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Trafficking in Persons Report 2017 - Country Narratives - Azerbaijan

AZERBAIJAN: Tier 2

The Government of Azerbaijan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Azerbaijan remained on Tier 2. The government demonstrated increasing efforts by prosecuting and convicting more traffickers and identifying more victims. The government increased funds for victim protection and the state-run shelter. However, the government did not meet the minimum standards in a few key areas. The victim identification and referral mechanism lacked formal implementation, and the government did not provide consistent funding to NGO-run shelters while relying heavily on their victim support and reintegration services.

RECOMMENDATIONS FOR AZERBAIJAN

Vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, in particular, proactively investigate potential trafficking cases such as situations of internal trafficking and forced labor; create standard operating procedures to implement the national referral mechanism and allocate adequate funding to NGO-run shelters providing victim support services; formalize the role of NGOs and other stakeholders in the referral process; respond to NGO referrals of potential trafficking victims by investigating alleged crimes and providing appropriate victim services; continue training first responders, including law enforcement, immigration, and social services personnel, on proactive victim identification and inform relevant actors on formal identification procedures; strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor; improve coordination and communication among government agencies, including about victim referrals and potential cases; and target public awareness campaigns to foreign migrant workers, describing indicators of human trafficking and avenues to seek help.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The 2005 Law on the Fight against Trafficking in Persons and article 144 of the criminal code prohibit sex and labor trafficking and prescribe penalties of five to 15 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated 26 cases of suspected trafficking, compared with 29 suspected cases in 2015. Twenty-two cases were for sexual exploitation and four were for labor exploitation. The government prosecuted 36 defendants, compared with 32 defendants in 2015. Thirty defendants were prosecuted for sex trafficking and six defendants for forced labor. The government convicted 28 sex traffickers, compared to 18 sex traffickers and five labor traffickers in 2015. Two traffickers received sentences between one to five years imprisonment and the other 26 traffickers received sentences between five to 10 years imprisonment.

The Anti-Trafficking Department (ATD) held eight trainings for law enforcement and supported an international organization to train law enforcement and officials from the State Migration Service (SMS) in the Autonomous Republic of Nakhchivan. SMS held four separate specialized training programs on human trafficking in all 32 regional offices. The Justice Academy developed an e-learning platform and a specialized curriculum for trafficking. Corruption remained a systemic issue and the government did not report any prosecutions or convictions of complicit officials. The prosecutor general did put out an INTERPOL notice for an Azerbaijani airport official connected to an organized criminal group involved in human trafficking. The government continued law enforcement cooperation with foreign governments. Azerbaijani law enforcement officials shared information with the government of Uzbekistan after discovering a transnational organized criminal group involved in trafficking citizens from Uzbekistan and Azerbaijan. The government cooperated with Georgia to extradite an Azerbaijani citizen from Georgia.

PROTECTION

The government slightly increased victim protection efforts. The government identified 70 trafficking victims, compared with 63 victims in 2015. Sixty-nine victims were female and one was male, compared to 56 female victims, six male victims, and a child victim in 2015. All females were victims of sex trafficking and the male was a victim of forced labor. The government did not identify any child victims. ATD spent approximately 154,000 manat (\$83,696) for victim protection, compared to approximately 109,000 manat (\$59,239) from 2015. This amount included the ATD's one-time allowance of 400 manat (\$217) to all victims. The ATD spent approximately 900 manat (\$489) a month per individual staying at the government-run shelter. The Ministry of Internal Affairs (MIA) allocated 15,000 manat (\$8,152) to civil society representatives providing victim support services. The government allocated 48,000 manat (\$26,086) to the Victim Assistance Center (VAC), an increase from 44,000 manat (\$23,913) in 2015.

The government had a formal procedure for victim identification but first responders, including law enforcement, immigration, and social services personnel, were either unaware of the procedure or did not consistently follow and understand it. First

responders are required to refer potential victims within 48 hours to ATD, who are then officially recognized as 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. NGOs referred 466 potential trafficking victims to ATD but none were determined to be victims. Observers reported minimal efforts to proactively identify Azerbaijani victims of internal trafficking; as a result, all officially identified victims were foreign victims exploited in Azerbaijan or Azerbaijani victims repatriated from foreign countries, likely reflecting an overemphasis on transnational movement.

The MIA-run shelter accommodated 63 officially recognized victims and an additional seven potential victims, and provided clothing, specific dietary needs, medical and psychological assistance. The shelter has separate areas for women, men, and children. The MIA-run shelter limited freedom of movement for victims and required victims to submit an application to leave the shelter. The SMS-run reception center did not accommodate trafficking victims in 2016. The VAC provided legal, psychological, medical, and employment assistance to all 63 victims at the MIA-run shelter and assisted an additional 30 potential trafficking victims referred from NGOs and the hotline. The government allocated land to create three new VACs in Ganja, Guba, and Lankaran. ATD provided 42 beds and collected 2,000 manat (\$1,087) in donations for NGO-run shelters; however, the government did not provide consistent funding to NGO-run shelters despite relying heavily on their victim support and reintegration services to 40 victims during the reporting period. NGOs remained severely underfunded and restrictive legislation governing foreign grants limited NGOs' ability to receive funding from foreign donors. Most shelter staff who provided support services during the reporting period worked on a voluntary basis. The government amended an article in the criminal code; the amendment established a 30-day reflection period to victims before deciding whether to cooperate with authorities. The government did not penalize trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. A presidential decree prevented the Labor Inspectorate from conducting spontaneous employment inspections, which restricted proactive victim identification efforts. Two trafficking victims received restitution of 5,000 manat (\$2,717) and two additional victims received sheep as restitution.

PREVENTION

The government maintained prevention efforts. The ATD led the implementation of the national action plan (2014-2018) during the reporting period; however, competition between agencies hindered interagency coordination. The government publicly released an annual assessment of the country's anti-trafficking efforts, including prosecution data and protection efforts, which were made available online. The Council of State Support to NGOs awarded 71,000 manat (\$38,587) to fund seven proposals from NGOs for awareness campaigns and victim rehabilitation efforts. VAC conducted awareness campaigns targeting youth, students, and other vulnerable populations. The State Committee for Family, Women, and Children Affairs organized awareness campaigns for law enforcement, labor inspectors, executive committees, teachers, and

health care workers. SMS helped 117 stateless persons obtain identification documents and Azerbaijani citizenship and legalized residency for 2,372 irregular migrants. The government did not report any new measures to reduce the demand for commercial sex or forced labor. The Ministry of Foreign Affairs, in cooperation with an international organization, began developing a manual for diplomats on identifying and preventing human trafficking.

TRAFFICKING PROFILE

As reported over the past five years, Azerbaijan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Azerbaijani men and boys are subjected to forced labor in Turkey, Russia, the United Arab Emirates (UAE), and Azerbaijan. Women and children from Azerbaijan are subjected to sex trafficking within the country and in Malaysia, Turkey, Russia, and the UAE. Traffickers increasingly used the internet for recruitment. Azerbaijan is a destination country for sex and labor trafficking victims from, Ukraine, and in previous years China, Russia, Turkey, Turkmenistan, and Uzbekistan. In previous years, Azerbaijan has been used as a transit country for victims of sex and labor trafficking from Central Asia to the UAE, Turkey, and Iran. Within the country, some children, particularly those of Romani descent, are subjected to forced begging and forced labor as roadside vendors and at tea houses and wedding facilities. Filipino women have been subjected to domestic servitude in Azerbaijan.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2016 to March 2017)



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