

**LAW  
OF THE REPUBLIC OF TAJIKISTAN**

**ON COUNTERACTING TRAFFICKING IN PERSONS  
AND PROVIDING SUPPORT TO VICTIMS OF TRAFFICKING IN PERONS**

The given Law establishes an organizational and legal basis for counteracting trafficking in persons and a framework for the provision of protection, support, and rehabilitation services for victims of trafficking in persons. It also regulates the societal organization of efforts made to counteract trafficking in persons and provide support to victims of trafficking in persons.

**SECTION 1.  
GENERAL PROVISIONS**

**Article 1. General Terms**

The following general terms are used in the given Law:

– **Identification of victims of trafficking in persons** – establishing and verifying the identity of potential victims of trafficking in persons.

– **Debt bondage** – Situation in which a debtor is obligated to invest his or her own labour or the labour of someone reliant upon him or her into the payment of a debt, and in which either the value of the completed labour is not calculated against the fulfilment of the debt, or the length of the labour in question is not fixed or limited in any way, or the overall value of the payment or labour necessary to fulfill the debt in question is not defined.

– **State of servitude** – A state of dependence or control that is associated with the illegal and systematic coercion of an individual to take certain actions (or fail to take other actions), to live in a particular location or with particular individuals, to fulfil certain labours or provide certain services for another individual, either with or without financial reward, all conducted for the benefit of others. This state may occur as the result of debt bondage, as well as traditions that dictate the provision of women to individuals as inheritance, reward, or for any other reason that does not provide for the woman's right to refuse. It may also be related to the transfer of a child by his or her parents or any other legal representative or individual that has taken their place, in exchange for monetary reward or without it, for the purposes of exploiting the child.

– **Victimization** – The increased risk for a potential victim to be trafficked or used as an object of exploitation as the result of unplanned or intentionally coordinated events that engender the victim's exploitation.

– **Revictimization** – The increased risk of a victim being repeatedly trafficked or becoming the repeated object of exploitation.

– **Slavery** – The state or condition of an individual in relation to whom – and without regard for whose agreement or lack thereof – are established certain ownership rights, including the ownership, use, and control of an individual.

– **Other illegal exchanges of victims of trafficking in persons** – The exchange of a person as part of a monetary or non-monetary deal made with another individual or individuals, including using the person as a gift; the exchange of a person in return for one or another sort of material goods (barter); the provision of a person to another individual for the latter's temporary use or control in exchange for payment (lease); as a guarantee for the fulfillment of obligations due as part of an exchange (deposit); as the equivalent of payment for material goods or completed labours (provision of services); as part of efforts to compensate for damages done to another party.

– **Exploitation** – The use of a person or his labour by third parties for the purposes of acquiring material or other benefit. Exploitation occurs either through the intentional creation and/or use of an individual's vulnerable condition or the coercion of an individual into fulfilling labours, providing services, or taking other actions that benefit those doing the exploiting, without regard to any monetary or non-monetary compensation that is or is not provided. This includes engaging in prostitution, providing other sexual services, engaging in begging, forced labour, slavery and institutions and practices similar to slavery, states of servitude, the illegal removal of organs or human tissue, illegal adoptions with commercial goals, the illegal use of an individual for reproductive goals or for biomedical research, or forced participation in illegal criminal groups, criminal and illegal activity, or armed conflicts.

– **Economic exploitation** – The exploitation of an individual or his or her labour by third parties for the purpose of acquiring material or other benefit. Exploitation is conducted through labour bondage, servitude, slavery, institutions and practices similar to slavery, or the forced or coerced use of an individual's labour.

– **Sexual exploitation** – The acquiring of material or other benefit by forcing another individual, including through the abuse of his or her vulnerable position, to perform sexual services or other acts of a sexual nature. This includes having the individual engage in prostitution, participate in public acts of a sexual nature, engage in the development of pornographic materials or objects, or the holding of an individual in sexual slavery.

– **Blackmail** – The coercion of a victim of trafficking in persons to engage in certain acts (or to not complete other acts) by threatening him or her with the distribution of information that would disparage the victim's reputation or those close to him or her. This may also include other information that could lead to significant harm being done to the rights or interests of the victim or his or her close relatives or associates.

- **Child victim of trafficking in persons** – An individual that has been harmed by crimes related to trafficking in persons prior to reaching the age of eighteen.
- **Victim of trafficking in persons** – An individual that has been harmed as the result of trafficking in persons, including by having been trafficked or held in a state of servitude, regardless of his or her current legal status or his or her prior agreement or lack of agreement to offers made, recruitment, transport, concealment, exchange, sale, exploitation or any other acts connected with trafficking in persons.
- **Potential victim of trafficking in persons** – An individual with a transient lifestyle or who is engaged in begging, orphaned children, abandoned children, and those children who are left without the support of their parents, individuals who are addicted to alcohol, narcotics, or psychotropic drugs, as well as those individuals who are simply in socially vulnerable or dangerous positions, which can lead their being targeted for crimes and acts related to trafficking in persons.
- **Coercion of an individual** – Physical or psychological pressure that is exerted on an individual with the goal of causing him or her to fulfil a particular set of actions (or fail to complete a different set of actions). This is done without regard for the individual's agreement or desire – or in violation of his or her own will – and is meant to benefit those exerting pressure or other third parties. Coercion can include abduction, the limitation of an individual's freedom, the use of physical, sexual, or psychological violence against an individual, threats and blackmail, the use of poisons, narcotics, or other psychotropic substances, or the creation of abuse of an individual's helpless or vulnerable state for the purpose of coercion.
- **Forced labour** – Any work or services that are performed by an individual against his or her will and without his or her agreement, presuming that the work has been coerced or forced as the result of an individual's vulnerable position. This includes acts that are in violation of the regulations established by the laws of the Republic of Tajikistan about labour rights and proper payment, the protection of health in the workplace, and safety standards.
- **Specialized institution (center, shelter) for the provision of services to victims of trafficking in persons** – A legal entity that has been established in accordance with the legislation of the Republic of Tajikistan with the goal of providing psychological, legal, medical, and other aid to victims of trafficking in persons. This includes their temporary housing and work placement; services are provided to both protect the victims' legal rights and interests and also to assist with their social adaptation and rehabilitation.
- **Counteracting trafficking in persons** – Activities aimed at preventing, identifying, and stopping cases of trafficking in persons, as well as minimizing its consequences and providing services to victims of trafficking in persons.
- **Victims of trafficking in persons' social adaptation** – The active adaptation of a victim of trafficking in persons to the norms and standards of behavior accepted in society, the reestablishment of his or her socialization, which had been interrupted by the act of trafficking, and the process by which he or she overcomes the repercussions of the psychological and moral trauma that had been inflicted upon him or her as the result of exploitation or other crimes related to trafficking in persons.
- **Providing support to victims of trafficking in persons** – A set of interventions that are guaranteed by the state and aimed at protecting victims of trafficking in persons and promoting their social adaptation and rehabilitation. This includes the provision of psychological, legal, social, medical and other forms of support.
- **Trafficking in children** – Any act or exchange by which a child is illegally passed by his or her parents, other legal representatives, or other individuals (or group of individuals) that have temporary or permanent legal authority over a child, to a third party (or group of individuals) in exchange for material reward or other compensation. Such trafficking is conducted with the goal of exploiting the trafficked children or acquiring material or other benefit from them, as well as with the goal of illegal adoptions, without regard to the methods used to achieve this end.
- **Trafficking in persons** – The purchase or sale of a person, or the completing of any other exchange in his or her regard, as well as any other offers, recruitment, movement, concealment, transfer, or receipt of a person conducted with or without the agreement of the victim and for the purpose of his or her exploitation. Trafficking in persons is conducted by means of coercion, deceit, abuse of a position of authority, abuse of a victim of trafficking in person's trust or vulnerable state, or the bribery of those individuals with authority over the victim.
- **Trafficker in persons** – An individual or legal entity, which either alone or as part of a group conducts trafficking in persons. This category also includes those who finance these activities, as well as those who profit from them materially or otherwise, and those officials whose actions contribute to trafficking in persons or who do not impede trafficking and do not counteract it, although they are obliged to do so as part of their established responsibilities.
- **Criminal acts committed through the use of one's official position of authority** – Criminal acts that are committed in the sphere of trafficking in persons and associated crimes using an official position or the provision of certain official authority. Such acts can be committed by civil servants or those to whom have been entrusted managerial, organizational, or administrative authority and oversight functions in government, commercial, and other organizations. They may also be committed by employees of various government agencies, local village administrations, and other organizations, without regard to their organizational or legal status.
- **Social rehabilitation of victims of trafficking in persons** – Activities aimed at reestablishing victims of trafficking in persons' social connections and those social functions that had been lost by the victims. This category also includes other activities aimed at victims of trafficking in persons' reintegration into their families and communities.
- **Child sex tourism** – Tourism, including international travel, that is engaged in by adult individuals with the goal of committing sexual acts or other acts of a sexual nature with children; child sex tourism can also include travel with the goal of using children in the development of pornographic materials or objects or their inclusion in public events of a pornographic nature.
- **Purchase and sale of a person** – A two-party monetary deal that is aimed at transferring one individual from the person on whom the individual is legally or illegally dependent to another person (or persons) in exchange for monetary reward.

– **State protection of the aggrieved and witnesses in cases of crimes committed in the sphere of trafficking in persons (hereafter: “state protection”)** – As provided for by the legislation of the Republic of Tajikistan, implementation on the part of authorized state agencies of acts aimed at protecting the lives, health, and/or property of victims of trafficking in persons, as well as efforts meant to protect these individuals socially in light of their participation in a criminal court case.

– **Protection of victims of trafficking in persons** – A state-guaranteed series of measures, which are directed towards providing those who have suffered as the result of crimes related to trafficking in persons with security and the protection of their life, health, and freedom, as well as the observance of all other legal rights and interests.

– **State (condition) similar to slavery** – An individual’s status or position, when he or she is in a state of servitude, including when in debt bondage.

– **Vulnerable position of a victim of trafficking in persons** – A person’s state of physical, psychological, or economic vulnerability, which has come about as the result of difficult life circumstances, either coincidentally or intentionally crafted by a trafficker or other criminal element, or a state of material or other dependence, including that which arises as the result of an individual’s underage, aged, or pregnant status, his or her psychological or physical disease, or any physical restrictions faced by an individual that lead him or her to agree to coercion or exploitation.

– **Recruitment** – The search, selection, and placement of persons with the presumption of monetary reward for those making the placement or others in exchange for the completion of work, provision of services, or engagement in another activity, including illegal forms of activity, and with the possibility of being located in the territory of a foreign state.

## **Article 2. Goals and Objectives of the Given Law**

1. The given law is aimed at creating and raising the effectiveness of a government system of counteracting trafficking in persons by way of defining the legal and organizational foundation for state policies and international cooperation engaged in by the Republic of Tajikistan in this sphere. It is also meant to establish the underlying principles of legal responsibility for individuals and legal entities in terms of violations committed in the sphere of trafficking in persons, outline the legal status of victims of trafficking in persons, their legal protections, and the structure and content of their protection and support, as well as establish the legislative framework under which authority is to be allocated to state agencies as part of the system of counteracting trafficking in persons, the organizational and legal basis for cooperation amongst said agencies and between them and civic organizations and civil society.

2. The given Law’s objectives are as follows:

– The formation of a comprehensive and effective series of organizational, legal, and procedural measures aimed at guaranteeing the protection of individuals, society, and the state against all forms of trafficking in persons and related crimes.

– A legal framework encompassing the foundations for a comprehensive state-wide system of counteracting trafficking in persons, including measures aimed at preventing, identifying, and stopping crimes in the sphere of trafficking in persons, neutralizing its negative consequences, identifying and prosecuting those individuals legally responsible for and guilty of trafficking in persons, as well as finding and identifying victims of trafficking in persons, providing them with support, and guaranteeing their security.

– The crafting of an organizational and legal foundation capable of providing for effective efforts in the sphere of counteracting trafficking in persons on the part of law enforcement agencies and other relevant agencies involved in counteracting trafficking in persons.

– The joining of efforts to counteract trafficking in persons from amongst central and local state agencies, local village administrations, state, nongovernmental, and international organizations, social institutions, civil society, mass media, and individual citizens.

– The formation of organizational and legal principles for the Republic of Tajikistan’s international cooperation in the sphere of counteracting trafficking in persons, providing support to victims of trafficking in persons, and fulfilling the Republic of Tajikistan’s obligations under international agreements.

– The provision of victims of trafficking in persons with the standard minimum of social services, including efforts to provide them with psychological, legal, social, medical, and other forms of aid.

– The reestablishment and protection of victims of trafficking in persons’ legal rights and interests, as well as identifying the most vulnerable amongst them.

– The full social adaptation and rehabilitation of victims of trafficking in persons, as well as their reintegration into a standard social milieu.

– Victims of trafficking in persons’ full compensation for the moral and material harm done to them.

– The implementation of a comprehensive series of social, economic, legal, educational, and informational measures on the part of the government aimed at providing aid to victims of trafficking in persons, including efforts to undermine the causes and conditions that led to the victims’ victimization and revictimization.

## **Article 3. Legislation of the Republic of Tajikistan about counteracting trafficking in persons and providing support to victims of trafficking in persons**

The legislation of the Republic of Tajikistan about counteracting trafficking in persons and providing support to victims of trafficking in persons is founded on the Constitution of the Republic of Tajikistan and is constituted by the given Law, other legal acts of the Republic of Tajikistan and those international agreements to which the Republic of Tajikistan is party.

#### **Article 4. State policy in the sphere of counteracting trafficking in persons and providing support to victims of trafficking in persons**

1. State policy in the sphere of counteracting trafficking in persons is developed with reference to the internal and international situation around trafficking in persons, as well as the current state, overall tendencies, and forecasts for the further developing of this particular type of crime. It also takes into consideration the provision of support to victims of trafficking in persons in accordance with the legislation of the Republic of Tajikistan and international agreements to which the Republic of Tajikistan is party that are related to combatting transnational organized crime and trafficking in persons, as well as providing support to victims of trafficking in persons.

2. The state takes all measures necessary to protect the rights of victims of trafficking in persons, especially women and children, and gives immediate importance to the provision of aid to victims to trafficking in persons and of their security, including by developing targeted state programs in the given sphere and combining the efforts of disparate elements of the state system of counteracting trafficking in persons with those enacted by civil society as well.

3. State policy in the sphere of counteracting trafficking in persons is based on the following principles:

- The guaranteed provision on the part of the state of victims of trafficking in persons' legal rights and interests, their security, the protection of their life, health, and dignity, and their right to the confidentiality of their personal information.
  - A systemic approach to counteracting trafficking in persons, including the prevention, identification, and interdiction of crimes in the sphere of trafficking in persons, the neutralization of their consequences, the protection and support of victims of trafficking in persons, the legal prosecution of those responsible for and guilty of trafficking in persons, and the prevention of repeat crimes in this sphere.
  - Giving priority to the prevention of trafficking in persons and related crimes, including the use of measures aimed at lowering demand for sexual, economic, or other forms of human exploitation, the prevention of potential victims of trafficking in persons' victimization, and early prophylactic efforts against related crimes.
  - The comprehensive implementation of political, social, economic, informational, educational, legal, administrative, prosecutorial, and other measures in efforts to counteract trafficking in persons.
  - The undeniable legal responsibility of those who are guilty of trafficking in persons.
  - The minimization of profits made from illegal activities in the sphere of trafficking in persons, including through the use of economic measures, and first of all the use of legal confiscations.
  - Cooperation and social partnerships established between the state and international, nongovernmental, and societal organizations, as well as joint efforts with mass media outlets and individual citizens related to counteracting trafficking in persons.
  - The state-guaranteed protection of victims of trafficking in persons, their reestablishment in society, the compensation of harm done to them, and the provision of their security, without regard to victims' actions of personal histories prior to the fact of trafficking in persons or their willingness to cooperate with law enforcement agencies during the investigation and prosecution of those crimes that had been committed against them.
  - Giving priority to the protection of child victims of trafficking's legal rights and interests, as well as the government's guarantee of their especial protection and the provision to them of multifaceted aid from all institutions involved in counteracting trafficking in persons.
  - A differentiated approach to defining the amount of rehabilitation and social adaptation services to be provided to victims of trafficking in persons in accordance with their agreement (or lack thereof) to cooperate with law enforcement agencies.
  - Not prosecuting individuals that have been harmed as the result of trafficking in persons for illegal actions that were connected with their experience as victims of trafficking in persons.
  - Not allowing for discrimination against victims of trafficking in persons and guaranteeing a fair and humane approach to them.
  - Guaranteeing victims of trafficking in persons free and freely accessible use of the justice system.
  - The confidentiality of victims of trafficking in persons' personal information, as well as that of their relatives and close associates.
4. In order to realize the state policy in the sphere of trafficking in persons and its central principles, the government guarantees the following:
- The accordance of the legislation of the Republic of Tajikistan with those international agreements to which Tajikistan is party.
  - That the legislation of the Republic of Tajikistan reflects the level of social danger, current overall state, observed tendencies, and expected changes associated with the development of crimes related to trafficking in persons.
  - The coordination of efforts taken to counteract trafficking in persons that cross-cut state functions and agencies, including the social, economic, migration, information, educational, and licensing spheres of state policy.
  - The development and implementation of national programs meant to prevent and interdict trafficking in persons, socially rehabilitate victims, and provide victims with multifaceted aid and support.
  - The implement of state oversight and control in terms of the observance of the legislation of the Republic of Tajikistan, as well as the Republic of Tajikistan's fulfillment of its own international obligations in the sphere of trafficking in persons.
  - The improvement of collaborative efforts amongst law enforcement agencies, authorized state agencies engaged with border control, migration, health services, social support, education and science, and nongovernmental and other organizations in order to implement joint efforts to counteract trafficking in persons, especially women and children.

– The coordination of efforts to prevent and interdict trafficking in persons undertaken by state agencies and local village administrations, nongovernmental, international, and social organizations, other elements of civil society, and other parts of society.

5. State policy related to protecting victims and witnesses in criminal cases covering crimes related to trafficking in persons is implemented under prosecutorial oversight and on the basis of the following principles: the rule of law, respect for human rights freedoms, and the responsibility of those state agencies that guarantee the protection of the noted victims and witnesses in accordance with the legislation of the Republic of Tajikistan.

## **SECTION 2.**

### **ORGANIZATIONAL FRAMEWORK FOR COUNTERACTING TRAFFICKING IN PERSONS AND PROVIDING SUPPORT TO VICTIMS OF TRAFFICKING IN PERSONS**

#### **Article 5. The system of counteracting trafficking in persons and providing support to victims of trafficking in persons**

1. The system of counteracting trafficking in persons and providing support to victims of trafficking in persons includes efforts to prevent, identify, and interdict crimes committed in the sphere of trafficking in persons, as well as those aimed at neutralizing their societal consequences and providing support to victims of trafficking in persons, which are undertaken by state agencies, local village administrations, state, nongovernmental, and international organizations, social institutions and other elements of civil society, mass media outlets, and citizens.

2. The state guarantees the effectiveness of efforts taken to counteract trafficking in persons by implementing a series of comprehensive measures aimed at improving the work of the law enforcement agencies that are authorized to operate in the field of counteracting trafficking in persons, as well as the professional development of these agencies' employees, providing for the prevention, identification, and interdiction of all types of trafficking in persons, establishing and removing the causes and underlying conditions that lead to trafficking, identifying those individuals guilty of criminal acts in this field, dictating the prosecution of such individuals as per the legislation of the Republic of Tajikistan, and providing victims of trafficking in persons with support.

#### **Article 6. Authority of the Government of the Republic of Tajikistan in the sphere of counteracting trafficking in persons**

The Government of the Republic of Tajikistan:

- Implements the state policy in the sphere of counteracting trafficking in persons;
- Provides for the development, planning, financing, and implementation of comprehensive measures aimed at realizing the state policy in the sphere of trafficking in persons.
- Passes legal acts that regulate the order and administrative organization of measures taken to counteract trafficking in persons.
- Guarantees the exercise of the laws of the Republic of Tajikistan and those international agreements to which the Republic of Tajikistan is party related to counteracting trafficking in persons.
- Confirms the Regulation of the Inter-Ministerial Commission for Counteracting Trafficking in Persons (IMCCTIP).
- Confirms the national plan for counteracting trafficking in persons and provides for its realization.
- Confirms targeted state programs aimed at counteracting trafficking in persons.
- Implements efforts to guarantee the activities of those state agencies involved in counteracting trafficking in persons.
- Implements administrative, legal, financial, and technical measures to provide the foundation for activities engaged in by government agencies that are part of the state system of counteracting trafficking in persons and providing support to victims of trafficking in persons.
- Creates and defines the order by which the Fund for the Provision of Aid to Victims of Trafficking in Persons will be founded and function.
- Confirms the list of professions connected with pedagogical activity, as well as those involving the raising of children or other constant contact with children, the occupation of which is forbidden for any individuals who have previously committed crimes against sexual freedoms or the right to sexual inviolability.
- Implements other activities as provided for by the legislation of the Republic of Tajikistan.

#### **Article 7. State agencies directly involved in the implementation of efforts to counteract trafficking in persons**

1. The state agencies that are directly involved in the implementation of efforts to counteract trafficking in persons are as follows:

- The General Prosecutor of the Republic of Tajikistan and subordinate prosecutorial offices.
- The Ministry of Internal Affairs of the Republic of Tajikistan.
- The State Committee for National Security of the Republic of Tajikistan.
- The Narcotics Control Agency of the Office of the President of the Republic of Tajikistan.
- The Government Customs Agency of the Republic of Tajikistan.

2. Within the confines of their own authority, the state agencies directly involved in implementing efforts to counteract trafficking in persons participate in the development and realization of the state policy in the sphere of counteracting traf-

ficking in persons, the development and passing legal acts in this field, and the development and realization of targeted state programs in the sphere of counteracting trafficking in persons.

3. The General Prosecutor of the Republic of Tajikistan and subordinate prosecutorial offices:

– Provide oversight on the exact and unified implementation of the legislation of the Republic of Tajikistan on counteracting trafficking in persons and, within the confines of their authority, takes action to interdict cases of trafficking in persons.

– Coordinate the efforts taken by state agencies to counteract trafficking in persons.

– Implement measures to eliminate any identified violations of the legislation of the Republic of Tajikistan.

– Give orders to eliminate any legal violations about which they have received information from state agencies that are involved in counteracting trafficking in persons, organizations, or citizens, and which are connected to events related to trafficking in persons; these orders are obligatory and must be executed by the appropriate state agencies, organizations, state officials, and citizens. The General Prosecutor and subordinate prosecutorial offices also make court declarations as per the framework provided for by the legislation of the Republic of Tajikistan, which demonstrate the involvement of one or another organization in trafficking in persons, ban its activities in the territory of the Republic of Tajikistan, and liquidate an organization if registered in the Republic of Tajikistan or terminate the activities of any representative offices of foreign or international organizations that were operating from the territory of the Republic of Tajikistan. Any organization about which information related to its involvement in trafficking in persons has been provided in a court declaration is considered to have had its activities halted from the moment of said declaration's provision.

– Implement the criminal investigation and prosecution of individuals who have committed the crime of trafficking in persons or other related crimes.

– Implement further functions in accordance with the legislation of the Republic of Tajikistan.

4. The Ministry of Internal Affairs of the Republic of Tajikistan, within the confines of its authority:

– Creates a unified database on trafficking in persons on the basis of information provided by the state agencies that are involved in implementing efforts to counteract trafficking in persons.

– Creates specialized units on counteracting trafficking in persons (hereafter: "specialized units").

– Prevents, identifies, and interdicts cases of trafficking in persons and related crimes.

– Implements prophylactic efforts to identify and eliminate the causes and underlying conditions that lead to trafficking in persons.

– Provides protection and other support to victims of trafficking in persons on the basis of their personal requests during a criminal court case, as per provision made in the legislation of the Republic of Tajikistan.

– Implements measures to protect the health, life, and property of citizens who have come under threat as the result of their cooperation with law enforcement agencies in terms of the latter's identification and interdiction of crimes.

– Implements investigative activities, criminal prosecutions, international cooperative efforts, the identification of victims of trafficking in persons, the analysis of information, and the founding of Centers for the prevention and interdiction of trafficking in persons.

– Implements further functions in accordance with the legislation of the Republic of Tajikistan.

5. The State Committee for National Security of the Republic of Tajikistan, within the confines of its authority:

– Prevents, identifies, and interdicts cases of trafficking in persons and related crimes and takes prophylactic measures to identify and eliminate the causes and underlying conditions that lead to trafficking in persons and related crimes.

– Counteracts trafficking in persons by identifying connections between international terrorist groups and international criminal syndicates with traffickers in persons, and by preventing, identifying, and interdicting attempts by traffickers in persons to cross the State Border of the Republic of Tajikistan or to illegally transfer victims of trafficking in persons across the State Border of the Republic of Tajikistan.

– Implements the criminal prosecution of individuals that have committed the crime of trafficking in persons or other related crimes.

– Implements further functions in accordance with the legislation of the Republic of Tajikistan.

6. The Narcotics Control Agency of the Office of the President of the Republic of Tajikistan conducts comprehensive analyses and evaluates the state of efforts to combat crimes connected with the illegal sale of narcotics, psychotropic substances, and precursors, as well as the links between these crimes and the crime of trafficking in persons and related crimes. In the case of an identified crime connected to trafficking in persons, an identified illegal organization involved in both narcotics trafficking and trafficking in persons that is both interregional and international, or the identification of individuals who are involved in related crimes and have been declared to be potential victims of trafficking in persons, the Narcotics Control Agency coordinates with other state agencies involved in the counteracting of trafficking in persons, as listed in Point 1 of the given Article, in order to identify, interdict, terminate, and close criminal cases connected to trafficking in persons.

7. The Government Customs Agency of the Republic of Tajikistan acts to identify and interdict attempts by traffickers in persons to cross the customs border of the Republic of Tajikistan, as well as attempts to transfer victims of trafficking in persons across the customs border of the Republic of Tajikistan.

8. The state agencies directly involved in implementing efforts to counteract trafficking in persons also implement, within the confines of their authority, the following functions related to providing support to victims of trafficking in persons:

– Preventing the victimization of victims of trafficking in persons.

– Implementing measures aimed at establishing and identifying the identities of victims of trafficking in persons.

– Collaborating and implementing joint interventions with other state agencies and independent organizations also involved in counteracting trafficking in persons and providing support to victims of trafficking in persons.

## Article 8. Additional state agencies involved in counteracting trafficking in persons

1. The following state agencies are additionally involved in the implementation of efforts to counteract trafficking in persons:

- The Ministry of Justice of the Republic of Tajikistan.
- The Ministry of Education and Science of the Republic of Tajikistan.
- The Ministry of Healthcare and Social Protection of the Population of the Republic of Tajikistan.
- The Ministry of Foreign Affairs of the Republic of Tajikistan.
- The Ministry of Labour, Migration, and Employment of the Population of the Republic of Tajikistan.
- The Ministry of Economic Development and Trade of the Republic of Tajikistan.
- The Government Committee for Women and Family Affairs of the Republic of Tajikistan.
- The Government Committee for Youth, Sport, and Tourism Affairs of the Republic of Tajikistan.
- The Government Committee for Religious Affairs and the Ordering of National Celebrations and Traditions of the Republic of Tajikistan.
- Local village administrations and agencies of village self-governance.
- State organizations.

2. Those agencies listed in section 1 of the given article participate in the development and realization of the state policy in the sphere of trafficking in persons and investigative events and crimes related to trafficking in persons. They also implement measures aimed at eliminating the causes and conditions that lead to trafficking in persons and related crimes and providing protection and social, legal, medical, and psychological support to victims, as well as measures of an economic, social, legal, informational, educational, and correctional nature, in addition to those related to rehabilitation, which are meant to assist with victims of trafficking in persons' social adaptation and rehabilitation. These agencies additionally work to limit and prevent victim's victimization and, within the confines of their legal authority, assist the state agencies that are directly involved in implementing efforts to counteract trafficking in persons.

3. The Ministry of Justice of the Republic of Tajikistan:

- Organizes and coordinates state agencies' work related to legal informational campaigns intended to increase legal knowledge about counteracting trafficking in persons, and also analyzes the overall state of informational campaigns and the population's level of legal knowledge in this field.
- Provides for the observation of all relevant laws during the process of registering organizations that are involved in counteracting trafficking in persons and related crimes and audits the activities of these organizations.
- Develops and organizes the implementation of state programs covering specialized services to individuals suffering from sexual preference disorders, including those convicted of crimes related to trafficking in persons.

4. The Ministry of Education and Science of the Republic of Tajikistan:

- Develops and confirms educational programs related to identifying victims of trafficking in persons and methods of counteracting the phenomenon. These programs are to be set for different population groups and meant for study in educational institutions.
- Develops programmatic and technical methods of limiting children's access to the Internet, which can have a harmful effect on their health and both cultural and psychological development.
- Develops, confirms, and provides for the implementation of educational programs that are orientated at and intended for various social groups. These programs are to be aimed at preventing the victimization of the population and potential victims of trafficking in persons, and should be intended for teaching in educational institutions, including in elementary and secondary schools, as well as in institutions of higher and professional education.

5. The Ministry of Healthcare and Social Protection of the Population of the Republic of Tajikistan:

- Develops programs to provide medical and psychological aid to victims of trafficking in persons, as well as making sure that specialized medical institutions are supplied with medicine and are implementing said programs.
- Guarantees the provision to victims of trafficking in persons of information and consultations through the Ministry's units for social protection of the population, and provides victims with the resources designated for socially protected individuals by the legislation of the Republic of Tajikistan.
- Develops and organizes the implementation of state programs covering specialized services to individuals suffering from sexual preference disorders, including those convicted of crimes related to trafficking in persons.

6. The Ministry of Foreign Affairs of the Republic of Tajikistan:

- Collects information about child citizens of the Republic of Tajikistan who have been adopted by citizens of the Republic of Tajikistan that live continuously outside of the Republic of Tajikistan, foreign citizens, or stateless persons, studies the conditions in which the child citizens live and provides a report to the Ministry of Education and Science on this issue on a semiannual basis.
- Implements measures aimed at protecting the legal rights and interests of citizens of the Republic of Tajikistan who have become victims of trafficking in persons; cooperates with organizations that provide rehabilitation services to victims of trafficking in persons. Assists in the return of these citizens to the Republic of Tajikistan.
- Provides information to the countries in which citizens of the Republic of Tajikistan are living about the Republic of Tajikistan's legislation related to counteracting trafficking in persons and distributes information about the efforts that have been taken to counteract trafficking in persons in the Republic of Tajikistan, including those related to the rights of trafficking victims.
- Provides without delay for the issuance of entry documents (visas) to the Republic of Tajikistan for victims of trafficking in persons from amongst the citizens of the Republic of Tajikistan, stateless persons living continuously in the Republic

of Tajikistan, and foreign citizens and stateless persons whom have been provided with the official status of refugees or political asylum in the Republic of Tajikistan.

7. The Ministry of Labour, Migration, and Employment of the Population of the Republic of Tajikistan:

– Takes action to inform to population about the current state of the labour market and modes of professional development, to stimulate individuals' employment through professional consultations and other informational and educational services, and to provide consultations and assistance about starting entrepreneurial activities.

– Implements the auditing and verification of individuals and legal entities (firms) in the sphere of labour migration, in accordance with the legislation of the Republic of Tajikistan and with the goal of interdicting cases of illegal migration on the part of citizens of the Republic of Tajikistan to foreign states. Organizes and conducts informational and prophylactic activities together with other relevant state agencies and nongovernmental organizations, which are aimed at assisting efforts to counteract trafficking in persons.

– Protects the legal rights and interests of the citizens of the Republic of Tajikistan who have become victims of trafficking in persons, to the degree allowed by its legal authority.

8. The Ministry of Economic Development and Trade of the Republic of Tajikistan, together with other relevant state agencies involved in counteracting trafficking in persons, develops and implements social and economic programs that are aimed at eliminating the causes and economic conditions that underlie illegal migration and trafficking in persons.

9. The Government Committee for Women and Family Affairs of the Republic of Tajikistan:

– Guarantees, together with other relevant state agencies involved in counteracting trafficking in persons, the fulfillment of state programs connected with counteracting trafficking in persons and not allowing women to become potential victims of trafficking in persons.

– Implements measures connected with prevention, informational, educational, and consultative efforts, as well as the redirection and social support of women victims of trafficking in persons.

10. The Government Committee for Religious Affairs and the Ordering of National Celebrations and Traditions of the Republic of Tajikistan:

– Develops, in agreement with the Ministry of Education and Science of the Republic of Tajikistan, educational programs that are aimed at counteracting trafficking in persons.

– Implements measures connected with preventing, informing, educating, and consulting about trafficking in persons amongst the population.

11. The Government Committee for Youth, Sport, and Tourism Affairs of the Republic of Tajikistan:

– Oversees the activities of tourist agencies and tour operators, companies in the modelling business, and businesses offering employment, recreation and entertainment, marriage, and other services, including those located abroad; equally oversees other forms of activity that could be used to recruit potential victims of trafficking in persons.

– Implements measures connected with prevention, informational, educational, and consultative efforts, as well as the redirection and social support of victims of trafficking in persons amongst young people.

12. Within the limits of their legal authority and the particular state functions that have been assigned to them by government agencies, local village administrations and agencies of village self-governance participate in the implementation of efforts to counteract trafficking in persons.

13. Within the limits of their legal authority, state organizations governance participate in the implementation of efforts to counteract trafficking in persons and to provide support to victims of trafficking in persons.

14. Nongovernmental organizations and citizens have the right to participate in the provision of support to victims of trafficking in persons in the order and form provided for in the legislation of the Republic of Tajikistan.

#### **Article 9. Nongovernmental organizations' activities in the sphere of counteracting trafficking in persons**

1. With the goals of interdicting cases of trafficking in persons and related crimes, as well as protecting victims of trafficking in persons and providing them with support, nongovernmental organizations operating in this field have the right to:

– Cooperate with the state agencies and organizations listed in articles 7 and 8 of the given Law, which are implementing efforts to counteract trafficking in persons, as well as with international and foreign organizations.

– Organize informational events related to counteracting trafficking in persons, in part in regards to the risks possibly faced by victims of trafficking in persons.

– Create specialized institutions (centers, shelters) meant to provide aid to victims of trafficking in persons (hereafter: "specialized nongovernmental institutions").

– Implement further activities provided for under the legal acts and legislation of the Republic of Tajikistan.

2. In accordance with their charters, nongovernmental organizations implement activities related to defining and identifying victims of trafficking in persons, providing victims with legal and other protection and forms of aid, and taking taction to interdict cases of trafficking in persons and related crimes.

#### **Article 10. International and foreign organizations' activities in the sphere of counteracting trafficking in persons**

With the goal of interdicting cases of trafficking in persons and related crimes, identifying victims of trafficking in persons, and protecting and providing support to victims, international and foreign organizations that implement efforts to counteract trafficking in persons have the right to cooperate with the state agencies and additional organizations listed in articles 7-9 of the given Law, as well as to implement projects of international technical aid, which are for their part aimed at counteracting trafficking in persons, including through the organization of specialized nongovernmental institutions.



## **Article 11. State agencies' joint efforts with social, international, and nongovernmental organizations in the sphere of counteracting trafficking in persons**

1. Within the limits of their legal authority, state agencies are to cooperate with social, international, and nongovernmental organizations, mass media outlets, and citizens with the goal of increasing the effectiveness of efforts to prevent, identify, and interdict cases of trafficking in persons, as well as provide protection and support to its victims, coordinate prophylactic activities in this field, and strengthen civil society's ability to provide oversight on the implementation and results of these activities.

2. Social, international, and nongovernmental organizations that operate in the sphere of counteracting trafficking in persons conduct educational work with potential victims of trafficking in persons and inform them about the risks that they may face in certain unfavourable social conditions. These organizations also participate in the organization of specialized nongovernmental institutions and the implementation of efforts to socially adapt and rehabilitate victims.

3. Within the limits of their legal authority, state agencies support mass media outlets and informational and telecommunication services that provide open communication access in the latter's efforts to prevent trafficking in persons, in part through the implementation of the following activities:

- Organizing monitoring efforts to verify the information that is distributed through such services and the creation of “hot lines.”
- Implementing a system of content classification for the informational materials distributed through such outlets and services.
- Establishing content filters and monitoring the informational resources that support them.
- Using programmatic and technical methods to block information that is banned for distribution in the territory of the Republic of Tajikistan in accordance with the legislation of the Republic of Tajikistan.

4. The Government encourages mobile operators and providers of mobile and internet connections to sign internal and interstate agreements requiring them to provide for children's safe use of mobile and other telecommunication services, which should include the following measures:

- Controlling children's access to mobile and electronic forms of communication set to “adults only” mode.
- Conducting educational campaigns for teachers, parents, and children about the security measures necessary to take when using mobile and other forms of electronic communication.
- Establishing age classifications on a voluntary basis related to the content of electronic content in accordance with the national standards for children's informational security.
- Participating in the prevention and interdiction of illegal content's distribution across mobile and internet communication networks.
- Providing programs for parental and pedagogical control over mobile and electronic communications to the users of mobile and internet services, which can be used to block or limit children's access to informational resources that would be dangerous for their health or moral and psychological development.

5. As provided for by the legislation of the Republic of Tajikistan, financial support is provided from the state budget to social and nongovernmental organizations in the case that these organizations' programs or activities related to preventing trafficking in persons or founding specialized nongovernmental institutions for the provision of aid to victims of trafficking in persons have been included, in accordance with an openly conducted tender, in state agencies' or local administrations' plans (programs) for the development or concretization of the National Plan for Counteracting Trafficking in Persons.

## **Article 12. Referral mechanism for victims of trafficking in persons**

1. Cooperation between state agencies involved in the system of counteracting trafficking in persons with social, nongovernmental, and international organizations related to the referral mechanism for victims of trafficking in persons is conducted in accordance with the relevant cooperation agreement.

2. The form taken by measures included in the referral mechanism for victims of trafficking in persons is defined by the Government of the Republic of Tajikistan.

## **Article 13. Situation monitoring in the sphere of trafficking in persons and counteraction efforts**

1. In accordance with their legal authority, the elements of the state system of counteracting trafficking in persons conduct situation monitoring in the sphere of trafficking in persons and counteraction efforts.

2. The legislation of the Republic of Tajikistan on investigative activity and criminal and administrative legislation on information technology and communications regulate the order in which monitoring is conducted in the given field by law enforcement agencies, including the latter's use of technical and programmatic materials and the methods and conditions of joint actions taken by state agencies involved in investigative activity with mobile and other communication providers.

3. Situation monitoring in the sphere of trafficking in persons is conducted based on law enforcement agencies' timely identification and registration of crimes committed in the given sphere.

4. Situation monitoring in the sphere of trafficking in persons is conducted by law enforcement agencies in the order established by legislation of the Republic of Tajikistan, and in accordance with their legal authority. This includes:

- The statistical analysis of the overall state and changes observed in crimes committed related to trafficking in persons.
- The organization of monitoring on internet and mobile communication networks.

- The organization of “hot line” networks and dedicated helpline call centers, including the use of telecommunication networks and electronic forms of communication.
  - The collection and systematic analysis of information available as the result of investigative activities.
  - The collection and systematic analysis of information available from agencies in institutions providing educational, scientific, pediatric, socially supportive, and other social services to the population, as well as from other agencies and institutions that are involved in working with children, and which are obligated by the legislation of the Republic of Tajikistan to inform law enforcement agencies about any facts of trafficking in persons or related crimes that have become known to their employees during the course of these organizations’ professional activities.
  - The collection and systematic analysis of information contained in the declarations and written requests of nongovernmental and other organizations, as well as citizens.
  - The monitoring of mass media outlets.
5. The results of those activities accounted for in the given article are to be used for the purposes of analyzing and predicting the overall state of crimes related to trafficking in persons, planning for and raising the effectiveness of efforts taken to counteract trafficking in persons and provide aid to victims of trafficking in persons.
6. No public disclosure is allowed of conditional information about victims of trafficking in persons, as well as other conditional information that has been collected during monitoring.

**Article 14. Planning for activities to counteract trafficking in persons and provide support to victims of trafficking in persons**

1. Agencies involved in the state system of counteracting trafficking in persons develop a National Plan for Counteracting Trafficking in Persons with the overall goal of raising the effectiveness of efforts to counteract trafficking in persons.
2. The National Plan for Counteracting Trafficking in Persons should be periodically confirmed by the Government of the Republic of Tajikistan for an established period of time, and should provide for the implementation of a series of comprehensive measures aimed at counteracting trafficking in persons, as well as protecting and providing aid to victims of trafficking in persons, including cooperation with social, international, and nongovernmental organizations and civil society representatives.
3. In accordance with their legal authority, the agencies involved in the state system of counteracting trafficking in persons develop individual action plans related to the realization of the National Plan for Counteracting Trafficking in Persons.

**Article 15. Coordination of activities to counteract of trafficking in persons**

1. For the purposes of guaranteeing the effectiveness of activities conducted by agencies included in the government system of counteracting trafficking in persons, as well as the organizing cooperative efforts between them, the Government of the Republic of Tajikistan has formed the Inter-Ministerial Commission for Counteracting Trafficking in Persons (hereafter: “Inter-Ministerial Commission”). In addition, local state agencies have founded territorial commissions for the counteracting of trafficking in persons (hereafter: “territorial commissions”).
2. On a continuous basis and either directly or by way of the territorial commissions, the Inter-Ministerial Commission coordinates the activities of all of the agencies involved in the state system of counteracting trafficking in persons, making sure to accord with the order provided for by the legislation of the Republic of Tajikistan.
3. In order to effectively implement investigative activities and criminal prosecutions in the sphere of trafficking in persons, the Inter-Ministerial commission continuously engages in cooperative efforts with national security agencies, the State Customs Service, the Migration Service, internal affairs agencies, prosecutorial offices, courts, and other state agencies, as well as with mass media outlets and social, nongovernmental, and international organizations.
4. The results of the activities implemented by the agencies involved in the state system of counteracting trafficking in persons, matters of its coordination in the Republic of Tajikistan, and its local administrative and territorial units in both the Republic of Tajikistan and neighboring countries are to be reflected in annual reports, which are provided by the Inter-Ministerial Commission to the Government of the Republic of Tajikistan. Local territorial commissions provide reports to the Inter-Ministerial Commission, as well as to local state agencies.
5. In accordance with the legislation of the Republic of Tajikistan, the General Prosecutor of the Republic of Tajikistan and subordinate prosecutorial offices coordinate the activities of the state agencies involved in efforts to counteract trafficking in persons.

**Article 16. The Inter-Ministerial Commission and regional commissions for counteracting trafficking in persons**

1. The Inter-Ministerial Commission fulfills the function of a national coordinating body in the sphere of counteracting trafficking in persons. The organization of the Inter-Ministerial Commission and its activities are defined by the Inter-Ministerial Commission’s Regulation, which is confirmed by the Government of the Republic of Tajikistan.
2. The Inter-Ministerial Commission fulfills the following functions:
  - Presents the Government of the Republic of Tajikistan with recommendations on the state policy regarding the prevention and interdiction of facts of trafficking in persons, as well as recommendations aimed at improving efforts to identify and eliminate the causes and conditions that lead to the given crimes and implementing prophylactic activities in this field.
  - Oversees the implementation of the National Plan for Counteracting Trafficking in Persons, organizes the monitoring of efforts accounted for in the Plan, presents, on a regular basis and in the order established by the legislation of the Republic of Tajikistan, the Government of the Republic of Tajikistan with information about the course of the National Plan’s im-

plementation and the realization of legislation in this sphere on the part of agencies included in the state system of counteracting trafficking in persons.

- Provides suggestions to the Government of the Republic of Tajikistan on improvements to the legislation of the Republic of Tajikistan related to counteracting trafficking in persons and providing aid to victims of trafficking in persons.
- Presents the Government of Tajikistan with an annual report on the results of and problems faced by ongoing efforts to combat trafficking in persons in the Republic of Tajikistan and neighboring countries.
- Participates in the development of international agreements signed by the Republic of Tajikistan related to counteracting trafficking in persons.
- In the order provided for by the legislation of the Republic of Tajikistan, signs memorandums of cooperation with international and nongovernmental organizations in order to thus strengthen cooperation in the field of counteracting trafficking in persons.

3. The Inter-Ministerial Commission coordinates the activities of territorial commissions and conducts monitoring of their work in order to guarantee that victims of trafficking in persons' and other individual and companies' questions and requests are accessible and acted upon in an immediate and reasonable manner.

4. Within the limits of their legal authority, the Inter-Ministerial Commission and the territorial commissions fulfil the following functions:

- Organizing informational and educational activities amongst different population groups about the dangers of trafficking in persons, about the existing sources of prophylactic and legal aid in the given sphere, and the possibilities available to citizens in terms of requesting assistance from relevant agencies included in the state system of counteracting trafficking in persons.
- Organizing training and professional development for the employees of law enforcement agencies related to counteracting trafficking in persons.
- Organizing the receipt, systemization, and analysis of requests and questions from individuals and legal entities related to trafficking in persons.
- Organizing the implementation and functioning of "hotline" and dedicated help-line call centers in order to collect more accurate and complete information about cases of trafficking in persons and associated criminal violations.
- Deciding on the activities emplaced for counteracting trafficking in persons.
- Coordinating activities to prevent trafficking in persons and provide aid to victims of trafficking in persons.
- Providing organizational and material support to specialized nongovernmental organizations that are located on territory under the authority of the commissions related to providing support to victims of trafficking in persons.
- Providing information, organization, and other forms of support to social and nongovernmental organizations aimed at counteracting trafficking in persons and assisting victims of trafficking in persons.

5. In alignment with the authority provided to them, the Inter-Ministerial Commission and territorial commissions fulfill the following functions:

- In accordance with established confidentiality protocols, using Commission meetings to regularly consider information about the status of efforts to counteract trafficking in persons. Such information should be provided only in accordance with the standards established by the legislation of the Republic of Tajikistan related to the state system of counteracting trafficking in persons.
- Collecting, considering, and analyzing information about the status of, changes in, and overall tendencies observed in trafficking in person on both the national and regional levels. Developing short-term and long-term predictions for its development.
- Organizing the receipt, systemization, and analysis of requests and questions from individuals and legal entities related to trafficking in persons.
- Regularly conducting coordination meetings with the participation of agencies from the state system of counteracting trafficking in persons.
- Developing programs and action plans for the agencies involved in the state system of counteracting trafficking in persons.

6. For the purposes of fulfilling their established functions in the given sphere, the Inter-Ministerial Commission and territorial commissions have the right to:

- Conduct any necessary research, evaluation, or field expertise, including scientific research related to implementing coordinative efforts in the given sphere of activity.
- Provide individuals and legal entities explanations related to the Commission's mandate.
- Make official requests and receive information necessary for decisions related to questions under the Commission's mandate.
- Recruit scientific and other organizations, as well as academics and specialists, to assist with the development of activities related to the Commission's mandate.
- Form working groups and expert agencies (councils, groups, or commissions) related to the given field of activity.

7. The Inter-Ministerial Commission's and the territorial commissions' mandate-related decisions, requests, orders, suggestions, and recommendations must be considered, implemented, and responded to by the relevant state agencies.

8. The Inter-Ministerial Commission and territorial commissions have the right to invite to their working group meetings representatives from state agencies, state organizations, social, nongovernmental, and international organizations with the goal of clarifying issues related to counteracting trafficking in persons. Those invited to the meetings have the right to speak and fully participate in the Commission's meetings.

#### **Article 17. Specialized units on counteracting trafficking in persons**

1. In order to raise the effectiveness of efforts provided for by the National Plan for Counteracting Trafficking in Persons, a centralized system of investigative units is to be established within the agencies of internal affairs of the Republic of Tajikistan, which will bring together those units specializing in the organization and implementation of investigative measures focused on protecting the life, health, rights, and freedoms of individuals, as well as personal property, state and societal security in the sphere of crimes related to trafficking in persons.

2. Within the limits of their authority, specialized units work to establish and identify victims of trafficking in persons and provide for their protection, as well as engaging in investigative activity and the criminal prosecution of individuals that have committed crimes related to trafficking in persons.

3. The following are amongst the responsibilities of the specialized units:

- Identifying, preventing, interdicting, and closing cases of crimes related to trafficking in persons.
- Identifying and confirming the identity of individuals that have committed, are committing, or are preparing to commit crimes related to trafficking in persons.
- Conducting investigative searches of individuals that have hidden from law enforcement agencies, prosecution, and courts, or have avoided completing prison terms or other modes of punishment.
- Conducting investigative searches of missing persons in relation to whom there is reason to believe that they may have become victims of trafficking in persons.
- Providing for victims of trafficking in persons' security, as well as organizing and providing them with aid in extreme situations.
- Organizing the collection, storage, and retention of information about individuals, facts, and events related to trafficking in persons. Such information should be stored in a unified information center, analyzed by specialists with the proper professional training, and outfitted with modern technical materials.

– Registering and verifying – with the use of modern technical methods – messages, anonymous or otherwise, about cases of trafficking in persons, including trafficking of children for the purposes of sexual or other exploitation.

4. Over the course of investigative activities, interrogations, and initial prosecutions of crimes in this category, a unified database of cases of trafficking in persons and the identities of traffickers and victims of such crimes should be created within the specialized units and in coordination with the investigative units of internal affairs agencies. This database should be used to store, systematize and analyze the collected information.

5. The specialized units' employees are hired on the basis of an open tender and open and objective selection process, during which candidates should be tested for their accordance with the demands of law enforcement service, as well as with other criteria. They should have further professional and personal qualities, specialized training, the necessary level of specialized education, and the needed psychological tolerance as per the requirements established by the legislation of the Republic of Tajikistan.

6. Individuals that are hired as employees of the specialized units undergo additional specialized training.

#### **Article 18. Unified database of crimes committed in the sphere of trafficking in persons**

1. With the goal of more effectively counteracting trafficking in persons, as well as establishing and interdicting the illegal activities of traffickers in persons, identifying victims of trafficking in persons, and systematizing related information, the Ministry of Internal Affairs of the Republic of Tajikistan, together with support from other state organs, organizes, creates, and regularly updates a unified database with information about crimes committed in the sphere of trafficking in persons (hereafter: united database).

2. The Ministry of Internal Affairs of the Republic of Tajikistan approves the order in which the unified data base is created, the types and content of the information that is included, and the list of individuals who have access to the database.

3. The unified database contains information about crimes committed in sphere of trafficking in persons and about traffickers in persons (with an emphasis on information about women and children), including the following types of data:

- About cases of the illegal transport, abduction, and the economic, sexual, or other exploitation of victims of trafficking in persons.
- About traffickers in persons and their accomplices.
- About victims of trafficking in persons.
- About child sex tourism.
- About missing persons about whom there is good reason to believe they have been exploited or are being exploited, including in the territories of the member states of the Commonwealth of Independent States (CIS) or other states.

4. The following information is included in the unified database:

– Data collected by law enforcement agencies as the result of monitoring conducted in the sphere of trafficking in persons, in part as collected by “hot lines” and dedicated telephone helplines.

– Data acquired from agencies and institutions providing educational, scientific, pediatric, socially supportive, and other social services to the population, as well as from other agencies and institutions that are involved in working with children, and which are obligated by the legislation of the Republic of Tajikistan to inform law enforcement agencies about any facts of trafficking in persons or related crimes that have become known to their employees during the course of these organizations' professional activities.

– Data received as the result of investigative and other activities connected with the identification, interdiction, prosecution, and closing of criminal cases related to trafficking in persons, including data received from appropriate localized databases, Interpol, or other international organizations.

5. In order to guarantee the systematic tracking and ongoing exchange of information about the state of and tendencies observed in the illegal transport, transit, or unidirectional international movement of people across the border connected with trafficking in persons, as well as the timely tracking and identification of victims of trafficking in persons, that section of the national unified database that contains information about the most heinous types of crimes in the sphere of transnational trafficking in persons should be regularly provided to an international database of cases of crimes related to trafficking in persons.

6. The order in which relevant information is collected and transferred to the databases outlined in the given article as well as the provision of necessary information to outside agencies is defined on the basis of international agreements and in accordance with the legislation of the Republic of Tajikistan.

7. The information included in the unified database is confidential, and access to the database or the provision of information from it is allowed only in the manner established by the legislation of the Republic of Tajikistan.

8. The illegal disclosure, distribution, or use of information from the unified database is a criminal offense as per the relevant provisions of the legislation of the Republic of Tajikistan.

### **SECTION 3.**

#### **LEGAL FRAMEWORK FOR THE DECLARATION AND PROVISION OF THE LEGAL STATUS OF “VICTIM OF TRAFFICKING IN PERSONS”**

#### **Article 19. The rights of individuals who have suffered as the result of trafficking in persons before their legal recognition as victims of trafficking in persons**

1. Prior to being legally recognized as a victim of trafficking in persons, any individual who has suffered as the result of trafficking in persons has the right to make a request to specialized governmental or nongovernmental institutions and receive at the minimum a series of free social services, including shelter and a place to sleep, food, and any immediate medical, psychological, legal, material, or sanitary services needed by the individual and in the amounts defined by the legislation of the Republic of Tajikistan.

2. The authorized state agency takes action to provide those individuals that have been harmed as the result of trafficking in persons with the minimal set of social services, which have been defined by the legislation of the Republic of Tajikistan. These services are to be provided within 24 hours from the moment at which a harmed individual makes a formal declaration and request to be legally recognized as a victim of trafficking in persons; the order in which such services are provided is established in article 21 of the given Law.

3. Distributing information reflecting on the private lives of those individuals that have suffered from trafficking in persons or their families is not allowed, as is other information, the disclosure of which would present a danger to a harmed individual's or his close relatives' health or safety.

#### **Article 20. The legal status of a victim of trafficking in persons**

1. The following categories of individuals are legally recognized as victims of trafficking in persons:

– Those whom have been coerced, have had their trust abused, or whom have been subject to the abuse of traffickers in persons' positions authority or that of their accomplices, either in order to commit the noted crimes or as part of the process of their commission.

– Those whom have been subjected to deception about traffickers in persons' true intent in order that such individuals be later exploited as part of trafficking in persons. This includes convincing said individuals to sign fictitious labour or other agreements (contracts) related to the fulfillment of certain labours (or the provision of services), which might not be related to situations in which an individual is exploited or forced to work in slave-like or involuntary conditions.

– Those who have previously given agreement to be exploited as a result of their helpless state or vulnerable condition, whether or not they were aware of the true intent of the traffickers in persons.

2. The legal recognition of individuals who have suffered as the result of trafficking in persons as victims of trafficking in persons does not depend upon:

– The existence or lack of any particular citizenship.

– An individual's victimized or antisocial behavior in the period prior to his or her involvement in trafficking in persons, as well as his or her intent to change such behavior in the future.

– An individual's agreement to be recruited, transported, exchanged, sold, exploited, or otherwise acted upon in ways related to trafficking in persons that was acquired by traffickers in persons through the use of coercion, deception, the abuse of trust or positions of authority, or the individual's helpless state or vulnerable position.

– An individual's official status as the aggrieved party in a criminal case brought as the result of crimes committed in the sphere of trafficking in persons.

– An individual's willingness to cooperate with law enforcement agencies during the investigation and prosecution of court cases covering crimes committed against said individual.

3. Having received the legal status of a victim of trafficking in persons as per the requirements outlined in article 21 of the given Law, an individual is given the right to receive aid from the very moment of his or her official recognition as a victim of trafficking in persons until his or her full social adaptation and rehabilitation. This aid is provided in an amount and order established by the legislation of the Republic of Tajikistan, and includes a standard set of social services, amongst them measures to ensure the victim's security, to provide the victim with psychological, legal, informational, social, medical, and

other forms of aid, as well as to assist with the victim's return to his or her family, process of finding employment, and access to social services.

4. Victims of trafficking in persons are not held legally responsible for misdemeanor or felony crimes that they may have committed as a result of their experience as victims of trafficking in persons.

5. An individual's official legal recognition as a victim of trafficking in persons is considered the legal basis for the removal of any charges against said individual related to his or her experience as a victim of trafficking in persons.

#### **Article 21. The order of conferment for the legal status of a victim of trafficking in persons**

1. The conferment on an individual of the legal status of a victim of trafficking in persons is enacted by the Inter-Ministerial Commission or its subordinate territorial commissions at a victim of trafficking in persons' place of physical location.

2. Decisions about the legal recognition of an individual as a victim of trafficking in persons are made by the Inter-Ministerial Commission or its subordinate territorial commissions.

3. Request to be legally recognized as a victim of trafficking in persons is sent directly by a harmed individual or his or her legal representatives, presuming that agreement has been given by the individual, to the agency that is implementing efforts to counteract trafficking in persons or to the appropriate specialized governmental or nongovernmental institution.

4. Having received notice from an individual harmed as the result of trafficking in persons, those agencies that are implementing efforts to counteract trafficking in persons and the appropriate specialized governmental or nongovernmental institutions redirect the notices to the Inter-Ministerial Commission or the appropriate subordinate territorial commission within 24 hours for determination on whether or not to confer on the individual the legal status of a victim of trafficking in persons.

5. The legal status of a victim of trafficking in persons is conferred upon individuals that have been harmed as the result of trafficking in persons following the Inter-Ministerial Commission's or its subordinate territorial commissions' efforts to clarify and verify the necessary facts related to each case, but no later than 15 days following an individual's request to be conferred with the given legal status.

6. A period of no less than 30 calendar days, counted from the day of an individual's original request to an agency that is implementing efforts to counteract trafficking in persons or to the appropriate specialized governmental or nongovernmental institution, is provided to each victim in trafficking in persons in which to decide whether or not to cooperate with law enforcement agencies in efforts to prosecute the crimes committed against the individual in the sphere of trafficking in persons.

#### **Article 22. The confidentiality of victims of trafficking in persons' personal information**

1. Information about victims of trafficking in persons or the details of those crimes committed against them that if disclosed could threaten the victims of trafficking in persons' life or well-being or that of their close associates cannot be distributed. This equally applies to information about efforts taken to secure and protect the victims of trafficking in persons. The illegal distribution of such information is punishable under the legislation of the Republic of Tajikistan.

2. Mass media outlets do not have the right to disclose in their distributed communications and materials any information that would directly or indirectly point to the identity of a victim of trafficking in persons without his or her permission. In the case of a child victim of trafficking in persons, permission must be acquired from the child, his or her legal representative, and the state child welfare agency.

#### **Article 23. The rights of victims of trafficking in persons who have been legally established as the aggrieved party or witnesses in criminal cases related to trafficking in persons**

1. A victim of trafficking in persons' participation in a criminal court case related to trafficking in persons as an aggrieved party or witness provides this individual with the additional right to government protection, including efforts to protect his or her security and provide social support, in accordance with the legislation of the Republic of Tajikistan.

2. As per the legislation of the Republic of Tajikistan, the non-disclosure of personal information about victims of trafficking in persons who have been legally established as aggrieved parties or witnesses in criminal cases in the sphere of trafficking in persons is also understood as a security measure.

3. State security measures can be applied in relation to complainants, witnesses, or the victims of crimes committed in the sphere of trafficking in persons prior to the start of criminal court proceedings in the case that the individuals in question are assisting with the prevention or investigation of a particular crime.

4. The original agreement given by an individual harmed as the result of crimes related to trafficking in persons prior to his or her exploitation on the basis of which he or she was recruited, transported, transferred, hidden, or received cannot be considered reason to refuse him or her security measures or other assistance. It can also not be used as the basis for a refusal to provide him or her with the minimum of social services that is defined by the legislation of the Republic of Tajikistan.

5. An individual that has been established in the manner provided for by the legislation of the Republic of Tajikistan as an aggrieved party in a criminal case in the sphere of trafficking in persons is provided with the maximum amount of social services as provided for by the legislation of the Republic of Tajikistan, including the following additional rights to:

– The free use of a translator for the purposes of guaranteeing the individual's participation in the criminal court case, as well as providing for the individual's effective social adaptation and social rehabilitation (for those individuals who either do not know or do not sufficiently know the state language).

– When necessary, dormitory housing in accordance with the norms and restrictions provided for under the legislation of the Republic of Tajikistan (in the case that the individual established as a victim of trafficking in persons is a citizen of the Republic of Tajikistan or permanent resident of the country).

– Prioritized assistance in finding employment, continuing an education, and receiving professional training.

6. The period over which the noted social services are provided to the aggrieved party in a case of trafficking in persons can be extended in agreement with both the aggrieved party and the Inter-Ministerial Commission or the appropriate subordinate territorial commission responsible for the aggrieved party's place of residence; extensions can be made for a period representing the whole of the given court case and the time necessary to eliminate any threats to the life and well-being to the aggrieved party or to guarantee the security of his or her family on the party of investigative agencies, prosecutorial offices, and the courts.

#### **Article 24. Special administrative guarantees for protecting the rights of those aggrieved as the result of crimes and other violations committed in the sphere of trafficking in persons**

1. Aggrieved parties in cases of crimes and other violations committed in the sphere of trafficking in persons are to be provided with the following administrative guarantees:

– A particularized approach to their interrogation, taking into consideration their psychological state and the severity and nature of the violations committed against them, as well as the severity of the harm done to them.

– Removal of legal responsibility for misdemeanor and felony crimes committed as a result of their experience as a victim of trafficking in persons.

– The confidentiality of any information provided by aggrieved parties in cases of crimes and other violations committed in the sphere of trafficking in persons.

– Closed court proceedings in cases involving aggrieved parties of crimes in the sphere of trafficking in persons.

– The application of especial procedures providing for the security of the aggrieved parties, including measures to protect their physical security, as well as the obligatory consideration and execution of their civil court proceedings, as per the criminal and administrative legislation of the Republic of Tajikistan.

2. In order to protect the legal rights and interests of aggrieved parties in cases of crimes committed in the sphere of trafficking in persons who are, as the result of their physical or psychological state or their having not reached the age of majority, unable to independently protect their own legal rights and interests, provision is made during criminal and administrative court cases for the obligatory participation of the aggrieved parties' representatives. These representatives are given the same rights as the individuals they represent. Certain categories of children are also provided with psychologists and teachers, in accordance with the legislation of the Republic of Tajikistan.

#### **Article 25. Security measures for aggrieved parties and witnesses in criminal cases on crimes committed in the sphere of trafficking in persons**

1. At any one time one or more of the security measures provided for by the legislation of the Republic of Tajikistan about state protection for participations in criminal court cases can be applied in relation to an aggrieved party or witness in a criminal case in the sphere of trafficking in persons. The names, surnames, and patronymic of those who have been harmed as the result of trafficking in persons can be changed in order to provide for their anonymity, and their appearance can also be modified.

2. The implementation of security measures for aggrieved parties and witnesses is the responsibility of state agencies engaged with the exaction of functions of internal affairs, national security, and narcotics control that are involved in criminal cases on crimes in the sphere of trafficking in persons, either directly under their authority or transferred to their oversight.

3. Security measures for aggrieved parties and witnesses in criminal cases on crimes in the sphere of trafficking in persons that are in active court cases or are being prepared for court by prosecutorial offices are implemented on the basis of a decision made by a court, judge, prosecutor, or the agency of internal affairs, national security, customs, migration, state financial control, anti-corruption, or narcotics control responsible for the aggrieved party's or witness's place of residence.

4. The implementation of additional measures aimed at aiding victims of trafficking in persons is the responsibility of state healthcare and social support agencies, as well as other state agencies, as per the order established by the Government of the Republic of Tajikistan.

5. Criminal prosecution agencies guarantee the confidentiality of information about victims of trafficking in persons that has been acquired during the course of criminal court cases or investigative activities.

### **SECTION 4. PROVIDING AID TO VICTIMS OF TRAFFICKING IN PERSONS**

#### **Article 26. State Fund for the Provision of Aid to Victims of Trafficking in Persons**

1. The State Fund for the Provision of Aid to Victims of Trafficking in Persons (hereafter: "Fund") is formed in order to more effectively finance protection, social adaptation, and social rehabilitation activities for victims of trafficking in persons.

2. The method of the Fund's creation and the organization of its activities are established by the Fund Charter, which is approved by the Government of the Republic of Tajikistan.

3. The state's control over the Fund's activities is conducted in the manner established by the legislation of the Republic of Tajikistan and the Inter-Ministerial Commission for Countering Trafficking in Persons.

4. The Fund holds as its goal the financing of activities related to specialized governmental and nongovernmental institutions and the provision of social support to victims of trafficking in persons who have been legally established as aggrieved parties in criminal cases on crimes in the sphere of trafficking in persons, as well as the financing of activities for their protection, social adaptation, and social rehabilitation.

5. The Fund's sources of funding are as follows:

- The state budget.
- Funds acquired from international organizations.
- Individual and corporate donations.
- Other sources not forbidden by the legislation of the Republic of Tajikistan.

#### **Article 27. Redress of harm done to victims of trafficking in persons**

1. Victims of trafficking in persons have the right to demand redress for the physical, moral, and material harm done to them as the result of crimes committed in the sphere of trafficking in persons in the order established by the legislation of the Republic of Tajikistan.

2. Recompense for damages done to victims of trafficking in persons is provided by those established through court decisions as guilty of crimes committed in the sphere of trafficking in persons.

3. As determined by a court, cases related to the redress of harm done to victims of trafficking in persons can be considered in a closed trial regime.

#### **Article 28. The social adaptation and social rehabilitation of those harmed as the result of trafficking in persons**

1. Those individuals that have been legally established as victims of trafficking in persons in the proper order and in accordance with the legislation of the Republic of Tajikistan have the right to a temporary and secure place to live in either specialized governmental or nongovernmental institutions, as well as the right to freely receive the following forms of aid:

- Legal aid and aid needed to reestablish and receive documents, including official requests and messages connected with crimes committed in the sphere of trafficking in persons.
- Information about the forms of administrative and judicial procedures that are in place to protect and aid individuals that have been harmed as the result of trafficking in persons.
- Social and material aid during a period of adaptation, including food, blankets, hygienic materials, and, as needed, clothing, shoes, and other basic needs in the amounts established by the legislation of the Republic of Tajikistan.
- Medical aid in the form of medical examinations, treatment, and the provision of specialized medical aid in connection with injury or illness sustained as the result of crimes committed in the sphere of trafficking in persons.
- Any necessary psychological aid, including as related to professional orientation.
- Assistance with finding employment, receiving an education, professional orientation, and professional training.
- Assistance reintegrating into a family or community, including helping to find relatives, or, in the case of child victims of trafficking in persons, to find alternative legal representatives.

2. Over the course of a victim of trafficking in persons' period of social adaptation and social rehabilitation, there cannot be any limitations placed on his or her human rights and rights as a citizen, as established by the legislation of the Republic of Tajikistan.

3. Measures taken with a victim of trafficking in persons' social adaptation and social rehabilitation in mind are conducted with full consideration of the victim's confidentiality and only following the victim of trafficking in person's voluntary and informed consent.

4. Information about the social adaptation and social rehabilitation measures to be implemented in relation to a victim of trafficking in persons should be presented to the victim in a timely fashion and understandable manner by the employees of the appropriate agency or institution, who will have authorized to implement the measures in question.

5. Victims of trafficking in persons' social adaptation and social rehabilitation are conducted with consideration of their age, gender, and particular needs, especially in the case of children. In the case of adult victims of trafficking in persons, such measures are implemented with reference to the victims' willingness to cooperation with law enforcement agencies in cases of crimes committed against them.

6. In the case that a victim of trafficking in persons demonstrates willingness to cooperate with law enforcement agencies on cases of crimes committed against them, the period of time in which social adaptation and social rehabilitation measures are provided can be extend to the full length of the criminal court case.

#### **Article 29. The process of victims of trafficking in persons' social rehabilitation; providing them with aid**

1. In order to provide for the security of victims of trafficking in persons and protect their legal rights and interests, the state guarantees the provision of certain social adaptation and social rehabilitation services, including temporary housing in specialized governmental or nongovernmental institutions for up to two months, without regard to the victims' willingness or lack thereof to cooperate with law enforcement agencies or the courts in the criminal prosecution of traffickers in persons.

2. Individuals who have been legally established as victims of trafficking in persons in the order dictated by the given Law are not to be held in temporary holding facilities, incarceration centers, prisons, or other locations of isolation.



3. With victims of trafficking in persons' consent, state educational agencies include them in generalized educational and professional training programs, as well as additional educational programs that have been developed for the social adaptation, social rehabilitation of victims of trafficking in persons, as well as to prevent their revictimization. These programs are implemented together with the executive state agencies that are responsible for oversight functions in the spheres of healthcare, social protection of the populations, and labour and employment.

4. The social adaptation and social rehabilitation of victims of trafficking in persons is conducted on the basis of funds from the state and local budgets, Fund, and additional sources of funding.

5. The state agencies involved in implementing efforts to counteract trafficking in persons take measures to prevent the revictimization of victims of trafficking in persons, including by controlling the process and results of social adaptation and social rehabilitation activities undergone by victims of trafficking in persons after their departure from specialized institutions, as well taking additional action to provide them with assistance as needed.

### **Article 30. Specialized governmental and nongovernmental institutions**

1. Specialized governmental and nongovernmental institutions are founded with the purpose of thereby providing victims of trafficking in persons with the aid demanded by their existent needs.

2. The order of the specialized governmental institutions' founding, funding, and organization is determined by the Government of the Republic of Tajikistan.

3. Nongovernmental organizations, international organizations, and other organizations, and well as individuals, have the right to found specialized nongovernmental institutions, funded by private or donated funds and established in the order provided for under the legislation of the Republic of Tajikistan.

4. The Inter-Ministerial Commission and its subordinate territorial commissions, together with executive state agencies, provide oversight and control over the activities of specialized governmental and nongovernmental institutions as per the regulations established in the legislation of the Republic of Tajikistan and in accordance with their own chartered functions.

5. Specialized governmental and nongovernmental institutions are authorized and obligated to engage in the following activities related to providing aid to victims of trafficking in persons:

- Providing services in a human and non-humiliating manner.
- Providing free and secure sanctuary and temporary housing.
- Providing free meals, sheets and blankets, sanitary goods, and, if needed, clothing.
- Providing victims with free access to the services of a translator in order to assist with his or her social adaptation and social rehabilitation (for individuals that either do not know the state language, or do not know it sufficiently well).
- Providing victims of trafficking in persons clear and understandable information about the purpose of their stay in a specialized institute, their rights, their obligations, and the general rules that regulate their stay in the given institution.
- Providing clear and understandable information about the available methods of protecting the legal rights and interest of those who have been harmed by trafficking in persons, as per the legislation of the Republic of Tajikistan.
- Providing free and qualified psychological aid.
- Providing medical first aid, medical examinations, and ambulatory care in medical centers, clinics, in part as related to prenatal, postnatal, and natal care.
- Providing free legal aid in the amount necessary to protect the legal rights and interests of victims of trafficking in persons.
- Assisting with the reintegration of victims into their families and community, including aiding in the search for relatives.
- Preventing the revictimization of victims of trafficking in persons.

6. Specialized governmental and nongovernmental institutions develop and implement short-term and long-term social adaptation and social rehabilitation programs for the victims of trafficking in persons in such institutions, as well as programs aimed at preventing their revictimization.

### **Article 31. The Repatriation of foreign citizens and stateless persons who have become victims of trafficking in persons**

1. In the case that a foreign citizen or stateless person has been legally established as the aggrieved party in a case of crimes committed in the sphere of trafficking in persons, then he or she is not to be administratively deported from the Republic of Tajikistan during the whole of the criminal court case related to the crime committed against him or her.

2. In the case that a victim of trafficking in persons wishes to leave the territory of the Republic of Tajikistan, then he or she is assisted in acquiring the necessary documents and paying for travel and other costs. Recommendations are also given to the victim about how he or she lower the risk of becoming a victim of trafficking in persons in the target country.

3. During the course of the criminal court case related to crimes committed against him or her in the sphere of trafficking in persons, a foreign citizen or stateless person has the right to request legal residency from the appropriate state agencies and in the order established by the legislation of the Republic of Tajikistan.

4. The following points of reference are to be taken into consideration during the review of a request for legal residency: a victim of trafficking in persons' cooperation with law enforcement agencies, the nature and severity of the harm done to the victim by the crimes in question, the length of time in which the harmed individual has held the status of victim of trafficking in persons, and the existence of any real risk for the victim of trafficking in persons to be revictimized or targeted for reprisals by traffickers in persons after returning to his or her country of permanent residence.

5. The length of stay in the territory of the Republic of Tajikistan for an individual that has been legally established as the aggrieved party in cases of crimes committed in the sphere of trafficking in persons can be extended for up to one year from the date of the related court case's completion on the basis of a written request from the individual, as well as written support from investigative agencies, prosecution, and the courts about the individual's cooperation with law enforcement agencies on criminal cases related to trafficking in persons.

6. Legal residence cannot be provided to adult victims of trafficking in persons who are either foreign citizens or stateless persons and whose identity cannot be established. Measures are to be taken to administratively deport such individuals from the Republic of Tajikistan.

7. An aggrieved party in cases of trafficking in persons whom has been provided with legal residency gains the status of "immigrant," as well as those rights and obligations connected with this status.

8. The repatriation of victims of trafficking in persons to the country of their origin or permanent residence is conducted in accordance with the international agreements to which the Republic of Tajikistan is party.

## SECTION 5.

### PARTICULAR PROVISIONS OF PROVIDING AID TO CHILD VICTIMS OF TRAFFICKING IN PERSONS

#### Article 32. Child victims of trafficking in persons' particular legal status

1. Child victims of trafficking in persons are provided with the rights and freedoms that are guaranteed by the legislation of the Republic of Tajikistan and those international legal agreements that regulate the rights of children and their guaranteed implementation to which the Republic of Tajikistan in party.

2. The government provides for the protection and provision of aid to a child victim of trafficking in persons from the very moment of a crime being committed against him or her, including after his or her identification as a victim of trafficking in persons, and continues to provide support until the child's full social adaptation and social rehabilitation. This occurs without reference to the child's desire to cooperate with state agencies in terms of the investigation into and closing of crimes committed against the child or the criminal prosecution of traffickers in persons.

3. Immediately following a child's acquisition of the legal status of a victim of trafficking in persons, he or she is sent to those agencies and institutions that have been authorized by the legislation of the Republic of Tajikistan to protect and provide aid to children who have suffered as the result of trafficking in persons. In the case that a victim of trafficking in persons' age is unknown, but there are significant reasons to believe that he or she has reached the age of eighteen, then until the individual's true age is established he or she receives all of the legal guarantees provided for under the given Law and other legal acts of the Republic of Tajikistan related to providing support to child victims of trafficking in persons.

4. Children that have been harmed as the result of trafficking in persons are given the status of a victim of trafficking in persons on the basis of a request made by the child, his or her legal representative, a representative of the state child support services, or a representative of a specialized institution, without regard to the child's consent. In the case of children older than fifteen years of age, such status is provided only on the basis of the children, or, in the case of the other individuals noted in this paragraph, with the voluntary and informed consent of the child.

5. Measures aimed at the social adaptation and social rehabilitation of child victims of trafficking in persons are implemented without regard for the children's consent, although in the case of children older than fifteen years of age the consent of the child, his or her representative, or a representative of the state child support services should be acquired.

6. In the case that a child victim of trafficking in persons does not have parents or any other legal representatives, the state child support services are to appoint, without delay and in accordance with the legislation of the Republic of Tajikistan, a legal guardian that will guarantee that decisions are made in the interest of the child, make legal requests on the child's behalf, and participate along with the child in administrative criminal and court proceedings.

7. Child victims of trafficking in persons are given the right to reside in specialized governmental and nongovernmental institutions, as well as in other specialized social service institutions that provide social services to socially vulnerable children or those in difficult life situations; their residence can last for up to six months, or for the period of the court case in which they are involved as an aggrieved party and, as needed, following the court case until the child's full social adaptation and social rehabilitation. Those child victims of trafficking in persons that are housed in the noted specialized institutions should be held in conditions that have been specialized created for them and that accord with their social and age-particular needs; their housing should be separate from adult victims of trafficking in persons.

8. Child victims of trafficking in persons that are housed in the specialized institutions noted in paragraph 7 of the given article, have the right to freely receive the following services:

- Notification of parents (or other legal representatives) about a child's housing in an appropriate specialized institution.
- Support for a child's contact with his or her family through postal correspondence, telephone calls, and meetings, presuming that this does not represent a security risk.
- Aid in the search for the child's parents or other legal representatives.
- Receipt of food, clothing, and other material goods in the amounts necessary to provide for the child's health and basic activities.
- Receiving general and basic professional education and training.
- Receiving those additional services necessary to provide for the child's physical and psychological development, taking into consideration his or her physical and psychological particularities.

9. The additional rights for child victims of trafficking in persons provided for by paragraph 8 of the given article also apply to individuals whose age cannot be identified, presuming sufficient reason to believe that they have not yet reached eighteen years of age, until the point at which they are established as adult victims of trafficking in persons.

10. Those specialized governmental and nongovernmental institutions that are referenced in article 29 of the given Law development and implement specialized programs to identify and provide for the social adaptation and social rehabilitation of child victims of trafficking in persons. These programs apply to those child victims who are housed in said institutions, which for their part guarantee the victims' security and strictly abide by the confidentiality of their personal information and information about their status as victims of trafficking in persons.

11. Child victims of trafficking in persons, including those in specialized governmental and nongovernmental institutions, have the right to receive an education in state institutions of general and basic professional education, as well as in specialized instructional institutions as provided for under the educational legislation of the Republic of Tajikistan.

12. In cases when child victims of trafficking in persons are left without parental support or do not know the whereabouts of their parents, the state agencies authorized to provide support to victims of trafficking in persons are obligated to search for the children's parents and take action to provide the children with guardianship, as per the regulations of the legislation of the Republic of Tajikistan.

### **Article 33. Order of notification about child victims of trafficking in persons**

1. In order to guarantee children's rights, the Inter-Ministerial Commission, its subordinate territorial commissions, agencies of executive state authority, local village administrations, specialized governmental and nongovernmental institutions, and other organizations that are in receipt of information about the location of a child victim of trafficking in persons are obligated to inform the parents or legal representatives about said child's location in an immediate fashion, as well the state child support services and law enforcement agencies.

2. In the case that the agencies, organizations, and institutions listed in in paragraph 1 of the given article are in receipt of information about the place of residency or physical location of the parents or legal representatives of a child victim of trafficking in persons, then within 12 hours of the child's discovery information about the child's location is to be sent to them, along with the state child support services branch representing the child's place of residence. If information about the child's parents or other legal representatives is not available, the appropriate notification is sent only to the state child support services branch representing the child's place of residence.

3. Within the limits of their legal authority, the agencies and organizations involved in efforts to prevent neglect and crime amongst the underage are obligated to protect the legal rights and interests of child victims of trafficking in persons, protect them from all forms of discrimination, physical or psychological violence, humiliation, insult, or sexual and other forms of exploitation, identify potential child victims of trafficking in persons, and immediately notify the following agencies about the following violations of the legislation of the Republic of Tajikistan, about which they have learned through the course of their professional activities:

- The General Prosecutor's Office – about violations of child victims of trafficking in persons' rights and freedoms.
- The Commission for Children's Rights – about identified cases in which child victims of trafficking in persons' rights have been violated, including the right to education, labour, rest, housing, et cetera.
- State Child Support Agencies – about identified potential child victims of trafficking in persons, including children who have been left without parental support or support from any other legal representatives, or those who are living in conditions likely to lead to their recruitment into trafficking in persons.
- Law enforcement agencies – about the identification of children's parents or other legal representatives, as well as about crimes committed in relation to children in the sphere of trafficking in persons.
- Healthcare and social protection agencies – about the identification of potential child victims of trafficking in persons who are in need of medical examinations, oversights, or treatment as a result of crimes committed against them in there sphere of trafficking in persons, as well as those children in need of state support as a result of their neglect and homelessness and families living in socially vulnerable conditions.
- Educational agencies – about the identification of potential child victims of trafficking in persons who are in need of state support as a result of their unwarranted departure from kindergartens, boarding schools, or other children's institutions – or as the result of their not attending classes in educational institutions.
- Agencies working on youth, sport, and tourism affairs – about the identification of potential child victims of trafficking in persons who are living in socially vulnerable conditions and are in need of support in order to find work or properly rest.

4. Failure to notify the agencies listed in paragraphs 1-3 of the given article about child victims of trafficking in persons will be held as the basis for criminal or administrative charges against individuals and legal entities.

5. Information referenced in paragraphs 1-3 of the given article should be stored and used in a manner that guarantees its confidentiality. The illegal distribution of this information is considered sufficient for criminal and administrative charges against those distributing it, in accordance with the procedures established under the legislation of the Republic of Tajikistan.

## **SECTION 6. PREVENTING TRAFFICKING IN PERSONS**

### **Article 34. The organization of efforts to prevent trafficking in persons**

1. The prevention of trafficking in persons is implemented through the use of economic, social, legal, information, educational, rehabilitation-related, and other measures, and is directed at identifying and eliminating the causes and conditions that lead to trafficking in persons, finding and identifying victims of trafficking in persons, and providing for the latter's social adaptation and social rehabilitation, together with prophylactic efforts taken by law enforcement agencies to lower the number of crimes in the sphere of trafficking in persons.

2. Early identification measures related to facts of trafficking in persons are included in the broader activities that are used to prevent trafficking in persons. These include:

– Adding to the legal acts regulating the registration of crimes committed in the Republic of Tajikistan the obligatory registration and technologically sophisticated examination of all notifications – including anonymous – about cases of trafficking in persons, including the trafficking of children or their sexual exploitation.

– Creating a system of “hotlines” and telephone help centers to allow citizens and nongovernmental organizations to more effectively inform law enforcement agencies by phone and by way of mobile and internet connections (including anonymously) about facts of trafficking in persons.

– Developing and implementing social programs aimed at eliminating the causes and conditions that lead to trafficking in persons.

– Guaranteeing the realization of state efforts to legally and socially protect potential victims of trafficking in persons, especially women and children.

– Implementing monitoring, in-depth analysis, and comprehensive evaluation of the processes and events that engender trafficking in persons, in order to thus improve efforts to prevent trafficking in persons.

– Conducting informational and educational work amongst potential victims of trafficking in persons, including information about the dangers associated with trafficking in persons, the measures taken by the state to protect potential victims, and the administrative, legal, and other efforts implemented by the state to counteract trafficking in persons.

– Conducting comprehensive interagency scientific research related to trafficking in persons, including its gender aspect.

– Training the employees of those agencies involved in efforts to counteract trafficking in persons and organizing their training and professional development.

3. In light of the particularities it presents, counteracting trafficking in children is separated out as an independent section of the National Plan for Counteracting Trafficking in Persons, which in part provides for creating a system of organizational, social, legal, educational, and other measures aimed at identifying and eliminating the causes and conditions that underlie the children and orphans' neglect and homelessness. These measures include:

– Organizing a state system to identify families that are living in socially vulnerable conditions and children that are in need of state support, as well as the provision of support.

– Organizing a state system to find parents (or those individuals that have taken the place of parents) who have avoided fulfilling their obligations as parents to raise and oversee their children, as well implementing a series of measures in relation to these parents aimed at their social correction, social and psychological rehabilitation, and social control, as per the conditions and restrictions dictated by the legislation of the Republic of Tajikistan.

– Legally banning children from entering public places intended for the sale of sexually-related objects or services or related to any other activities of an erotic or pornographic nature.

– Legally restricting children's unaccompanied access to public areas of entertainment, rest, or internet access during the nighttime.

4. Measures are taken by the relevant agencies involved in efforts to counteract trafficking in persons to prevent the revictimization of victims of trafficking in persons. These measures are focused around the creation and development of a system of specialized governmental and nongovernmental institutions for the provision of aid to victims of trafficking in persons. Further measures are also taken to assist with victims' rehabilitation and social adaptation.

### **Article 35. Mechanism for implementing prophylactic measures to prevent trafficking in persons**

1. While forming internal state policy, especially in the informational sphere, as well as in the spheres of education, providing social support to the population, the employment of the population, the licensing of various activities, and prophylactic efforts to prevent children's neglect and homelessness, the Government takes into consideration a range of prophylactic efforts meant to prevent trafficking in persons.

2. The implementation of prophylactic measures aimed at counteracting trafficking in persons is provided for by the state's use of economic, social, administrative, and other measures, including:

– The licensing of various activities (labours, services), which provide possibilities for trafficking in persons and the exploitation of individuals.

– Guaranteeing the clarity, transparency, and predictability of labour, tourism, educational, marriage, and other agreements (contract), signed with individuals that are in the process of leaving their place of permanent residence.

– Providing for state and social control over those spheres in which there is a greater risk of trafficking in persons, economic exploitation, or commercial sexual exploitation.

– Identifying and eliminating in a timely manner the causes and conditions underlying trafficking in persons.

– Providing for the fulfillment of statewide and regional programs on counteracting trafficking in persons through organizational, financial, and resource-driven means.

3. The state takes action to provide for technical materials, organizational structure, and legal basis for the activities outlined in the given section; funding is provided from the state budget in support of the goals noted therein.

### **Article 36. Informational policy in the sphere of trafficking in persons**

1. Promoting crimes in the sphere of trafficking in persons and related crimes is forbidden in the Republic of Tajikistan, as is advertising services related to trafficking in persons.

2. Children can be provided with internet access in the Republic of Tajikistan by organizations, educational institutions, and recreational establishments, including internet cafes and computer clubs, on the condition that personal computers are technically and programmatically equipped to properly guard against children's access to information that could lead to their recruitment into the sphere of trafficking in persons.

3. The Ministry of Labour, Migration, and Employment of the Population of the Republic of Tajikistan, along with local executive state agencies regularly publish in local media sources and in online (internet) resources lists of firms and individual entrepreneurs that are licensed to provide employment services outside of the Republic of Tajikistan to the citizens of Tajikistan and foreign citizens and stateless persons who are permanently residing in the Republic of Tajikistan.

4. Within the limits of their legal authority, the state agencies involved in efforts to counteract trafficking in persons, as well as the other organizations listed in articles 7-10 of the given Law inform citizens about risks associated with trafficking in persons and associated crimes, the different forms of trafficking in persons, various measures that are being implemented to increase security in this sphere, and methods of interdicting crimes of trafficking in persons and associated crimes.

### **Article 37. State educational policy in the sphere of preventing trafficking in persons**

1. Educational policy in the sphere of preventing trafficking in persons is realized through the following efforts:

– Adding to the legislation of the Republic of Tajikistan covering education and science a ban on access to pedagogical employment in educational institutions for any individuals who have been banned from such access as the result of a court decision on for medical reasons, or those who have been convicted of crimes in the sphere of trafficking in persons.

– In the order established by the legislation of the Republic of Tajikistan, conducting obligatory analysis of all of the educational programs, textbooks and educational materials intended for use during the educational process in educational institutions. This analysis should in part check all such educational materials for the existence of any clear or hidden promotion of activities associated with trafficking in persons or any advertisement of services in the sphere.

– Developing and implementing educational programs that explicate the issues of trafficking in persons and methods of counteracting it that are aimed at different population groups, including potential victims of trafficking in persons, children's parents, teachers, and other responsible figures, young people, employees of mass media outlets, and employees of law enforcement agencies. Such programs are meant for use in elementary and secondary schools, as well as institutions of higher and professional education.

– Including specialized courses on preventing trafficking in persons in the programs of general, elementary, and secondary schools, as well as those of higher, professional, and post-graduate educational institutions.

– Developing and implementing specialized programs on preventing trafficking in persons for use in specialized children's institutions, as well as in other agencies and institutions that are involved in prophylactic efforts to counteract children's neglect and criminal activity.

– Organizing trainings and professional development for the employees of state agencies, including law enforcement agencies, which are related to preventing and combatting trafficking in persons.

– Overseeing educational institutions' organization of foreign and international internships, training, professional development, conferences, various contests, and children's, university students', and post-graduate students' olympiads.

2. The general state, current changes, and predictions for future trends in crimes related to trafficking in persons, as well as modern methods of counteracting these crimes, including appropriate prophylactic and security mechanisms and modern informational and programmatic tools, are all taken into consideration during the formation of educational policy.

### **Article 38. Obligatory notification**

1. In order to prevent the economic and sexual exploitation of individuals who are travelling to a foreign country for work, employers are obligated to sign a work agreement (contract) with those employees they hire, and, in accordance with the legislation of the Republic of Tajikistan, provide those leaving the country with full and accurate information about the conditions of their future work, as well as about any privileges they might receive, compensation, healthcare, and the safety of their workplace.

2. In order to prevent the economic and sexual exploitation of children, tourism companies and agencies that provide services related to education, tourism, and medical care in foreign countries for children without the accompaniment of their parents are required when signing an agreement covering the services in question to provide children's parents with full and accurate information about the conditions in which the children will be staying in the foreign country, as well as about guarantees of the children's health and personal safety.

3. In order to identify and interdict crimes in the sphere of trafficking in persons in a timely fashion, educational, pediatric, social protection, social services, and other agencies and organizations that work with children, as well as the employees of these organizations and their management, amongst whom the legislation of the Republic of Tajikistan has given the responsibility of children's raising, education, healthcare, social support, social services, and oversight, are required to inform law enforcement agencies without delay about any facts of trafficking in persons or related crimes that have become known to them over the course of their professional activities.

4. The failure to inform, incorrect information (or incomplete information), or untimely notification of facts outlined in the given article is considered a legal violation in accordance with the legislation of the Republic of Tajikistan.

#### **Article 39. Prohibiting the use of public communication networks for purposes connected to committing crimes in the sphere of trafficking in persons**

1. Public communication networks are prohibited from being used for any purposes that are connected with trafficking in persons, including committing crimes in the sphere of trafficking in persons, creating the conditions necessary to commit such crimes, acquiring consent from potential victims to their further exploitation, or distributing materials that promote crimes and other violations related to trafficking in persons.

2. In cases when public communications networks have been used for the purposes outlined in paragraph 1 of the given article, measures are taken to interdict such activities and to charge those individuals or legal entities responsible for said activities with criminal and administrative crimes, as per the legislation of the Republic of Tajikistan.

3. The law enforcement agencies of the Republic of Tajikistan conclude agreements with those organizations and individuals that provide services related to the exchange of information over public communication networks or provide access to the internet and mobile (cell) networks, including provider companies; the agreements should dictate the immediate provision of information to law enforcement agencies of information about facts pointing to the use of public communications networks for the purposes of any activities associated with trafficking in persons, which have been discovered during the course of the individuals' or companies' professional activities.

4. Failure to provide relevant information to law enforcement agencies on the part of the noted individuals and legal entities that represents a violation of the agreement outlined in paragraph 3 of the given article carries with itself legal responsibility as established by the legislation of the Republic of Tajikistan.

### **SECTION 7.**

#### **INTERNATIONAL COLLABORATION IN THE SPHERE OF TRAFFICKING IN PERSONS**

##### **Article 40. Framework for international collaboration in the sphere of trafficking in persons**

1. On the basis of the legislation of the Republic of Tajikistan, as well as international agreements to which it is party, the Republic of Tajikistan collaborates with other states and their law enforcement agencies, as well as international organizations involved in combatting trafficking in persons.

2. The provision of legal aid in criminal cases related to trafficking in persons is conducted in accordance with international agreements to which the Republic of Tajikistan is party, as well as its own legislation.

3. Traffickers in persons, as well as other individuals involved in activities related to trafficking in persons, can be extradited to foreign states for criminal prosecution or the fulfillment of measures of punishment, as per the legislation of the Republic of Tajikistan and the international agreements to which it is party.

4. Within the limits of their legal authority and in accordance with the legislation of their country of location, the foreign diplomatic representatives and consulates of the Republic of Tajikistan identify and in the appropriate manner protect the rights and interests of citizens of the Republic of Tajikistan who have become victims of trafficking in persons, as well as assisting with their return to the Republic of Tajikistan.

5. In the case that documents confirming the identifying of a citizen of the Republic of Tajikistan who is a victim of trafficking in persons have been lost or cannot be acquired from traffickers in persons, the diplomatic representatives and consulates of the Republic of Tajikistan, together with the relevant state agencies, provide the citizen in question with the documents necessary to return to the Republic of Tajikistan in a manner as quickly as possible.

##### **Article 41. Collaboration with the authorized agencies of foreign states and international governmental and nongovernmental organizations in the sphere of counteracting trafficking in persons**

1. In order to increase the effectiveness of efforts to prevent and interdict trafficking in persons and provide for the protection and social rehabilitation of its victims, as well as international collaboration related to the development and implementation of joint activities and programs as provided for under the given Law, the authorized agencies of the Republic of Tajikistan, in accordance with the norms established in the international legal agreements to which Tajikistan is party, collaborate with foreign states and their authorized agencies on issues of counteracting trafficking in persons, as well as with the international governmental and nongovernmental organizations that conduct efforts to prevent and combat trafficking in persons and assist with the protection of victims' rights.

2. The primary areas of international collaboration are as follows:

– The development and concluding of bilateral and multilateral agreements between states on issues of counteracting trafficking in persons.

– The optimization of collaborative efforts between specialized agencies in border territories amongst neighboring states related to combatting trafficking in persons.

– Coordinating the activities of law enforcement agencies, including investigative actions, in order to identify, interdict, and close crimes connected with trafficking in persons in a full and timely manner.

– The joint creation and development of informational systems and methods of timely notification, reaction, and oversight, which are aimed at raising the overall effectiveness of efforts to counteract trafficking in persons.

## SECTION 8.

### ACCOUNTABILITY FOR LEGAL VIOLATIONS IN THE SPHERE OF TRAFFICKING IN PERSONS

#### Article 42. Forms and principles of accountability for legal violations in the sphere of trafficking in persons

1. Individuals and legal entities connected to legal violations in the sphere of trafficking in persons are held accountable for civil, administrative, and criminal legal violations in accordance with the legislation of the Republic of Tajikistan.

2. A public official's actions or inaction, which have created the conditions necessary for trafficking in persons, are sufficient to hold said official legally accountable under the legislation of the Republic of Tajikistan.

3. Traffickers in persons' legal accountability is not undermined by the behavior of a victim of trafficking in persons who is unwilling or unable to change his or her victimized, antisocial, or illegal behavior connected to trafficking in persons.

#### Article 43. Legal entities' accountability for complicity in trafficking in persons

1. An organization's complicity in trafficking in persons that has been established by a court, and which has been demonstrated to facilitate the committing or concealing of crimes in the sphere of trafficking in persons, as well as the legalization (laundering) of funds that have been received from such crimes, dictates, on the basis of the same court decision, the closure of any such organization or the annulment of its license to conduct activities that have turned out to be connected with the committing of the noted crimes.

2. In the case that an organization (legal entity) has conducted activities that are connected with trafficking in persons and which have led to the violation of individuals' and citizens' rights and freedoms, have caused personal or medical harm to citizens, damaged social order, state, or societal security, or have created real threats that could lead to such harm, then this organization's activities can be temporarily halted until a decision is made by a court about the complicity of said organization (legal entity) in said activities, as per the order established in article 7 of the given Law.

3. Decisions related to the temporary halting of a legal entity's activities on the basis provided in paragraph 2 of the given article can be appealed in court prior to a court's decision about its closure or a ban on its activities; the appeal is to be given in the order established by the legislation of the Republic of Tajikistan. If a court does not make a decision about the closure of the legal entity or a ban on its activities, then the legal entity in question renews its activities after the court's decision comes into legal force.

4. In the case that an international organization (including its divisions, affiliates, or representative offices) that is registered outside of the Republic of Tajikistan is found by a court to be complicit in trafficking in persons, the activities of the international organization (including its divisions, affiliates, or representative offices) in the Republic of Tajikistan are terminated on the basis of the court's decision and in the manner established by the legislation of the Republic of Tajikistan.

#### Article 44. Mass media outlets' accountability for the distribution of information promoting crimes and other legal violations in the sphere of trafficking in persons

1. Mass media outlets are forbidden from distributing information and materials that promote crimes and other legal violations in the sphere of trafficking in persons, as well as from disclosing in any distributed materials confidential information about victims of trafficking in persons without the latter's consent. In relation to child victims of trafficking in persons, consent must be acquired from the child, his or her legal representative, and the state child support services.

2. In the case that a mass media outlet has distributed the materials noted in paragraph 1 of the given article, which lead to the violation of a victim of trafficking in persons' rights and freedoms, or cause harm to his or her health, honor, or reputation, as well as to social order, societal or state security, or create a real threat of such harm, the activities of the mass media outlet in question can be terminated by a court decision founded on information present by a relevant law enforcement agency in the order provided for by the legislation of the Republic of Tajikistan.

3. In order to prohibit the further distribution of the materials noted in paragraph 1 of the given article, a court can halt the sale of a periodical publication's issues or the distribution of audio or video programs prior to its final decision on the matter, as per the order provided for under the investigative legislation of the Republic of Tajikistan.

4. Unsold or undistributed copies of mass media materials can be expropriated on the basis of a court decision that has established their related to the materials noted in paragraph 1 of the given article. The materials can be expropriated from places of storage, bulk sales, or individual sales, as well as from public libraries or other public places in which free access to the noted materials was available.

#### Article 45. Particularities of criminal accountability for committing crimes in the sphere of trafficking in persons

1. In accordance with the legislation of the Republic of Tajikistan, a victim of trafficking in persons' consent to his or her exploitation cannot be considered sufficient basis for removing or lowering the criminal liability of a trafficker in persons.

2. The list of crimes that are connected with trafficking in persons is defined by the Government of the Republic of Tajikistan.

## SECTION 9.

### CONCLUDING PROVISIONS

#### Article 46. Accountability for violating the provisions of the given Law

Individuals and legal entities are held accountable for violations of the provisions of the given Law in accordance with the legislation of the Republic of Tajikistan.

**Article 47. On the establishment of the Law of the Republic of Tajikistan “On Combatting Trafficking in Persons” as inoperative**

The Law of the Republic of Tajikistan of June 15, 2004 “On Combatting Trafficking in Persons” (Notification of the Majlisi Oli of the Republic of Tajikistan: 2004, No. 7, p. 454; 2007, No. 7, p. 658; 2008, No. 1, §1, p. 2) is to be established as inoperative.

**Article 48. Order of the given Law’s legal enactment**

The given Law comes into legal force following its official publication.

**President  
of the Republic of Tajikistan**

Dushanbe, July 26, 2014  
No. 1096