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2023 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, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Azerbaijan remained on Tier 2. These efforts included sentencing all convicted traffickers to prison terms in an improvement from previous years and identifying more victims of internal trafficking. The government increased funding for NGO-run shelters and amended a sub-law to establish the Interagency Commission composed of representatives from various ministries and local NGOs to improve coordination of anti-trafficking efforts. Additionally, the Anti-Trafficking Department (ATD) recognized 34 NGO leaders with monetary awards. However, the government did not meet the minimum standards in several key areas. The government prosecuted fewer defendants and convicted fewer traffickers. Authorities often failed to recognize psychological coercion as a means of control over victims or required a transnational element for trafficking, which led to internal sex trafficking cases reclassified as lesser offenses. The government continued to lack screening and proactive identification efforts, particularly for vulnerable populations, and continued its moratorium on scheduled and unannounced labor inspections through 2023.

PRIORITIZED RECOMMENDATIONS:

- Vigorously investigate and prosecute trafficking crimes and convict traffickers.
- Continue to 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.
- Implement 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.
- Increase and allocate adequate funding to NGO-run shelters providing victim support services.
- Train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases, including for children, and provide advanced training on trafficking investigations and prosecutions.
- Lift the moratorium on scheduled and unannounced labor inspections.
- Strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor.
- 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 Ministry of Internal Affairs (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 serious crimes, such as rape. Law enforcement investigated 14 cases with 16 suspects, compared with 15 cases with 14 suspects in 2021; 13 were sex trafficking cases and one was a labor trafficking case. The government prosecuted 10 new defendants, a decrease compared with 16 new defendants in 2021; all 10 were prosecuted for alleged sex trafficking. The government continued to prosecute five defendants from previous years. Courts convicted 12 traffickers, a decrease compared with 16 traffickers in 2021 – 11 for sex trafficking and one for labor trafficking.

Unlike previous years, judges did not issue any suspended sentences and continued to issue stronger sentences with all convicted traffickers receiving imprisonment between three years to eight years and six months. In previous years, officials reported 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 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 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 provided information to INTERPOL but did not provide information on international investigations or extraditions. The European Court on 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 (\$5,440) to each of the 33 Bosnian victims that filed the case. The government did not pay the victims during the reporting period.

PROTECTION

The government maintained victim protection efforts. The government officially identified 94 victims, compared with 95 victims in 2021. Of these, 92 were sex trafficking victims and two were labor trafficking victims; this included 87 women, one man, and six girls; and one was a foreign national. The government lacked proactive identification efforts for Azerbaijani victims of internal trafficking and, as a result, most officially identified victims were Azerbaijani victims identified in destination countries or foreign national victims exploited in Azerbaijan. However, in 2022, authorities identified 10 Azerbaijani victims of internal trafficking, an increase compared to one in 2021. The government did not report information on children and parents “involved in begging for the purpose of helping their parents” in 2022 or 2021, 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 observers continued to report the lack of screening of vulnerable populations for trafficking indicators, including women, children, LGBTQI+ 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, 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 decreased in 2022 compared with 2021, although some of the funding in 2021 was for a one-time purchase of land. In 2022, the government allocated 179,464 manat (\$105,570) for victim assistance, compared with 124,700 manat (\$73,350) for victim assistance in 2021. The government also allocated 106,964 manat (\$62,920) to the MIA-run shelter, compared with 124,700 manat (\$73,350) in 2021. The State Support Agency (SSA) to NGOs allocated 73,500 manat (\$43,240) to fund eight NGO projects. This included 39,400 manat (\$23,180) for operational costs for three NGO-run shelters, compared with 19,200 manat (\$11,290) in 2021. In 2021, SSA allocated 151,500 manat (\$89,120) to fund 11 NGO projects but diverted approximately 32,500 manat (\$19,120) toward pandemic mitigation efforts. The MIA also funded repairs in 2021 and improved roads for one NGO-run shelter and allocated 30,000 manat (\$17,650) for the other NGO-run shelter to buy land to build a new shelter. Government funding overall 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. 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 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 also accommodated potential victims for up to one month, but longer stays required victims to cooperate with law enforcement; 73 officially recognized victims and one potential victim received support at the shelter (90 officially recognized victims and one potential victim in 2021). 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; all officially identified victims received the resettlement allowance. Victim Assistance Centers (VACs) in Baku and Goychay provided legal, psychological, medical, and employment assistance to officially recognized and potential victims; VACs assisted 81 officially recognized victims and 32 potential victims (85 in 2021). The Neftchala Executive Authority allocated a plot of land for a victim to construct a house and the government also assisted in enrolling 25 officially recognized victims in vocational courses and supported nine officially recognized victims with finding employment. Observers reported low pay for VAC employees led to high staff turnover and decreased service quality due to inexperienced staff assisting victims. In previous years, the government awarded some contracts to organizations with no experience and jeopardized victim safety and assistance quality. The government also referred 81 officially recognized victims to NGO-run shelters for additional support services (89 in 2021). SMS assisted two foreign national victims to obtain a temporary residence permit (two in 2021).

Observers reported law enforcement utilized a more victim-centered approach in their interaction with victims – an improvement over past years – but authorities may have penalized sex trafficking victims with administrative fines for alleged “prostitution” crimes due to an absence of screening efforts. 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. 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. However, the government reported providing legal assistance to 99 officially recognized victims, a significant increase compared with 30 in 2021. 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. In 2021, the government amended a law to include measures to assess and prevent re-victimization of foreign victims. Judges did not issue restitution in criminal cases, and no cases were filed for 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 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 amended a sub-law to establish the Interagency Commission composed of representatives from various ministries and local NGOs to coordinate anti-trafficking efforts. The NC managed a working group that monitored the implementation of the 2020-2024 NAP; the working group met once (it did not meet in 2021). While some civil society members reported the government did not consider trafficking as a high priority, it highlighted good communication with ATD, including responsiveness to recommendations and concerns. ATD recognized 34 NGO leaders with monetary awards of 1,000 manat (\$590) for their anti-trafficking efforts, compared with 16 NGO leaders in 2021. 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. The government funded an NGO to conduct research on forced labor in agriculture and publicly released an annual assessment of the country's anti-trafficking efforts, including prosecution data and protection efforts. ATD operated a trafficking hotline, which received 158 trafficking-related calls (21 in 2021). 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. A presidential decree in 2015 prevented the Labor Inspectorate from conducting spontaneous employment inspections, which restricted proactive investigations and victim identification efforts. In 2022, the government extended its moratorium on scheduled and unannounced labor inspections through 2023. 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 Ministry of Labor and Social Protection reported it investigated 1,664 labor violations, compared with 1,508 labor violations in 2021; the government did not report whether any cases were investigated for forced labor.

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 United Arab Emirates (UAE). In recent years, traffickers exploited women and children from Azerbaijan in sex trafficking within the country and in Iran, 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 2022 and 2021 cotton harvest due to widespread use of affordable harvesting machinery. Low-level police solicit bribes from individuals in commercial sex and brothels operated under the purview of district police chiefs. NGOs report increasing online recruitment, including social media applications, for fraudulent or suspicious jobs abroad.