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AZERBAIJAN: TIER 2

The Government of Azerbaijan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Azerbaijan remained on Tier 2. The government demonstrated increasing efforts by establishing a new victim assistance center to provide specialized support services and maintaining good cooperation with civil society at the other victim assistance center. The government increased funding to civil society to organize awareness campaigns and funded an NGO to provide training to local police on victim identification. However, the government did not meet the minimum standards in several key areas. Law enforcement lacked an understanding of trafficking and victim-centered approaches. First responders did not consistently follow standard operating procedures (SOPs) and made minimal efforts proactively identifying Azerbaijani victims of internal trafficking, including children. The Ministry of Internal Affairs (MIA)-run shelter often did not accommodate victims who did not cooperate with law enforcement and the government did not provide funding to NGO-run shelters despite relying heavily on their victim support and reintegration services.

RECOMMENDATIONS FOR AZERBAIJAN

Vigorously investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; increase proactive identification efforts, particularly for internal trafficking, forced labor, and children; train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases, including for children, and advanced training on trafficking investigations and prosecutions; respond to NGO referrals of potential trafficking victims by investigating alleged crimes and providing appropriate victim services; train first responders, including law enforcement, immigration, and social services personnel, on proactive victim identification and inform relevant actors on formal identification procedures; allocate adequate funding to NGO-run shelters providing victim support services; strengthen the capacity of the Labor Inspectorate to identify and refer victims of forced labor; improve coordination and communication among government agencies, including for victim referrals and potential cases; and target public awareness campaigns to foreign migrant workers, describing indicators of human trafficking and avenues to seek help.

PROSECUTION

The government maintained law enforcement efforts. The 2005 Law on the Fight against Trafficking in Persons and article 144 of the criminal code criminalized sex and labor trafficking and prescribed penalties of five to 10 years imprisonment, which are sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Law enforcement investigated 29 cases with 33 suspects (26 cases in 2016): 25 were for sex trafficking and four were for forced labor cases (22 sex trafficking and four forced labor cases in 2016). The government prosecuted 29 defendants (36 in 2016). Courts convicted 29 traffickers (28 in 2016): 25 for sex trafficking and four for forced labor (28 sex traffickers in 2016). Three traffickers received prison sentences between one to five years and 26 traffickers received sentences between five to 10 years.

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. Experts reported most investigations were reactive and over reliant on victim testimony. Additionally, observers reported a lack of victim-centered approaches within law enforcement, including media reports of local police and prosecutors insulting and dismissing a potential trafficking victim who attempted to self-identify. ATD held 32 trainings on trafficking issues. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

PROTECTION

The government maintained victim protection efforts. The government identified 71 trafficking victims (70 in 2016); 66 female victims of sex trafficking and five male victims of forced labor (69 female sex trafficking victims and one male forced labor victim in 2016). The government did not identify any child victims in both 2016 and 2017. Sixty-eight victims were Azerbaijanis and three were foreign victims (one foreign victim in 2016). The government had 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 and understand them. 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 six potential trafficking victims to ATD (466 potential victims in 2016) but ATD determined none to be victims in both 2016 and 2017; civil society members noted ATD did conduct adequate review of referred cases in making such determinations in 2017. Observers reported minimal efforts to proactively identify Azerbaijani victims of internal trafficking, including children; as a result, all officially identified victims were foreign victims exploited in Azerbaijan or Azerbaijani victims repatriated from foreign countries, likely reflecting an overemphasis on transnational movement. The government-funded an NGO to provide training workshops for local police on how to identify and assist trafficking victims.

The government allocated 150,530 *manat* (\$88,030) for victim protection, compared to 154,000 *manat* (\$90,060) in 2016. The MIA-run trafficking-specific shelter provided accommodation, financial assistance, legal assistance, and medical and psycho-social support; 65 officially recognized victims and six potential victims received support at the MIA-run shelter (63 officially recognized victims and seven potential victims in 2016). The MIA-run shelter had separate areas for women, men, and children but limited freedom of movement for victims and required victims to submit an application to leave the shelter. Observers reported the MIA-run shelter generally did not accommodate victims who did not cooperate with law enforcement. The Victim Assistance Center (VAC) in Baku provided legal, psychological, medical, and employment assistance to

officially recognized and potential trafficking victims. ATD referred 68 victims to the VAC and civil society referred 28 potential victims to the VAC. The VAC provided 44 officially recognized victims with medical aid, 52 with psychological assistance, and 53 with legal aid. The government also provided 21 officially recognized victims and potential victims with employment and 10 with vocational training. The government established a new VAC in Goychay to provide specialized rehabilitation services to trafficking victims. Civil society reported good cooperation with the VAC and praised their reintegration services. The government did not provide funding to NGO-run shelters despite relying heavily on their victim support and reintegration services to 41 victims (40 victims in 2016). 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 during the reporting period worked on a voluntary basis. The State Migration Service (SMS) issued temporary residence permits for two victims from Russia and one victim from Ukraine.

PREVENTION

The government maintained prevention efforts. The national coordinator led the implementation of the national action plan (2014-2018) and coordinated government wide anti-trafficking efforts; however, lack of cooperation between agencies hindered interagency coordination. The government awarded 104,000 *manat* (\$60,820) to fund 16 proposals from civil society for awareness campaigns, compared to 71,000 *manat* (\$41,520) in 2016. The government also conducted awareness campaigns targeting youth and students. The government publicly released an annual assessment of the country's anti-trafficking efforts, including prosecution data and protection efforts. SMS helped 378 stateless persons obtain identification documents and Azerbaijani citizenship, and legalized residency for 2,500 irregular migrants. 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 labor inspections until 2021.

TRAFFICKING PROFILE

As reported over the past five years, Azerbaijan is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Azerbaijani men and boys are subjected to forced labor in Turkey, Russia, the United Arab Emirates (UAE), and Azerbaijan. Women and children from Azerbaijan are subjected to sex trafficking within the country as well as in Malaysia, Turkey, Russia, Pakistan, and the UAE. Azerbaijan is a destination country for sex and labor trafficking victims from Ukraine, China, Russia, Turkmenistan, and Uzbekistan. In previous years, Azerbaijan has been used as a transit country for victims of sex and labor trafficking from Central Asia to the UAE, Turkey, and Iran. Within the country, some children, including those of Romani descent, are subjected to forced begging and forced labor as roadside vendors and at teahouses and wedding facilities. Filipino women have been subjected to domestic servitude in Azerbaijan.

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