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2022 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 on its anti-trafficking capacity; therefore Azerbaijan was upgraded to Tier 2. These efforts included convicting slightly more traffickers and continuing to issue more significant sentences and fewer suspended sentences than in previous years. The government increased victim protection efforts, including identifying more victims and increasing funding toward victim assistance and the Ministry of Internal Affairs (MIA)-run anti-trafficking shelter. The government amended laws to expand victim identification efforts to include the State Migration Service (SMS) and measures to prevent revictimization of foreign national victims. However, the government did not meet the minimum standards in several key areas. The government investigated and prosecuted fewer suspects and lacked proactive identification efforts, particularly for Azerbaijani victims of internal trafficking and victims of forced labor. While the MIA funded repairs for an NGO-run shelter and funded another NGO-run shelter to buy land for a new shelter, the government allocated fewer resources to NGOs, including operational costs for NGO-run shelters. The government continued its moratorium on scheduled and unannounced labor inspections through 2022.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers. • 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. • Increase and allocate adequate funding to NGO-run shelters providing victim support services. • Develop and implement standard operating procedures (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. • 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 MIA-run shelters and receive services while they are seeking all required documents.

PROSECUTION

The government maintained prosecution efforts. The 2005 Law on the Fight against 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 15 cases with 14 suspects, compared with 18 cases with 20 suspects in 2020; 14 were sex trafficking cases and one was a forced labor case. The government prosecuted 16 new defendants, compared with 21 defendants in 2020. The government continued to prosecute defendants from previous years. Courts convicted 16 traffickers, compared with 15 traffickers in 2020; 14 for sex trafficking and two for forced labor. Judges continued to issue stronger sentences with 14 traffickers receiving imprisonment of seven to 10 years. Judges also issued fewer suspended sentences; one trafficker received a suspended sentence, and another received probation, compared with three traffickers receiving suspended sentences in 2020, 28 in 2019, and 20 in 2018. 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. Courts conducted virtual proceedings due to the pandemic and prioritized serious crimes, including trafficking, but as a result, courts required more time to process cases.

The MIA maintained an Anti-Trafficking Department (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; law enforcement noted standard procedures required a complaint from a victim to initiate an investigation, which hindered 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, prosecutors, judges, attorneys, and 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 (\$5,670) to each of the 33 Bosnian victims that filed the case.

PROTECTION

The government increased victim protection efforts. The government officially identified 95 victims, compared with 94 in 2020; 94 were adult female sex trafficking victims and one was an adult male victim of forced labor; none were foreign victims. 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 victims exploited in Azerbaijan. Officials identified one Azerbaijani victim of internal trafficking (eight in 2020). The government did not report information on children and parents “involved in begging for the purpose of helping their parents” in 2021 or 2020, 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 had SOPs for victim identification and amended a law to formally expand victim identification efforts to include the SMS. The government trained law enforcement, social workers, psychologists, and shelter staff on victim identification. 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 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 15 potential victims to ATD in 2021; however, only one of the potential victims was determined by ATD to be a trafficking victim.

The government allocated 124,700 manat (\$73,350) for victim assistance, compared with 119,000 manat (\$70,000) for victim assistance in 2020. The government also allocated 124,700 manat (\$73,350) to the MIA-run shelter, compared with 113,346 manat (\$66,670) in 2020. The State Support Agency to NGOs allocated 151,500 manat (\$89,120) to fund 11 NGO projects but diverted approximately 32,500 manat (\$19,120) toward pandemic mitigation efforts, compared with 172,000 manat (\$101,180) for 19 NGO projects in 2020. This included 19,200 manat (\$11,290) for operational costs for two NGO-run shelters, a decrease compared with 30,000 manat (\$17,650) in 2020. However, MIA funded repairs 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; 90 officially recognized victims and one potential victim received support at the shelter (80 officially recognized victims and one potential victim in 2020). 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 52 officially recognized victims and 18 potential victims (32 officially recognized victims in 2020). The government also assisted in enrolling 28 officially recognized victims in vocational courses, supported 11 with finding employment, and reunited 56 with their families. 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 referred 89 victims to NGO-run shelters (80 in 2020). SMS assisted two foreign national victims to obtain a temporary residence permit (none in 2020).

Observers reported law enforcement's attitude toward victims improved, 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, but ATD did not recognize any as a victim, and authorities subsequently deported some. Authorities did not use victim-witness protection 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 a licensed attorney provided legal assistance to 30 officially recognized victims 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. The government amended a law to include measures to assess and prevent revictimization of foreign victims. Judges did not issue restitution in criminal cases, and no cases were filed for compensation in civil suits. The government reported confiscating property, cash, securities, and other assets from traffickers and transferring it to a victim assistance fund; 16 officially recognized victims and five potential victims received financial assistance from the fund.

PREVENTION

The government maintained prevention efforts. The national coordinator (NC) led government-wide anti-trafficking efforts, but the lack of cooperation between agencies hindered interagency coordination. The NC managed a working group with relevant government ministries to coordinate anti-trafficking efforts and implement the 2020-2024 National Action Plan (NAP); the working group did not meet due to the pandemic in 2021. While civil society reported the government did not consider trafficking as a high priority, it highlighted good communication with ATD, including responsiveness to recommendations and concerns. The ATD recognized 16 NGO leaders with monetary awards of 1,000 manat (\$590) for their anti-trafficking efforts in 2021 and 2020. ATD allocated 20,000 manat (\$11,760) to an NGO to create a documentary on trafficking, and 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 4,506 calls (5,705 calls in 2020); however, the calls did not initiate any trafficking investigations compared with calls helping identify 10 victims and initiating three investigations in 2020. The government did not make efforts to reduce the demand for commercial sex acts. A presidential decree in 2015 prevented the Labor Inspectorate from conducting spontaneous employment inspections, which restricted proactive investigations and victim identification efforts. In 2021, the government extended its moratorium on scheduled and unannounced labor inspections through 2022. 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 1,508 labor violations, compared with 8,512 in 2020; 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, Turkey, and the United Arab Emirates (UAE). Traffickers exploit women and children from Azerbaijan in sex trafficking within the country and in Iran, Malaysia, Pakistan, Qatar, Russia, Turkey, and the UAE. Traffickers exploit 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, Turkey, 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. In 2018, there were isolated reports that local officials mobilized and forced some public-sector employees to participate

in the autumn cotton harvest. However, civil society and government officials reported no instances of forced labor in the 2021 and 2020 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.

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