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2024 Trafficking in Persons Report:

Azerbaijan

AZERBAIJAN (Tier 2)

The Government of Azerbaijan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period; therefore Azerbaijan remained on Tier 2. These efforts included sentencing all convicted traffickers to prison terms in an improvement from previous years and convening coordinating mechanisms. The government continued to provide robust victim services through the Ministry of Internal Affairs (MIA)-run shelters and Victim Assistance Centers (VACs) and increased overall funding for victim protection, including to NGOs. The government signed an MOU with several NGOs that may provide services to trafficking victims and allocated funds to the NGOs for various anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. Authorities often did not recognize psychological coercion as a means of control or required a transnational element for trafficking and did not implement victim-centered efforts in prosecution. The government continued to lack screening and proactive identification efforts, particularly for internal trafficking victims among vulnerable populations. Government funding overall was still inadequate for NGO-run shelters, which remained severely underfunded, and the government continued its moratorium on scheduled and unannounced labor inspections.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate and prosecute trafficking crimes and seek adequate penalties for convicted traffickers, including complicit officials, which should involve significant prison terms. * Increase proactive identification efforts, particularly for internal trafficking, forced labor, and child trafficking. * Implement SOPs and indicators to screen for trafficking victims among vulnerable populations, including individuals in commercial sex, migrants, children begging, and train officials on their use. * Allow formal victim identification without requiring cooperation with law enforcement and by entities other than law enforcement officials, including by civil society, social workers, and healthcare professionals. * Allocate increased funding to NGO-run shelters providing services to trafficking victims. * Train investigators, prosecutors, and judges on victim-centered approaches, including on re-traumatization, confidentiality, and specific policies on children. * Implement a systemic victim-witness assistance program to increase protective services for victims participating in criminal justice proceedings. * Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked. * Lift the moratorium on scheduled and unannounced labor inspections and strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor. * Consistently enforce strong regulations and oversight of labor recruitment companies, including by eliminating recruitment fees charged to migrant workers and holding fraudulent labor recruiters criminally accountable. * Adopt and implement specific procedures to protect potential child victims, including identification and referral procedures, indicators, and interview questions. * Train judges on restitution in criminal cases and inform all identified victims of their right to pursue compensation and encourage them to do so. * Allow victims to enter MIA-run shelters and receive services while they are seeking all required documents.

PROSECUTION

The government maintained prosecution efforts. The 2005 Law on Combating Trafficking in Persons and Article 144-1 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 12 years' imprisonment for offenses involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. Law enforcement investigated nine cases with 12 defendants, compared with 14 cases with 16 suspects in 2022; all nine were sex trafficking cases. The government continued to investigate three cases of sex trafficking and one case of labor trafficking from previous reporting periods. The government prosecuted nine new defendants, compared with 10 new defendants in 2022; all nine were prosecuted for alleged sex trafficking. The government continued to prosecute three defendants for sex trafficking and two defendants for labor trafficking from previous years. Courts convicted 10 traffickers, compared with 12 traffickers in 2022; all 10 were convicted for sex trafficking. Unlike previous years, judges did not issue any suspended sentences and continued to issue stronger sentences with all convicted traffickers receiving imprisonment between eight to 18 years. In previous years, judges issued suspended sentences to traffickers due to the "2018 decree on humanization of punishment," which required judges to issue more alternative punishments to imprisonment; however, in 2020, the government disseminated additional guidelines clarifying the decree did not include trafficking.

The MIA maintained the Anti-Trafficking Department (ATD) investigated most trafficking cases. Authorities often did not recognize psychological coercion as a means of control or required a transnational element for trafficking, which led to internal sex trafficking cases being reclassified as offenses with lesser penalties. In previous years, GRETA and international organizations reported most investigations were reactive and lacked corroborative evidence for victim testimony; however, law enforcement noted standard procedures required a complaint from a victim to initiate an investigation, hindering the ability to conduct proactive investigations. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes. The government trained police and State Migration Service (SMS) officials on various anti-trafficking issues. The government cooperated with authorities from Pakistan, Russia, Thailand, Türkiye, and the United Arab Emirates (UAE) on international cases. The European Court of Human Rights ruled in October 2021 that the government did not effectively investigate forced labor claims by migrant workers in 2009 and ordered the government to pay €5,000 (\$4,530) to each of the 33 Bosnian victims that filed the case. The government did not pay the victims.

PROTECTION

The government modestly increased victim protection efforts. The government officially identified 91 victims, compared with 94 victims in 2022. Of the 91 officially identified victims, traffickers exploited 89 in sex trafficking and two in labor trafficking; 90 were women, and one was a man; and two were foreign nationals. The government lacked proactive identification efforts for internal trafficking victims, particularly Azerbaijani victims. As a result, most officially identified victims were Azerbaijani victims identified in destination countries or foreign national victims exploited in Azerbaijan. Authorities only identified two Azerbaijani internal trafficking victims and no foreign national victims, compared with 10 Azerbaijani internal trafficking victims in 2022. The government did not report information on children and parents "involved in begging for the purpose of helping their parents" in 2023 or 2022, 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 maintained SOPs for victim identification and authorities used indicators to screen individuals in commercial sex and other vulnerable communities. However, first responders, including law enforcement, immigration, and social services personnel, were either unaware of the procedures or did not consistently follow or understand them, and GRETA reported a lack of screening of vulnerable populations for trafficking indicators, including women, children, LGBTQI+ persons in commercial sex, asylum-seekers, 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, which officially identified victims based on an investigation. NGOs and the government provided support services to some potential victims; however, individuals without official victim status did not receive a one-time government-provided allowance and did not have the ability to bring a civil claim against the alleged traffickers.

Overall government funding for protection efforts increased compared with 2022. The government allocated 210,161 manat (\$123,620) for victim assistance, compared with 179,464 manat (\$105,570) in 2022. The government also allocated 116,161 manat (\$68,330) to the MIA-run shelter, compared with 106,964 manat (\$62,920) in 2022. The State Support Agency to NGOs allocated 94,000 manat (\$55,290) to fund 11 NGO anti-trafficking projects, compared with 73,500 manat (\$43,240) to fund eight such projects in 2022. The government also fundraised 5,300 manat (\$3,120) and donated the amount to officially identified victims. While government funding increased in 2023, the amount was still inadequate for NGO-run shelters, which remained severely underfunded, and restrictive legislation governing foreign grants limited NGOs' ability to receive funding from external donors. Many NGO-run shelter staff who provided support services worked on a voluntary basis. In previous years, the government awarded some contracts to organizations with no experience and jeopardized victim safety and assistance quality.

The MIA operated a shelter for trafficking victims, which provided accommodation, financial assistance, legal assistance, and medical and psycho-social support. The MIA-run shelter had capacity to accommodate 50 victims and 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 director and most staff members of the MIA-run shelter were NGO workers paid by the government for their part-time work. The MIA-run shelter also accommodated potential victims for up to one month, but longer stays required victims to cooperate with law enforcement; 61 officially recognized victims and six potential victims received support at the shelter (73 officially recognized victims and one potential victim in 2022). The MIA-run shelter provided the only accommodation for male victims. The government provided a resettlement allowance of 700 manat (\$410) for officially recognized victims; 90 officially identified victims received the resettlement allowance. VACs in Baku and Goychay provided legal, psychological, medical, and employment assistance to officially recognized and potential victims; VACs assisted 67 officially recognized victims and 25 potential victims (81 officially recognized victims and 32 potential victims in 2022). The government also assisted in enrolling 14 officially recognized victims in vocational courses and supported 10 officially recognized victims with finding employment (25 officially recognized victims enrolled in vocational courses and nine officially recognized victims supported with finding employment in 2022). However, GRETA reported the number of victims that can be enrolled in a vocational course is limited and some courses take place in locations far from shelters. The government also referred 61 officially recognized victims to NGO-run shelters for additional support services (81 in 2022). SMS assisted two foreign national victims to obtain a temporary residence permit (two in 2022).

Authorities may have penalized sex trafficking victims with administrative fines for alleged "prostitution" and deported migrants who may have been labor trafficking victims due to an absence of screening efforts, according to GRETA and other observers. In previous years, an international organization referred foreign migrant workers who displayed indicators of trafficking to ATD, but ATD did not recognize any as a victim and authorities subsequently deported some. Police provided protection to victims staying at the MIA-run shelter but authorities did not use victim-witness assistance measures for trafficking victims. Police reported difficulties in encouraging victims to cooperate with investigations and prosecutions due to a fear of authorities or retaliation from traffickers. Courts held some public hearings for trafficking cases which resulted in media outlets publishing victims' identities and details of their exploitation. The government maintained a lawyer to provide legal assistance to trafficking victims; the lawyer provided legal assistance to 105 officially recognized victims (99 in 2022). The government allowed video and written statements in prosecutions but authorities often interviewed victims in the presence of the suspected trafficker and children testified without a child psychologist or attorney to communicate legal terminology in a child-friendly manner. While two cases were filed for compensation in civil suits, judges have never issued restitution in criminal cases or awarded compensation in civil suits.

Unlike in previous years, the government reported it did not confiscate property, cash, securities or other assets from traffickers for transferring to its victim assistance fund.

PREVENTION

The government modestly increased prevention efforts. The national coordinator (NC) led government-wide anti-trafficking efforts, and while cooperation between agencies had improved, interagency coordination remained hindered. The government maintained the Interagency Commission (IC) composed of representatives from various ministries and local NGOs to coordinate anti-trafficking efforts; the IC met once (none in 2022). The NC managed a working group that monitored the implementation of the 2020-2024 NAP; the working group did not meet (once in 2022). While some civil society members reported the government did not consider trafficking a high priority, they highlighted good communication with ATD, including responsiveness to recommendations and concerns. MIA signed an MOU with 18 NGOs and allocated 23,000 manat (\$13,530) to NGOs for various anti-trafficking efforts. The government organized awareness campaigns targeting students and the public and distributed brochures on the risks of trafficking to citizens traveling abroad and foreigners coming into Azerbaijan. ATD operated a trafficking hotline, but did not report the number of calls it received (158 in 2022). The government did not make efforts to reduce demand for commercial sex acts. The government did not regulate or monitor labor recruitment agencies nor did it prohibit worker-paid fees. The government continued a moratorium on scheduled and unannounced labor inspections after a presidential decree in 2015 prevented the Labor Inspectorate from conducting spontaneous employment inspections, which restricted proactive investigations and victim identification efforts. Although inspectors were permitted to request information from employers and relevant employees in order to investigate complaints, complaint response did not include worksite inspections. The government did not report the number of investigated labor violations, compared with 1,664 labor violations in 2022.

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, Türkiye, and the UAE. Traffickers exploit women and children from Azerbaijan in sex trafficking within the country and in Bahrain, Iran, Iraq, Malaysia, Pakistan, Qatar, Russia, Türkiye, and the UAE. In previous years, traffickers exploited victims from the People's Republic of China, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan in both sex trafficking and forced labor. In previous years, Azerbaijan has been used as a transit country for victims of sex and labor trafficking from Central Asia to Iran, Türkiye, 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. Oil workers are vulnerable to forced labor with lengthy shifts and allegations of labor violations, including withheld wages and annual leave. Civil society and government officials reported no instances of forced labor in the 2023, 2022, and 2021 cotton harvest due to widespread use of affordable harvesting machinery. Previous reports indicate low-level police solicit bribes from individuals in commercial sex and brothels operate under the purview of district police chiefs. NGOs report increasing online recruitment, including social media applications, for fraudulent or suspicious jobs abroad.