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2021 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 imposing more stringent sentences to convicted traffickers and identifying more victims, including victims of internal trafficking. The government slightly increased funding for victim assistance, continued to provide robust victim assistance through Victim Assistance Centers (VAC), and adopted the 2020-2024 National Action Plan (NAP). However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government investigated and prosecuted fewer suspects and convicted fewer traffickers. The government lacked proactive identification efforts, resulting in victims likely penalized for unlawful acts their traffickers compelled them to commit. The government continued to lack interagency cooperation on anti-trafficking efforts and continued its moratorium on scheduled and unannounced labor inspections through 2021. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Azerbaijan was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Azerbaijan remained on Tier 2 Watch List for the third consecutive year.

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. • Develop and implement standard operating procedures 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. • Increase and allocate adequate funding to NGO-run shelters providing victim support services. • 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.

PROSECUTION

The government decreased law enforcement 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 18 cases with 20 suspects, compared with 25 cases with 27 suspects in 2019. Of the 18 cases, 16 were for sex trafficking and two for forced labor with 17 female and three male suspects. The government prosecuted 21 defendants, compared with 30 in 2019. Courts convicted 15 traffickers, a significant decrease from 42 in 2019. Of those convicted in 2020, 11 were females convicted for sex trafficking, and one female and three males were convicted for forced labor. Judges issued stronger sentences in 2020 with three traffickers sentenced to three to five years' imprisonment and nine traffickers sentenced to eight to nine years and six months' imprisonment. Judges also issued fewer suspended sentences; three traffickers received suspended sentences, compared with 28 in 2019. 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 that the decree did not include trafficking. Due to pandemic mitigation efforts, the government postponed court cases, and law enforcement partially suspended inspections on locations associated with sex trafficking. However, law enforcement prioritized serious crimes, including trafficking, and continued investigations during the pandemic.

The Ministry of Internal Affairs (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. Observers reported low-level police solicited bribes from individuals in commercial sex and brothels operated under the purview of district police chiefs. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. In previous years, observers reported 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 police, judges, border guards, and State Migration Service (SMS) officials on various anti-trafficking issues. ATD also held training for approximately 70 police officers and conducted virtual trainings for new prosecutors. The government did not provide information on international investigations or extraditions.

PROTECTION

The government maintained victim protection efforts. The government officially identified 94 victims (91 in 2019); 85 were female sex trafficking victims, five were female forced labor victims, and four were male forced labor victims (85 female sex trafficking victims and six male forced labor victims in 2019); one was a foreign victim from Russia (two foreign victims from Tajikistan and Uzbekistan in 2019); and two were child victims (one in 2019). Most officially identified victims were Azerbaijani victims identified in destination countries or foreign victims exploited in Azerbaijan; officials identified eight Azerbaijani victims of internal trafficking (one in 2019). The government did not report information on identified children and parents “involved in begging for the purpose of helping their parents” in 2019 or 2020 (450 children and 207 parents in 2018) 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 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 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 two potential victims to ATD in 2020 but none of the potential victims were determined by ATD as trafficking victims.

The government allocated 119,000 manat (\$70,000) for victim assistance, compared with 110,000 manat (\$64,710) in 2019. The government also allocated 113,350 manat (\$66,670) for the MIA-run shelter, compared with 84,700 manat (\$49,820) in 2019. The State NGO Council provided 172,000 manat (\$101,180) for 19 civil society projects, including 30,000 manat (\$17,650) for two NGO-run shelters, compared with 209,000 manat (\$122,940) for 20 projects, including 57,000 manat (\$33,530) for two NGO-run shelters in 2019. MIA provided a land grant in October to an NGO to construct a new shelter, but government funding overall was still inadequate for NGO-run shelters. NGO-run shelters remained severely underfunded and restrictive legislation governing foreign grants limited NGOs’ ability to receive funding from external donors. Most 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; 80 officially identified victims received support at the shelter (78 in 2019). 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 provided a resettlement allowance of 700 manat (\$412) for officially identified victims; 91 officially identified victims received the resettlement allowance, the same number as in 2019. The VAC in Baku and Goychay provided legal, psychological, medical, and employment assistance to officially recognized and potential victims. VACs assisted 32 officially identified victims (85 in 2019), including 19 victims and four of their children with medical aid, 14 with psychological assistance, and 11 with legal aid. The government did not provide data on the number of potential victims who received assistance from VACs in 2019 or 2020. The government aided 12 officially identified victims to find employment (14 in 2019) and 25 with vocational training (45 in 2019). The government provided in-kind support and assistance to children of victims; 27 children received school supplies (56 in 2019), 14 children received identity documents (14 in 2019), and 27 children were enrolled in preschool education (22 in 2019). Observers reported that 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 80 victims to NGO-run shelters (67 in 2019). NGO-run shelters operated at full capacity despite pandemic mitigation efforts but one NGO-run shelter in Ganja suspended operations after shelling in the armed conflict over Nagorno-Karabakh damaged its facility. The SMS did not report data on the number of temporary residence permits issued to foreign victims in 2019 or 2020 but the government assisted a foreign victim in obtaining a passport.

Observers reported that law enforcement’s attitude towards victims improved, but authorities may have penalized sex trafficking victims with administrative fines for 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. 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. Judges did not issue restitution in criminal cases and did not provide information on compensation in civil suits. The government reported confiscating property, cash, securities, and other assets from traffickers and transferring it to a victim assistance fund.

PREVENTION

The government increased prevention efforts. The government consulted NGOs, international organizations, and government agencies to draft the 2020-2024 NAP and adopted the NAP in July 2020. The national coordinator led government-wide anti-trafficking efforts but the lack of cooperation between agencies hindered interagency coordination. 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 18 NGO leaders with monetary awards of 1,000 manat (\$588) for their anti-trafficking efforts in 2019 and 2020. The government postponed awareness campaigns targeting children and students due to the pandemic but distributed brochures and flyers on the risks of trafficking at public awareness events and to citizens traveling. 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, which received 5,705 calls (6,845 calls in 2019). These calls helped identify 10 victims and initiate three investigations. 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 2017, the government extended its moratorium on scheduled and unannounced labor inspections through 2021. 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 that it investigated 8,512 complaints in 2020.

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. Azerbaijan is a destination country for sex and labor trafficking victims from China, Russia, Tajikistan, 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 exploited in forced begging and forced labor as roadside vendors and at tea houses and wedding facilities but there were no reports of forced begging or forced labor at wedding facilities in 2020, which were not operational due to pandemic mitigation measures. Oil workers are vulnerable to forced labor with lengthy shifts at sea due to pandemic-related restrictions. Civil society and government officials reported no instances of forced labor in the 2019 and 2020 cotton harvest due to widespread use of affordable harvesting machinery. In 2018, there were isolated reports that local officials mobilized and forced some public-sector employees to participate in the autumn cotton harvest.

ecoi.net summary:

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