ministers, 91 of 94 identified victims of THB received a lump-sum allowance, 80 victims of THB and 1 presumed victim of THB (a total of 81) were given accommodation in the shelter for victims of THB directly subordinated to the Main Department for Combating Trafficking in Human Beings of the Ministry of Internal Affairs for temporary stay, all of them received necessary medical assistance (for HIV/AIDS, STD – 80 persons, for gynecological diseases - 77, therapeutic assistance – 38 persons) social, psychological, legal and other forms of assistance and were provided with clothing.

25 victims of THB were enrolled in vocational courses, 12 were employed, 1 victim (a citizen of the Russian Federation) was assisted in acquiring the passport, 8 victims were assisted in obtaining ID cards, and return of 58 victims of THB to their families was provided following the conversation with their family members.

Relevant assistance was provided to: 21 victims of THB in the shelter of the Non-Government Organization for Supporting Women “Tamiz Dunya” of 80 victims of THB referred to NGOs rendering social services, 14 persons in the shelter of the “Tamas” regional development non-governmental organization, 19 persons in the “Aile Dunyasi” NGO for Family Legal Assistance, 15 persons in the “Women's Initiative and Social Problems Solution”, and 11 persons in the “Women of XXI century” NGOs.

Among 90 victims of THB referred to the Assistance Center for human victims of THB under the Ministry of Labor and Social Protection, 5 persons were provided with psychological aid, 5 persons were provided with legal assistance, 1 person was provided with medical assistance, 2 persons were referred to the State Employment Service in order to ensure

employment, and 1 person was referred to the State Employment Service for enrolling in vocational courses.

Non-governmental organizations referred 22 persons as presumed victims of THB to the Assistance Center. Among them, 18 persons received medical aid, 9 persons received psychological aid, 6 persons received legal assistance, 3 persons were referred to the State Employment Service for the employment and 7 for enrolling in vocational courses.

Attention was also given to victims' children, 27 of them were provided with school kits used in educational programs, 12 children were involved in preschool education program, 14 children of 11 victims of THB were provided with birth certificates, as well as paternity of 9 children of 8 victims of THB was identified and assistance was given in awarding alimony.

Each of 18 NGOs received an award in the amount of 1000 (one thousand) manats from the Ministry of Internal Affairs for their active participation in combating THB.

The Council on State Support to NGOs under the Auspices of the President of the Republic of Azerbaijan allocated 172.5 thousand manats for 20 projects presented by NGOs for combating THB.

**In 2021**, in accordance with the relevant Resolution of the Cabinet of Ministers, 95 of identified victims of THB received a lump-sum allowance, 73 victims of THB and 1 presumed victim of THB (a total of 74) were given accommodation in the shelter for victims of THB directly subordinated to the Main Department for Combating Trafficking in Human Beings for temporary stay, all of them received necessary medical assistance (HIV/AIDS, STD, gynecological and therapeutic care) social, psychological, legal and other forms of assistance and were provided with clothing.

23 victims of THB were enrolled in vocational courses, 8 were employed, 1 foreigner victim (a citizen of the Russian Federation) was assisted in obtaining a temporary residence permit in the Republic of Azerbaijan, 2 victims of THB were assisted in obtaining ID cards for their children, 7 victims of THB were assisted in obtaining ID cards, 3 victims were assisted in getting the surgery, 1 victim was assisted in obtaining inpatient treatment, and return of 56 victims of THB to their families was provided following the conversation with their family members.

In 2021, 122,126 manats were allocated from the MIA budget to maintain shelters for victims of THB directly subordinated to the Main Department for Combating Trafficking in Human Beings of the Ministry of Internal Affairs, 116,832 were spent and 5293 manats were returned to the state budget.

Relevant assistance was provided to: 20 victims of THB in the shelter of the Non-Government Organization for Supporting Women "Tamiz Dunya" of 89 victims of THB referred to NGOs rendering social services, 15 persons in the shelter of the "Tamas" regional development non-governmental organization, 20 persons in the "Aile Dunyasi" NGO for Family Legal Assistance, 20 persons in the "Women of XXI century" NGOs, and 14 persons in the "Women's Initiative and Social Problems Solution".

Among 85 victims of THB referred to the Assistance Center for human victims of THB under the Ministry of Labor and Social Protection, 29 persons were provided with psychological aid, 15 persons were provided with legal assistance, and 8 persons were provided with medical assistance.

Non-governmental organizations referred 18 persons as potential victims of THB to the Assistance Center. Among them, 9 potential victims received medical aid, 5 potential victims received psychological aid, 4 potential victims received legal assistance, 1 potential victim was referred to the State Employment Service of the Ministry of Labor and Social Protection for the employment and 1 for enrolling in vocational courses.

Attention was also given to victims' children, 23 of them were provided with school kits used in educational programs, 14 children were involved in preschool education program, 15 children of 13 victims of THB were provided with birth certificates, as well as paternity of 9 children of 8 victims of THB was identified and assistance was given in awarding alimony, 12 victims of THB were provided with assistance in obtaining divorce certificates.

Each of 16 NGOs received an award in the amount of 1000 (one thousand) manats from the Ministry of Internal Affairs for their active participation in combating THB.

The Council on State Support to NGOs allocated 151 thousand and five hundred manats to fund NGOs carrying out activities in combating THB.

➤ **improve the identification and assistance of child victims of trafficking;**

**Answer –** The Law No 499-IQ of the Republic of Azerbaijan on the Rights of the Child dated May 19, 1998 establishes children's rights and freedoms, key principles of the state policy on children, and the duties of state agencies, individuals and legal entities in protection of children in the Republic of Azerbaijan in accordance with the Constitution of the Republic of Azerbaijan, Declaration on the Rights of the Child, Convention on the Rights of the Child and other international legal instruments.

The "Rules of referral of victims of THB to a special police unit for combating THB" approved by Resolution No 21 of the Cabinet of Ministers of February 1, 2008 regulate the mechanisms of referral of trafficked persons (children) and presumed victims / child victims of THB to a special police unit for combating THB.

The Regulations for the National Referral Mechanism for victims of THB were approved by Resolution No. 123 dated August 11, 2009, of the Cabinet of Ministers of the Republic of Azerbaijan to create an effective system for ensuring protection of rights of victims/child victims of THB, their referral to the relevant agency, ensuring their safety, repatriation and social rehabilitation, and to shape the rules in this area.

In addition, the Rules (Indicators) for Identification of Victims of Human Trafficking were approved by Resolution No 131 dated September 3, 2009 of the Cabinet of Ministers of the Republic of Azerbaijan specifying the questions to assess identifying characteristics of victims/child victims of THB, techniques and methods of identification, identification survey,

questions for the assessment, additional supporting materials, and recommendations for questionnaire survey of victims of THB.

Sub-paragraph 4.5.9 of the Plan of Measures to implement the National Action Plan on Combating Trafficking in Human Beings in the Republic of Azerbaijan in 2020-2024 approved by Decree No.2173 dated July 22, 2020 of the President of the Republic of Azerbaijan provides for the development of general standards of communication with child victims of THB or presumed child victims of THB by employees of the law-enforcement agencies and other state authorities carrying out activities in combating THB, as well as the procedures of referral of the relevant cases and trafficked children to an appropriate agency.

Laws and regulations governing the aspects of communication with trafficked children and their referral as well as clearly defining the roles of representatives of the civil society, international organizations and other participants, which are periodically improved in accordance with the international practice and currently in force, implement to the full extent the function of the “General standards of communication with child victims of THB or presumed child victims of THB, and the procedure of referral of the relevant cases and child victims”. The guidance was prepared by making excerpts from the applicable legislation.

➤ **adopt measures to discourage demand for the services of trafficked persons.**

**Answer** – the following preventive measures are taken to discourage demand for the services of trafficked persons.

- continued study of the best international practice in the field of protection of persons who became victims of trafficking in human beings and submission of relevant information to the relevant state bodies;

- development and implementation of programs aimed at addressing social problems conducive to trafficking in human beings;

- strengthening the legal and social protection of women and children;

- involvement of potential victims of THB in socially useful labor, providing them with employment;

- encouraging employers to hire victims of THB;

- organization of awareness raising and outreach campaign among potential victims of THB, informing them of hazards trafficking victims may encounter, measures of protection provided by the state, as well as administrative, criminal and other sanctions against trafficking in human beings;

- development of preventive measures to eliminate the risk of becoming victims of THB for certain persons due to the development and expansion of tourism in the republic and to protect interests of such persons;

- creation and effective use of a system of social, legal, educational and other measures to identify and eradicate causes and circumstances conducive to child homelessness and neglect;



- taking steps to identify children avoiding education and provide them with care and education;
- preparation and implementation of special programs in educational institutions, child care homes, board schools and other authorities and offices carrying out the prevention of homelessness and delinquency among minors, and other measures.

### **Part III – Statistics on THB**

14. Please provide the following statistics, per year **starting with 2017**, where available disaggregated as indicated below:

- **Number of presumed victims and identified victims of THB in the sense of having been recognized by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

**Answer –** In 2017: 71 victims of THB were identified. Among them: 66 females and 5 males, 11 victims aged 18-25, 38 victims aged 25-35, 22 victims over the age of 35. Among the identified victims: 68 are the citizens of the Republic of Azerbaijan, two victims are the citizens of the Russian Federation, and 11 are the citizens of Ukraine. Among victims 66 were subjected to sexual exploitation, and 5 to forced labor. 43 of them were exploited in the Republic of Turkey, 9 in the United Arab Emirates, 8 in the Russian Federation, 5 in the Federation of Malaysia, 4 in the Islamic Republic of Pakistan, and 2 within the country.

In 2018: 98 victims of THB were identified. Among them: 82 females and 16 males, 22 victims aged 18-25, 54 victims aged 25-35, 35 victims over the age of 35. All of them are the citizens of the Republic of Azerbaijan. Among victims 82 were subjected to sexual exploitation, and 16 to forced labor. 71 of them were exploited in the Republic of Turkey, 20 in the Russian Federation, 3 in the Islamic Republic of Iran, 2 in the United Arab Emirates, 1 in the Federation of Malaysia, and 1 within the country.

In 2019: 91 victims of THB were identified. Among them: 85 females, 5 males and 1 child (boy), 1 child, 12 victims aged 18-25, 46 victims aged 25-35, 32 victims over the age of 35. Among the identified victims: 89 are the citizens of the Republic of Azerbaijan, one victim is the citizen of Tajikistan, one victim is the citizen of Uzbekistan. 85 of 91 victims were subjected to sexual exploitation, and 6 to forced labor. 54 of them were exploited in the Republic of Turkey, 16 in the State of Qatar, 8 in the Islamic Republic of Iran, 5 in the Russian Federation, 5 in the United Arab Emirates, and 3 within the country.

In 2020: 94 victims of THB were identified. Among them: 89 females (85 victims of sexual exploitation, 4 victims of forced labor), 3 males (forced labor victims), 2 children (1 boy and 1 girl – forced labor victims), 8 victims aged 18-25, 42 victims aged 25-35, 42 victims over the age of 35. Among the identified victims: 93 are the citizens of the Republic of Azerbaijan, one victim is

the citizen of the Russian Federation. 85 of them were subjected to sexual exploitation, and 9 to forced labor. 81 were exploited in the Republic of Turkey, 16 in the country, and 4 in the United Arab Emirates.

In 2021: 95 victims of THB were identified. Among them: 94 female victims of sexual exploitation and 1 male victim of forced labor, 5 victims aged 18-25, 59 victims aged 25-35, 31 victims over the age of 35. All victims are the citizens of the Republic of Azerbaijan. 74 of them were exploited in the Republic of Turkey, 12 in the Russian Federation, 7 in the Islamic Republic of Iran, 1 in the United Arab Emirates, and 1 within the country.

➤ **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**

**Answer** – In 2017: 65 victims of THB were accommodated in the Shelter, among them – 63 females and 2 males; 9 victims aged 18-25, 38 victims aged 25-35, 18 victims aged 35-55; 63 victims are the citizens of the Republic of Azerbaijan, 1 victim is the citizen of the Russian Federation, and 1 victim is the citizen of Ukraine; 63 victims were subjected to sexual exploitation and 2 victims to forced labor.

In 2018: 95 victims of THB were accommodated in the Shelter, among them – 79 females and 16 males; 22 victims aged 18-25, 50 victims aged 25-35, 23 victims aged 35-55; all victims are the citizens of the Republic of Azerbaijan; 79 victims were subjected to sexual exploitation and 16 victims to forced labor.

In 2019: 78 victims of THB were accommodated in the Shelter, among them – 72 females and 6 males, 1 child; 10 victims aged 18-25, 38 victims aged 25-35, 29 victims aged 35-55; 77 victims are the citizens of the Republic of Azerbaijan and one victim is the citizen of Tajikistan; 72 victims were subjected to sexual exploitation and 6 victims to forced labor.

In 2020: 80 victims of THB were accommodated in the Shelter, among them – 77 females and 3 males, 7 victims aged 18-25, 38 victims aged 25-35, 35 victims aged 35-55; 79 victims are the citizens of the Republic of Azerbaijan, 1 victim is the citizen of the Russian Federation; 72 victims were subjected to sexual exploitation and 1 victim to forced labor.

In 2021: 73 victims of THB were accommodated in the Shelter, among them – 72 females and 1 male, 2 victims aged 18-25, 49 victims aged 25-35, 22 victims aged 35-55; all victims are the citizens of the Republic of Azerbaijan; 72 victims were subjected to sexual exploitation and 1 victim to forced labor.

➤ **Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

**Answer** – Each of THB victims identified in 2017-2021 were provided with necessary medical, social, psychological and other forms of assistance and were provided with clothing.

➤ **Number of child victims of THB who were appointed legal guardians.**

**Answer** – In 2017-2021, 3 child victims were identified, representatives were assigned to 2 of them and a legal guardian was assigned to one child victim.

➤ **Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).**

**Answer** – A recovery and reflection period was provided to 165 victims of THB or presumed victims of THB in 2017-2021, all victims were females, Azerbaijanis, and presumably the victims of sexual exploitation.

➤ **Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).**

**Answer** - In 2017-2021, temporary residence permits were issued to 3 foreigners (*Ukraine – 1 male at the age of 63, a victim of forced labor in 2014, Russian – 1 male at the age of 50, a victim of forced labor in 2014, Russian – 1 female at the age of 47, a victim of forced labor in 2020*).

➤ **Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).**

**Answer** – None of the victims were granted refugee status in 2017-2021.

➤ **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).**

**Answer** – In 2017-2018, each of 166 victims of THB was granted the lump-sum allowance in the amount of 400 manats in accordance with the relevant resolution of the Cabinet of Ministers; in 2018-2021, each of 277 victims of THB was granted the lump-sum allowance in the amount of 700 manats in accordance with the relevant resolution of the Cabinet of Ministers

No civil suits have been filed in court in respect of compensation.

- **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**

**Answer –** In 2017-2021, the Assistance Fund provided financial assistance in the amount of 50 manats to each of 412 victims of THB.

- **Number of victims of THB who received free legal aid.**

**Answer –** In 2017-2021, 168 victims of THB received free legal aid in the period of investigation, and 255 received free legal aid in the period of judicial examination.

- **Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).**

**Answer –** In 2017: 3 foreigners victims of THB (*1 female victim of THB, Uzbek, born in 1987, subjected to sexual exploitation in 2015; 1 male victim of THB, Ukrainian, born in 1951, subjected to forced labor in 2014; 1 male victim of THB, Ukrainian, born in 1970, subjected to forced labor in 2015*) were repatriated.

In 2018: 4 foreigners victims of THB (*2 female victims of THB, Uzbeks, born in 1986 and 1993, subjected to sexual exploitation in 2013; 1 male victim of THB, Ukrainian, born in 1952, subjected to forced labor in 2016; 1 male victim of THB, Russian, born in 1964, subjected to forced labor in 2017*) were repatriated.

In 2019: 1 foreigner victim of THB (*1 female victim of THB, Tajik, born in 1985, subjected to sexual exploitation in 2019*) was repatriated.

In 2020: 1 foreigner victim of THB (*1 female victim of THB, Russian, born in 1965, subjected to forced labor in 2017*) was repatriated.

In 2021: 1 foreigner victim of THB (*1 male victim of THB, Russian, born in 1964, subjected to forced labor in 2014*) was repatriated.

There were no cases of repatriation from other states to our country.

- **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**

**Answer –** In 2017: 142 facts of THB (25 c/c), 6 facts of forced labor (4 c/c) and 26 facts of illegal acts with documents for the purpose of trafficking in human beings were detected, 71 victims of THB were identified.

In 2018: 144 facts of THB (26 c/c), 4 facts of forced labor (2 c/c) and 35 facts of illegal acts with documents for the purpose of trafficking in human beings were detected, 98 victims of THB were identified.

In 2019: 146 facts of THB (23 c/c), 4 facts of forced labor (2 c/c) and 36 facts of illegal acts with documents for the purpose of trafficking in human beings were detected, 91 victims of THB were identified.

In 2020: 155 facts of THB (16 c/c), 5 facts of forced labor (2 c/c) and 40 facts of illegal acts with documents for the purpose of trafficking in human beings were detected, 94 victims of THB were identified.

In 2021: 156 facts of THB (13 c/c), 3 facts of forced labor (1 c/c) and 43 facts of illegal acts with documents for the purpose of trafficking in human beings were detected, 96 victims of THB were identified.

➤ **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**

**Answer –** In 2017: 31 traffickers were imprisoned by 27 sentences, one of them for forced labor crime, 63 persons acted as victims.

In 2018: 23 traffickers were imprisoned by 20 sentences, one of them for forced labor crime; 46 victims.

In 2019: 42 traffickers were imprisoned by 36 sentences, 2 of them for forced labor crime; 120 victims.

In 2020: 15 traffickers were imprisoned by 14 sentences, one of them for forced labor crime; 43 victims.

In 2021: 13 traffickers were imprisoned by 13 sentences, one of them for forced labor crime; 38 victims.

➤ **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).**

**Answer –** In 2017: 33 perpetrators (25 females 8 males) were convicted, 30 of them for sexual exploitation, 3 for forced labor; 3 persons aged 18-25, 8 persons aged 25-35, 22 persons over the age of 35. There were no foreigners among the convicted persons.

In 2018: 34 perpetrators (29 females 5 males) were convicted, 33 of them for sexual exploitation, 1 for forced labor; 1 person aged 18-25, 6 persons aged 25-35, 27 persons over the age 35.

In 2019: 30 perpetrators (24 females 6 males) were convicted, 28 of them for sexual exploitation, 2 for forced labor; 7 persons aged 25-35, 23 persons over the age 35. Two foreigners, the citizens of the Republic of Turkey aged 52 and 33 were convicted.

In 2020: 21 perpetrators (*17 females, 4 males*) were convicted, 18 of them for sexual exploitation, 3 for forced labor; 6 persons aged 25-35, 15 persons over the age 35. There were no foreigners among the convicted persons.

In 2021: 13 perpetrators (*12 females, 1 males*) were convicted, 12 of them for sexual exploitation, 1 for forced labor, 2 persons aged 35, 11 persons over the age 35. There were no foreigners among the convicted persons.

- **Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.**

**Answer -** See: paragraphs 13&14 of clause 14 of Part III.

- **Number of judgments in THB cases resulting in the confiscation of assets.**

**Answer - None.**

- **Number of convictions of legal entities for THB.**

**Answer - None.**