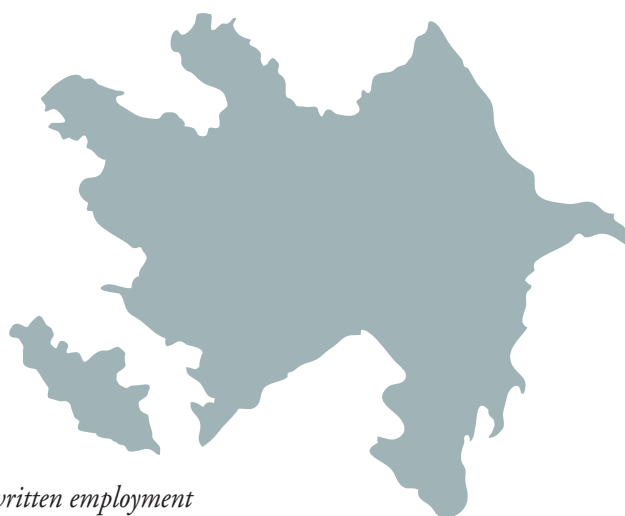


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	243
Land:	Aserbajdsjan
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In 2017, Azerbaijan made a minimal advancement in efforts to eliminate the worst forms of child labor. Despite new initiatives to address child labor, Azerbaijan is receiving this assessment because it implemented a regression in law that delayed advancement in eliminating the worst forms of child labor. In 2017, the government extended a moratorium on all labor inspections through 2021, which will leave potential violations of child labor laws undetected in workplaces.

Otherwise, the government made efforts by opening a new shelter and rehabilitation center for vulnerable children and continuing a cash transfer program for vulnerable families. Children in Azerbaijan engage in the worst forms of child labor, including in commercial sexual exploitation. Children also perform dangerous tasks in street work. Legal protections only apply to workers with written employment contracts, leaving self-employed children and children working outside of formal employment relationships vulnerable to exploitation. In addition, research found limited evidence of government programs to address child labor in agriculture and street work, the sectors in which child labor is most prevalent.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Azerbaijan engage in the worst forms of child labor, including commercial sexual exploitation. (1; 2; 3; 4; 5) Children also perform dangerous tasks in street work. (6; 5) Table 1 provides key indicators on children's work and education in Azerbaijan.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	4.5 (70,034)
Attending School (%)	5 to 14	94.3
Combining Work and School (%)	7 to 14	4.9
Primary Completion Rate (%)		111.3

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2018. (7)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Child Labor Survey (SIMPOC), 2005. (8)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

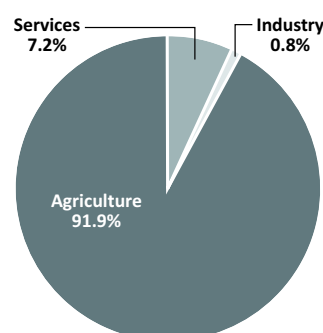
Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming, including production of cotton, tea, and tobacco† (3; 5; 9; 10)
Industry	Construction, activities unknown (11)
Services	Street work, including begging and vending (6; 5) Washing and repairing cars (11; 5; 9; 12)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (6; 1; 3; 4; 5) Forced begging (6; 4; 5)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Figure 1. Working Children by Sector, Ages 7-14



Child labor in Azerbaijan occurs in the agriculture sector; however, there is little recent data to indicate how many children are currently engaged in child labor in this or other sectors. (5)

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Children in Azerbaijan are trafficked for commercial sexual exploitation both domestically and transnationally. Street children, many of whom become homeless after they are released from government-run orphanages and correctional facilities, are particularly vulnerable to human trafficking. (1) Children living in border towns and economically depressed rural communities are also especially vulnerable to human trafficking. (13)

Although Article 5 of the Education Law guarantees free universal education, children with disabilities face difficulty accessing mainstream education. Barriers to education include inaccessibility of the physical infrastructure of schools, and a general social stigma against individuals with disabilities. (6; 14) As a result of these barriers, only an estimated 10 to 17 percent of children with disabilities are able to attend school. The remaining children are either educated at home or do not receive an education. (6; 14)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Azerbaijan has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Azerbaijan's legal framework to adequately protect children from the worst forms of child labor, including minimum age for work.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	15	Article 42 of the Labor Code (15)
Minimum Age for Hazardous Work	Yes	18	Article 250 of the Labor Code (15)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 98 and 250–254 of the Labor Code; Decision 58 of the Cabinet of Ministers in 2000; Article 9 of the Law on the Rights of the Child (15; 16; 17)
Prohibition of Forced Labor	Yes		Article 35 of the Constitution; Article 144-2 of the Criminal Code (18; 19)
Prohibition of Child Trafficking	Yes		The Law on Trafficking in Persons; Articles 106, 144-1, 144-3, and 173 of the Criminal Code (19; 20)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 108, 151, 152, 171, 171-1, and 242–244 of the Criminal Code (19)
Prohibition of Using Children in Illicit Activities	Yes		Article 28 of the Law on the Rights of the Child; Article 170 of the Criminal Code (19; 17)
Prohibition of Military Recruitment			
State Compulsory	Yes	18	Articles 2, 3, and 12 of the Law on Military Obligation and Military Service (21)
State Voluntary	Yes	19	Article 36 of the Law on Military Obligation and Military Service (21)
Non-state	No		
Compulsory Education Age	Yes	15	Articles 5 and 19 of the Education Law (22)
Free Public Education	Yes		Article 5 of the Education Law; Article 22 of the Law on the Rights of the Child (17; 22)

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Azerbaijan's Labor Code applies only to workers with written employment contracts. (15) As a result, the law's minimum age protections do not apply to children working outside formal employment relationships or children who are self-employed. (23; 10) The government introduced both administrative and criminal penalties in 2014 for employing people without an effective employment agreement. (3) Although this strengthened protections for working children by attempting to ensure that all working children are employed under a contract, self-employed children and children working outside formal employment relationships remain unprotected.

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, the absence of worksite inspections conducted at the national level in Azerbaijan impeded the enforcement of child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Social Protection of Population (MLSPP)	Enforce labor laws related to the worst forms of child labor through the State Labor Inspection Service (SLIS). (24)
Ministry of Internal Affairs (MIA)	Function as the central executive agency responsible for public security and prevention of criminal offenses, including child trafficking and begging. (25) Through the Anti-Trafficking Division (ATD), enforce human trafficking laws, investigate human trafficking violations, and enforce criminal laws related to the use of children in illicit activities. Refer children who are victims of human trafficking to social services for assistance with school enrollment, participation in recreational activities, and obtaining proper documentation. (2)
Commission on Juvenile Issues and Protection of Minors' Rights	Coordinate the enforcement of laws related to the worst forms of child labor. Located in the Cabinet of Ministers. (24)
National Referral Mechanism for Trafficking in Persons (NRM)	Refer victims of human trafficking to the relevant authorities to ensure the protection of their rights. (26) Refer human trafficking cases to the ATD for prosecution. Led by the National Coordinator and the Deputy-Minister of the MIA and counts a large number of government agencies as members, including the MLSPP and the State Committee on Family, Women and Children's Affairs (SCFWCA). (4)

Labor Law Enforcement

In 2017, the absence of worksite inspections conducted at the national level in Azerbaijan impeded the enforcement of child labor laws (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown (6)	Unknown (5)
Number of Labor Inspectors	267 (6)	232 (5)
Inspectorate Authorized to Assess Penalties	Yes (6)	Yes (5)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (6)	Yes (5)
Training on New Laws Related to Child Labor	N/A	N/A
Refresher Courses Provided	Yes (6)	Yes (5)
Number of Labor Inspections Conducted	Unknown (6)	0 (5)
Number Conducted at Worksite	2 (6)	0 (5)
Number of Child Labor Violations Found	2 (6; 27)	1 (5)
Number of Child Labor Violations for Which Penalties were Imposed	2 (6)	1 (5)
Number of Child Labor Penalties Imposed that were Collected	2 (6)	0 (5)
Routine Inspections Conducted	No (6)	No (5)
Routine Inspections Targeted	No (6)	No (5)
Unannounced Inspections Permitted	Yes (6)	No (5)
Unannounced Inspections Conducted	No (6)	No (5)

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Table 6. Labor Law Enforcement Efforts Related to Child Labor (cont)

Overview of Labor Law Enforcement	2016	2017
Complaint Mechanism Exists	Yes (6)	Yes (5)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (6)	No (6)

In 2016, the government suspended all routine and unannounced labor inspections, although the inspectorate may still visit a workplace upon receipt of a formal, written complaint. (6) In 2017, this moratorium was extended through 2021. (5) While inspections may still occur if a complaint is filed, no inspections were conducted in 2017. The government did not provide information on how the one child labor violation detected was identified in the absence of labor inspections. (5)

In 2017, labor inspectors received training from the ILO on enforcement of labor laws, including child labor laws. The Ministry of Labor and Social Protection of Population (MLSP) additionally conducted six regional workshops aimed at improving awareness of child labor laws among regional labor inspectors and other members of local government. (5) Limited evidence suggests that the institutionalized training program on child labor issues, including hazardous child labor, may be inadequate. (3) Government officials also assess the number of inspectors as insufficient to fully enforce child labor laws in Azerbaijan. (6; 5)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Azerbaijan took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including referring victims to appropriate services.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown (6)	Yes (5)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	Yes (5)
Refresher Courses Provided	Yes (28)	Yes (29)
Number of Investigations	Unknown (6)	190 (5)
Number of Violations Found	240 (8)	165 (5)
Number of Prosecutions Initiated	Unknown (6)	124 (5)
Number of Convictions	Unknown (6)	124 (5)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (6)	Yes (5)

In 2017, the Ministry of Internal Affairs (MIA) conducted 1,500 operations to identify children engaged in street begging and identified 570 child beggars. (5) However, NGOs report that children were not referred to social services and resumed work almost immediately after being identified by law enforcement officials. (6)

In 2016, the government reported that it created a database to collect information on crimes against children, including child trafficking, street work, and begging. (6) In 2017, it released no information on the database or any data it has collected. (5)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has not adequately established mechanisms to coordinate its efforts to address child labor. Although the State Committee on Family, Women and Children's Affairs coordinates child-related policies, the committee's effectiveness as a coordinating body is limited. (30) The Committee's staff members have reported they lack the legal authority to give instructions to other government organizations about child labor and child welfare matters, which limits the Committee's ability to harmonize policies across the different agencies. (30)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 8). However, policy gaps exist that hinder efforts to address child labor, including mainstreaming child labor issues into relevant policies.

Table 8. Key Policies Related to Child Labor

Policy	Description
State Program on Azerbaijani Youth (2017–2021)†	Guides government policy on youth development, and includes a provision on increasing awareness of trafficking in persons risks among youth. (29)
National Action Plan on Combating Trafficking in Human Beings (NAP) (2014–2018)	Aims to identify and combat the causes of vulnerability to human trafficking in Azerbaijan through improved coordination among the government agencies, NGOs, and intergovernmental organizations. Also seeks to improve the identification and provision of services to victims. (31) Places special emphasis on protecting the rights of child victims and preventing child trafficking. (13; 31)

† Policy was approved during the reporting period.

Although the government of Azerbaijan has adopted the National Action Plan on Combating Trafficking in Human Beings (NAP) and the State Program on Azerbaijani Youth, research found no evidence of a policy on other worst forms of child labor, including forced begging and hazardous child labor in agriculture. In addition, the NAP addresses many prior international recommendations, but lacks clear indicators of the source and amount of funding. As a result, the NAP lacks the funding necessary for full implementation of associated programs. (13)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 9). However, gaps exist in these social programs, including funding.

Table 9. Key Social Programs to Address Child Labor

Program	Description
USDOL-Funded Projects	USDOL-funded projects supporting the elimination of child labor in Azerbaijan include Global Action Program on Child Labor Issues (GAP), implemented in approximately 40 countries by the ILO; and Global Research on Child Labor Measurement and Policy Development (MAP), implemented by the ILO in 11 countries. (32; 33) For additional information about USDOL's work, please visit our website.
Decent Work Country Program (2016–2020)	Aims to promote decent employment opportunities and improve social protection and labor administration mechanisms. Includes a focus on youth employment. (34) Research was unable to determine whether activities were undertaken to implement the Decent Work Country Program during the reporting period.
Centers for Vulnerable Children†	Government-funded program comprising 13 centers that provide social services to vulnerable children, including street children. (35) NGOs reported that the centers are effective in providing services and may contribute to a reduction in child labor. (3) In November 2017, the MLSPP opened an additional shelter and rehabilitation center to provide services to vulnerable children. (29)
Resources for Child Trafficking Victims†	The government maintains several shelters for human trafficking victims, including the MLSPP-run Victim Assistance Center, the MIA-run Baku Shelter, and the State Migration Service-run Reception center. (36) In addition, the government maintains the Program of Social Rehabilitation and Social Reintegration of Child Victims of Trafficking to assist with the social reintegration of child trafficking victims. (37; 38) In 2017, the Victim Assistance Center organized multiple awareness-raising events throughout the country to raise awareness about human trafficking among youth. (29)
Targeted Social Assistance Program†	MLSPP-run program that continued to provide cash transfers to low-income families in 2017. (39)
MIA Identification Document Program†	Provides identification documents to undocumented minors who may be street children or victims of human trafficking. (3)

† Program is funded by the Government of Azerbaijan.

Although the government has implemented programs to address child trafficking, research found little evidence to indicate it has carried out programs to assist children working in agriculture or on the streets.

NGO-run shelters that are tasked by the NAP with providing victim services do not receive consistent funding from the government. Directors of these shelters note that the unpredictable nature of funding prevents long-term planning and capacity building of shelters. (40; 28; 29) Child victims have limited access to facilities that offer specialized care. (29) One shelter that provides such services does not receive consistent government funding, and most of its staff worked on a voluntary basis due to the lack of government funding and an inability to receive foreign assistance caused by the government's restrictions on NGOs over the last three years. (40; 29)

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VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Azerbaijan (Table 10).

Table 10. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that all working children are protected by law, including children working without a written employment agreement or outside of a formal employment relationship and children who are self-employed.	2011 – 2017
	Criminally prohibit the recruitment of children under 18 by non-state armed groups.	2016 – 2017
Enforcement	Resume routine, targeted, and unannounced labor inspections to ensure child labor laws are enforced.	2016 – 2017
	Increase the number of labor inspectors to facilitate effective enforcement of child labor laws.	2016 – 2017
	Ensure that labor inspectors receive sufficient training on the enforcement of laws pertaining to child labor.	2014 – 2017
	Publish information on the Labor Inspectorate's funding.	2015 – 2017
	Publish complete data from the database on crimes against children.	2014 – 2017
Coordination	Establish coordinating mechanisms to combat child labor, including its worst forms.	2016 – 2017
Government Policies	Adopt a policy that addresses all relevant worst forms of child labor, such as forced begging and hazardous work in agriculture.	2016 – 2017
	Ensure the National Action Plan on Combating Trafficking in Human Beings receives the funding necessary for full implementation of associated programs.	2014 – 2017
Social Programs	Ensure that children with disabilities have equal access to education.	2016 – 2017
	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2013 – 2017
	Institute programs to address child labor in agriculture and on the streets.	2009 – 2017
	Ensure that NGO-run shelters for victims of human trafficking are sufficiently and consistently funded to provide services to victims effectively, as dictated by the NAP and NRM.	2015 – 2017

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