

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	255
Land:	Aserbajdsjan
Kilde:	US Department of State
Titel:	2019 Trafficking in Persons Report: Azerbaijan
Udgivet:	20. juni 2019
Optaget på baggrundsmaterialet:	3. september 2019

Document #2010758

USDOS – US Department of State

2019 Trafficking in Persons Report: Azerbaijan

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 identifying more victims and providing thorough victim assistance at the government-run trafficking shelter and victim assistance center. The government also increased awareness campaigns for Azerbaijani migrants traveling abroad, and the anti-trafficking police unit hired an experienced attorney with a firm understanding of victim-centered approaches. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Prosecution efforts decreased, with courts issuing suspended sentences for nearly all convicted traffickers. The credibility of the Anti-Trafficking Department (ATD) was diminished by credible reports of its arbitrary detention and physical coercion of a confession from a minor; and the government did not regularly screen vulnerable populations and lacked proactive identification efforts, particularly for Azerbaijani victims of internal trafficking. As a result, the government disincentivized cooperation with law enforcement and may have penalized victims due to inadequate identification. The government did not fund NGO-run shelters despite relying heavily on their victim support and reintegration services. Some local officials mobilized and forced some public-sector employees to participate in the autumn cotton harvest. Therefore Azerbaijan was downgraded to Tier 2 Watch List.

PRIORITIZED RECOMMENDATIONS

Vigorously investigate, prosecute, and convict traffickers and impose strong sentences. • Increase proactive identification efforts, particularly for internal trafficking, forced labor, and child trafficking. • Take action to end forced labor, including during the annual cotton harvest, through such measures as increasing both the public and authorities' understanding of forced labor as trafficking and encourage reporting of incidents to authorities. • Train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases, including for children, and advanced training on trafficking investigations and prosecutions. • Allocate adequate funding to NGO-run shelters providing victim support services. • Train 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. • Adopt specific procedures for children, including identification and referral procedures, indicators, and interview questions.

PROSECUTION

The government decreased 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 28 cases with 34 suspects (29 cases with 33 suspects in 2017); 26 were for sex trafficking and two for forced labor (25 were for sex trafficking and four for forced labor in 2017). The government prosecuted 34 defendants (29 in 2017). Courts convicted 23 traffickers (29 in 2017), including 21 for sex trafficking and two for forced labor (25 for sex trafficking and four for forced labor in 2017). One trafficker received eight years' imprisonment and another received four years' imprisonment. However, 20 traffickers received suspended sentences and authorities postponed one trafficker's sentence, compared to three traffickers receiving prison sentences between one to five years and 26 traffickers receiving sentences between five to ten years in 2017.

The Ministry of Internal Affairs (MIA) maintained an Anti-Trafficking Department (ATD) that led most trafficking investigations. Observers reported law enforcement lacked an understanding of trafficking and the capacity to investigate trafficking, particularly law enforcement outside of Baku. Authorities often failed to recognize psychological coercion as a means of control leading to internal sex trafficking cases reclassified as organized prostitution. GRETA and international organizations reported most investigations were reactive and lacking corroborative evidence for victim testimony, but law enforcement noted difficulties in conducting proactive investigations due to standard procedures requiring a complaint from a victim to initiate an investigation. ATD hired an experienced attorney with a firm understanding of victim-centered approaches and experts reported good cooperation with ATD. However, ATD's role in protecting the vulnerable was tarnished when they 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. 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 new police recruits and ATD, in cooperation with an NGO, trained local police officers. The State Border Service administered annual trainings. The government cooperated with Russia and Ukraine to extradite two suspects to Azerbaijan.

PROTECTION

The government decreased victim protection efforts. The government officially identified 98 victims (71 in 2017), including 82 female victims of sex trafficking and 16 male victims of forced labor (66 female victims of sex trafficking and five male victims of forced labor in 2017). None were foreign victims (three were foreign victims in 2017). The government did not identify any child victims in 2016, 2017, or 2018. GRETA and other observers reported minimal 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 in previous years, foreign victims exploited in Azerbaijan; officials identified one Azerbaijani victim of internal trafficking in 2018 (none in 2017). The government identified 450 children and 207 parents “involved in begging for the purpose of helping their parents,” but it identified no forced begging victims and returned children to their parents without investigating the role of the family in the children’s exploitation.

The government had standard operating procedures (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 reported the lack of screening of vulnerable populations for trafficking indicators, including women, children, LGBTI persons in prostitution, 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. Civil society referred 57 potential trafficking victims to ATD (six in 2017) and ATD determined two to be victims (none in 2016 and 2017).

The government allocated 147,490 *manat* (\$86,760) for victim protection, compared to 150,530 *manat* (\$88,550) in 2017. The MIA operated a shelter for trafficking victims, which provided accommodation, financial assistance, legal assistance, and medical and psycho-social support; 95 officially recognized victims and three potential victims received support at this shelter (65 officially recognized victims and six potential victims in 2017). 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 400 *manat* (\$240) from an assistance fund for officially recognized victims; 98 victims received the resettlement allowance (71 in 2017). The government raised 13,000 *manat* (\$7,650) from private donors in 2018 for a foundation to support potential and official victims. The Victim Assistance Center (VAC) in Baku provided legal, psychological, medical, and employment assistance to officially recognized and potential victims. MIA referred 92 victims to the VAC (68 victims in 2017), civil society referred 27 potential victims (28 potential victims in 2017), and five potential victims self-referred. The VAC provided 28 officially recognized victims with medical aid (44 in 2017), 47 with psychological assistance (52 in 2017), and 32 with legal aid (52 in

2017). Additionally, the VAC provided 25 potential victims with medical aid, 17 with psychological assistance, and nine with legal aid. The government also aided employment of 20 officially recognized and potential victims (21 in 2017) and 23 with vocational training (10 in 2017). Observers reported low pay for VAC employees led to high staff turnover and decreased service quality due to inexperienced staff assisting victims. The government did not provide funding to NGO-run shelters despite relying heavily on their victim support and reintegration services; the government referred 47 victims to NGO-run shelters (41 in 2017). 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 State Migration Service (SMS) could issue temporary residence permits for foreign victims, had authorities identified any in 2018.

The government likely penalized 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 inadequate identification. Similarly, an international organization referred foreign migrant workers who displayed indicators of trafficking, but ATD did not recognize any as a victim and some were subsequently deported. Authorities did not use legally stipulated victim-witness protection measures for trafficking victims. 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.

PREVENTION

The government maintained prevention efforts. The national coordinator led the implementation of the 2014-2018 national action plan and coordinated government wide anti-trafficking efforts; however, lack of cooperation between agencies hindered interagency coordination. The government provided 125,650 *manat* (\$73,910) to civil society for awareness campaigns, compared to the 104,000 *manat* (\$61,180) in 2017. The government conducted awareness campaigns targeting youth, students, and families. The Ministry of Foreign Affairs created a division responsible for increasing awareness of trafficking for Azerbaijani migrants traveling abroad, and SMS offered weekly training programs for migrants to Azerbaijan. 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 6,310 calls (8,565 calls in 2017), 24 of which were related to trafficking. The government did not report measures to reduce the demand for commercial sex or forced labor. 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.

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. Azerbaijani men and boys are subjected to forced labor in Azerbaijan, Russia, Turkey, and the United Arab Emirates (UAE). Women and children from Azerbaijan are subjected to sex trafficking within the country and in Iran, Malaysia, Pakistan, Russia, Turkey, and the UAE. Azerbaijan is a destination country for sex and labor trafficking victims from China, Russia, 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 subjected to forced begging and forced labor as roadside vendors and at tea houses and wedding facilities.

During the year, there were isolated reports that local officials mobilized and forced some public-sector employees to participate in the autumn cotton harvest. Local officials threatened civil servants (including medical practitioners and teachers) and their families, implicitly or explicitly, with job termination if they did not participate in the cotton harvest. Experts reported labor mobilization from public institutions takes place, but such practices were ad-hoc.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2018 to March 2019)

**Country:**

Azerbaijan

Source:

USDOS – US Department of State [\(/en/source/11558.html\)](/en/source/11558.html)

Original link:

<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/azerbaijan/> (<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/azerbaijan/>)

Document type:

Periodical Report

Language:

English

Published:

20 June 2019

Document ID:

2010758

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

