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Azerbaijan (TIER 2 Watch List) 2011  
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Azerbaijan is a source, transit, and destination country for men, women, and children subjected to forced labor, and women and children subjected to sex trafficking. Men and boys from Azerbaijan are subjected to conditions of forced labor in Russia and Moldova. Women and children from Azerbaijan are subjected to sex trafficking in the UAE, Turkey, Russia, and Iran. Women and children from Azerbaijan are subjected to sex trafficking and children are subjected to forced labor, including forced begging, within the country. Azerbaijan serves as a transit country for women from Uzbekistan and Kazakhstan subjected to forced prostitution in Turkey and the UAE. Azerbaijan is a destination country for women from Uzbekistan and Kyrgyzstan subjected to forced prostitution.

Azerbaijan is also a destination country for men from Turkey, Afghanistan, and China subjected to conditions of forced labor, primarily in the construction industry. Chinese women are subjected to forced labor as street vendors within Azerbaijan.

The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking. The Government of Azerbaijan has not made sufficient progress in investigating, prosecuting, or convicting labor trafficking offenses or in identifying victims of forced labor; therefore, Azerbaijan is placed on Tier 2 Watch List for a fourth consecutive year. Azerbaijan was not placed on Tier 3 per Section 107 of the 2008 Trafficking Victims Protection Reauthorization Act, however, as the government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. During the reporting period, the government acknowledged that forced labor is a problem within Azerbaijan and investigated at least three reports of forced labor. It did not, however, prosecute or convict any trafficking offenders for forced labor. Moreover, the reported number of sex trafficking prosecutions and convictions declined from the previous year. The government identified three Azerbaijani victims of forced labor in Poland and investigated an allegation of 25 Azerbaijanis subjected to forced labor in Russia. The government also provided assistance to some domestic victims of trafficking without requiring them to submit a police report.

## Recommendations for Azerbaijan:

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Improve efforts to identify victims of forced labor by more effectively implementing the national victim referral mechanism; sustain efforts to ensure identified victims of forced labor are provided access to government-funded victim assistance;

Demonstrate and report efforts to vigorously investigate, prosecute, convict, and criminally punish government officials, including regional police officers, complicit in both sex and labor trafficking;

Continue to provide initial assistance to domestic victims without requiring them to file a formal complaint with police;

Provide more victim identification and victim sensitivity training to low-level law enforcement officials;

Develop an effective and affordable birth registration process;

Continue efforts to raise public awareness about both sex and labor trafficking; and increase efforts to inspect construction sites for potential victims of forced labor.

## Prosecution

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The Government of Azerbaijan demonstrated uneven anti-trafficking law enforcement efforts during the reporting period. Azerbaijan's 2005 Law on the Fight Against Trafficking in Persons prohibits both forced prostitution and forced labor, and prescribes penalties of five to 15 years' imprisonment, punishments which are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government did not provide information on the number of sex trafficking investigations in 2010, though it reported at least three labor trafficking investigations. The government reported prosecuting 38 individuals for sex trafficking crimes in 2010, compared with 58 individuals prosecuted in 2009, a number newly clarified during the reporting period. The government convicted 28 sex trafficking offenders during the reporting period, a decrease compared with 58 trafficking offenders convicted during the previous reporting period; 11 cases remained pending at the

end of the year. Twenty-five convicted offenders received sentences ranging from two to nine years' imprisonment and three convicted offenders received delayed five-year sentences. The government investigated at least three reports of labor trafficking, though it did not prosecute or convict any individuals for forced labor in 2010. The government did not initiate any prosecutions regarding a 2009 case involving hundreds of Bosnian and Serbian labor trafficking victims. In response to this case, the government reported a new recognition of Azerbaijan's serious labor trafficking problem and the establishment of a procedure for joint investigations by the Ministry of Internal Affairs and the Ministry of Labor at construction sites. There were allegations that police officers controlled or influenced the activities of certain saunas, motels, and massage parlors where forced prostitution likely occurred. The government, however, did not investigate any allegations of government officials involved in either sex or labor trafficking. The government, in cooperation with NGOs, provided specific anti-trafficking training to government officials in 2010; some officials received training at 31 events organized by international organizations held in other countries.

#### Protection

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The Government of Azerbaijan demonstrated efforts to protect and assist victims of trafficking during the reporting period. The government identified 31 adult female victims of sex trafficking, three child victims of sex trafficking, and three male victims of forced labor in 2010, a decrease from 220 total victims identified by the government in 2009. The victims of forced labor were identified as trafficking victims and repatriated by the Government of Azerbaijan after being jailed in Poland. The government provided medical, psychological, financial and housing assistance to all identified victims of trafficking; it also provided medical and psychological assistance to an additional 319 women, who were potential victims of trafficking, without requiring that they fill out a police report. During the year, the government funded one trafficking shelter which assisted 27 victims of sex trafficking, compared with 48 victims assisted by the

government-funded trafficking shelter in 2009. Shelter assistance was contingent upon filling out a report with shelter staff that was required to be shared with police. Victims were not detained at the government-funded shelter and could enter and leave the shelter freely. The government-funded shelter did not assist any victims of forced labor. The government placed two child victims in foster care and a third victim in a boarding school. During the reporting period, the government provided at least 12 victims of trafficking with vocational training and job placement through its victim assistance center. It also provided a one-time subsidy payment of \$40 to all identified victims, including child victims. During 2010, the government adopted resolutions to increase this one-time stipend to trafficking victims from \$40 to \$243 and increase the number of existing treatment facilities at which victims can receive psychological counseling.

The government did not demonstrate progress in its efforts to identify foreign victims of forced labor in Azerbaijan. Police and labor inspectors inspected 142 construction sites in 2010 and reported finding no cases of forced labor. Outside of official inspections, there were few civil society organizations able to monitor and report independently on potential labor trafficking situations. Law enforcement reported that all 34 victims of sex trafficking identified by authorities assisted law enforcement during the reporting period. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked. The government offered some legal alternatives to foreign victims facing retribution or hardship upon return to their home country; the anti-trafficking law allows for a suspension of deportation proceedings for up to one year or the duration of the investigation and court proceedings. The law also allows victims to apply for temporary immigration relief.

#### Prevention

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The Government of Azerbaijan sustained its trafficking prevention efforts during the reporting period. The government ran trafficking awareness public service announcements,

developed by NGOs, on major TV networks. The Ministry of Internal Affairs, in cooperation with NGOs, conducted 53 anti-trafficking seminars, targeted primarily at high school and university students and local government officials, including police, immigration officers, customs and border police, Ministry of National Security officers, and health authorities. The government estimates that approximately 4,500 individuals from these groups attended these seminars. The government provided \$56,700 to anti-trafficking NGOs in 2010, though some NGOs not associated with the government did not receive funding. The government continued to fund an NGO-operated trafficking hotline that served to provide information to the public and identify potential victims of trafficking; it also helped create and distribute posters advertising the hotline in cooperation with other organizations. The government does not have an effective birth registration process, leaving some Azerbaijani citizens vulnerable to trafficking because they do not have legitimate identification documents. The government did not conduct a public awareness campaign to reduce the demand for commercial sex acts.

The Government of Azerbaijan continued to implement an action plan to combat trafficking, originally formed in 2009 though valid through 2013. In 2010, the government signed the Council of Europe Convention on Actions Against Trafficking in Human Beings.