

# Azerbaijan - United States Department of State

## AZERBAIJAN: Tier 2 Watch List

The Government of Azerbaijan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included convicting more traffickers and providing guidance to judges to issue stricter sentences for traffickers. The government established grants for civil society, significantly increased overall funding for victim protection, and recognized NGO leaders for their anti-trafficking efforts. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government identified fewer victims, did not regularly screen vulnerable populations, and continued to lack proactive identification efforts, particularly for Azerbaijani victims of internal trafficking. As a result, the government penalized victims due to inadequate identification. The government did not adopt the 2019-2023 national action plan. Therefore Azerbaijan remained on Tier 2 Watch List for the second consecutive year.

## PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Increase proactive identification efforts, particularly for internal trafficking, forced labor, and child trafficking. • Develop standard operating procedures (SOPs) and indicators for screening trafficking victims and train officials on screening for trafficking among individuals in commercial sex, migrants, children begging, and other at-risk populations. • Train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases, including for children, and provide advanced training on trafficking investigations and prosecutions. • Allocate adequate funding to NGO-run shelters providing victim support services. • Strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor. • Adopt specific procedures for children, including identification and referral procedures, indicators, and interview questions. • Adopt the 2019-2023 national action plan.

## PROSECUTION

The government increased law enforcement efforts. The 2005 Law on the Fight against Trafficking in Persons and Article 144 of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment for offenses involving adult victims and eight to 10 years' imprisonment for offenses involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated 25 cases with 27 suspects (28 cases with 34 suspects in 2018); 23 cases were for sex trafficking and two for forced labor (26 were for sex trafficking and

two for forced labor in 2018). The government prosecuted 30 defendants (34 in 2018). Courts convicted 42 traffickers (23 in 2018); 38 were for sex trafficking and four for forced labor (21 for sex trafficking and two for forced labor in 2018). Four traffickers received one to four years' imprisonment, seven traffickers received five to eight years' imprisonment, and three traffickers received eight and half years' to ten and half years' imprisonment (one trafficker received eight years' imprisonment and another received four years' imprisonment in 2018). However, judges continued to issue suspended sentences, with 28 traffickers receiving suspended sentences (20 traffickers in 2018). Officials reported the increase in suspended sentences was due to the "2018 decree on humanization of punishment," which required judges to issue more alternative punishments to imprisonment; however, the government disseminated additional guidelines clarifying the decree did not cover trafficking.

The Ministry of Internal Affairs (MIA) maintained an Anti-Trafficking Department (ATD) that investigated most trafficking cases. Authorities often failed to recognize psychological coercion as a means of control or required a transnational element for trafficking, which led to internal sex trafficking cases reclassified as lesser offenses. In previous years, GRETA and international organizations reported most investigations were reactive and lacking corroborative evidence for victim testimony; law enforcement noted standard procedures requiring a complaint from a victim to initiate an investigation hindered conducting proactive investigations. Observers reported low-level police solicited bribes from individuals in commercial sex and brothels operated under the purview of district police chiefs. In 2018, ATD detained a youth activist, who was a legal minor, and held her incommunicado for five days during which ATD officers assaulted and threatened to rape her if she did not sign a document acknowledging involvement in prostitution offenses. Observers continued to report an absence of victim-centered approaches within law enforcement, including local police insulting and dismissing a potential trafficking victim who attempted to self-identify. The government trained police, prosecutors, judges, MIA officials, advocates, and State Migration Service (SMS) officials. The government did not provide information on international investigations or extraditions.

## PROTECTION

The government increased victim protection efforts. The government officially identified 91 victims (98 in 2018); 85 were female sex trafficking victims and six were male forced labor victims (82 female victims of sex trafficking and 16 male victims of forced labor in 2018); two were foreign victims (none in 2018); and one child victim (none in 2018). Observers reported officials did not acknowledge the existence of internal trafficking and highlighted a complete absence of efforts to proactively identify Azerbaijani victims of internal trafficking, including children. As a result, most officially identified victims were Azerbaijani victims identified in destination countries or foreign victims exploited in Azerbaijan; officials identified one Azerbaijani victim of internal trafficking in both 2018 and 2019. The government did not report information on identified children and parents "involved in begging for the purpose of helping their parents," (450 children and 207 parents in 2018) but observers reported police declined to investigate potential forced child begging cases and returned most children to their parents without investigating the role of the family in the children's exploitation leaving these children vulnerable to further harm.

The government had SOPs for victim identification but first responders, including law enforcement, immigration, and

social services personnel, were either unaware of the procedures or did not consistently follow or understand them. Observers continued to report the lack of screening of vulnerable populations for trafficking indicators, including women, children, LGBTI persons in commercial sex, and foreign migrant workers. Additionally, the government lacked policies tailored to children, such as interview questions, indicators, and referral procedures. SOPs required first responders to refer potential victims within 24 hours to ATD, who officially recognized victims based on an investigation. NGOs and the government provided support services to some potential victims; however, individuals without official recognition did not receive the one-time government-provided allowance and did not have the ability to bring a civil claim against the alleged traffickers. The government did not provide data on the number of potential trafficking victims referred by civil society to ATD (57 in 2018) and the number of those victims ATD determined to be victims (two in 2018).

The government increased assistance for victim protection significantly, allocating 194,700 manat (\$114,530), including operation costs for the MIA-run shelter for trafficking victims, compared to 147,490 manat (\$86,760) in 2018. In addition, the government created grants for victim assistance and awareness campaigns and awarded NGOs a total of 209,000 manat (\$122,940). In 2018, the government allocated 125,650 manat (\$73,910) to civil society for awareness campaigns and raised 13,000 manat (\$7,650) from private donors to support potential and official victims. The MIA operated a shelter for trafficking victims, which provided accommodation, financial assistance, legal assistance, and medical and psycho-social support; 78 officially recognized victims received support at the shelter (95 officially recognized victims and three potential victims in 2018). The MIA-run shelter had separate areas for women, men, and children but limited freedom of movement and required victims to submit an application to leave the shelter. The MIA-run shelter accommodated potential victims for up to one month but longer stays required victims to cooperate with law enforcement. The MIA-run shelter provided the only accommodation for male victims. The government allocated a resettlement allowance of 700 manat (\$410) from an assistance fund for officially recognized victims; all victims received the resettlement allowance in 2018 and 2019. The Victim Assistance Centers (VAC) in Baku and Goychay provided legal, psychological, medical, and employment assistance to officially recognized and potential victims; VACs assisted 85 victims (92 in 2018). VACs provided 19 officially recognized victims with medical aid (28 in 2018), 36 with psychological assistance (47 in 2018), and 21 with legal aid (32 in 2018). Additionally, the government did not provide data on the number of potential victims who received medical aid from VACs (25 in 2018), the number of victims who received psychological assistance (17 in 2018), and the number of victims who received legal aid (nine in 2018). The government aided 14 officially recognized victims to find employment (20 in 2018) and 45 victims with vocational training (23 in 2018). The government provided in-kind support and assistance to children of victims; 56 children received school supplies, 14 children received identity documents, and 22 children were enrolled in pre-school education. Observers reported low pay for VAC employees led to high staff turnover and decreased service quality due to inexperienced staff assisting victims. Additionally, the government awarded some contracts to organizations with no experience and jeopardized victim safety and assistance quality. The government referred 67 victims to NGO-run shelters (47 in 2018). NGOs remained severely underfunded and restrictive legislation governing foreign grants limited NGOs' ability to receive funding from foreign donors. Most NGO-run shelter staff who provided support services worked on a voluntary basis. The SMS did not report data on the number of temporary residence permits issued to foreign victims (none in 2018).

The government likely penalized unidentified victims for unlawful acts traffickers compelled them to commit. Experts reported authorities may have penalized sex trafficking victims with administrative fines for prostitution due to an absence of screening efforts. In previous years, an international organization referred foreign migrant workers who displayed indicators of trafficking, but ATD did not recognize any as a victim and authorities subsequently deported some. Authorities did not use legally mandated victim-witness protection measures for trafficking victims. In previous years, GRETA and other international organizations reported prosecutors believed such measures were unnecessary for trafficking victims and noted the lack of licensed attorneys providing legal assistance to victims due to low pay. Children testified without a child psychologist or attorney to communicate legal terminology in a child-friendly manner, which may have caused further trauma to these children.

## **PREVENTION**

The government maintained prevention efforts. The national coordinator led government-wide anti-trafficking efforts but the lack of cooperation between agencies hindered interagency coordination. In 2018, the government drafted the 2019-2023 national action plan but failed to adopt the plan. The ATD recognized 18 NGO leaders with monetary awards of 1,000 manat (\$590) for their anti-trafficking efforts. The government conducted awareness campaigns targeting youth, students, families, and the general public. SMS organized seminars for migrants coming to Azerbaijan and MIA, in cooperation with an international organization, coordinated a television campaign and disseminated posters. The government publicly released an annual assessment of the country's anti-trafficking efforts, including prosecution data and protection efforts. ATD operated the "152" hotline; the hotline received 6,845 calls (6,310 calls in 2018), 12 of which were related to trafficking (24 in 2018). The government did not reduce the demand for commercial sex acts. A presidential decree in 2015 prevented the Labor Inspectorate from conducting spontaneous employment inspections, which restricted proactive investigations and victim identification efforts. In 2017, the government extended the suspension period of spontaneous labor inspections until 2021, making the identification of potential victims extremely unlikely.

## **TRAFFICKING PROFILE**

As reported over the past five years, human traffickers exploit domestic and foreign victims in Azerbaijan, and traffickers exploit victims from Azerbaijan abroad. Traffickers exploit Azerbaijani men and boys in forced labor within the country and in Qatar, Russia, Turkey, and the United Arab Emirates (UAE). Traffickers exploit women and children from Azerbaijan in sex trafficking within the country and in Iran, Malaysia, Pakistan, Qatar, Russia, Turkey, and the UAE. Azerbaijan is a destination country for sex and labor trafficking victims from China, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. In previous years, Azerbaijan has been used as a transit country for victims of sex and labor trafficking from Central Asia to Iran, Turkey, and the UAE. Within the country, some children are exploited in forced begging and forced labor as roadside vendors and at tea houses and wedding facilities.

Civil society and government officials reported no instances of forced labor in the 2019 cotton harvest due to

**widespread use of affordable harvesting machinery. In 2018, there were isolated reports that local officials mobilized and forced some public-sector employees to participate in the autumn cotton harvest.**