

The 2012 Annual Trafficking in Persons Report
Department of State, United States

Azerbaijan - Tier 2 Watch List

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. Women and children from Azerbaijan are subjected to sex trafficking in the United Arab Emirates, 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 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 and in agriculture within Azerbaijan. In 2011, Azerbaijani victims were identified in Afghanistan and Turkmenistan, and victims from Turkmenistan, Pakistan, Ukraine, and the Philippines were identified in Azerbaijan by civil society groups.

The Government of Azerbaijan does not fully comply with the minimum standards for the elimination of trafficking. During the year, the government prosecuted fewer alleged trafficking cases and convicted fewer trafficking offenders than in the previous year, and it did not identify any labor trafficking victims; therefore, Azerbaijan is placed on Tier 2 Watch List for a fifth consecutive year. Azerbaijan was granted a waiver of an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan. During the reporting period, the government did increase funding for protection services, implemented measures to protect at-risk children, made new efforts to inspect work places, and passed legislative amendments which, if implemented, could contribute to an increase in prosecutions and victim protection.

Recommendations for Azerbaijan: Strengthen efforts to identify victims of forced labor by improving implementation of the national victim referral mechanism and by training labor inspectors on proactive victim identification techniques; demonstrate and report on efforts to vigorously investigate, prosecute, convict, and criminally punish government officials complicit in both sex and labor trafficking; improve quality of labor inspections at construction sites in order to identify victims of forced labor; consider amending legislation governing labor migration to require work permits for migrant construction workers from all countries; enhance victim protection during court proceedings; send court verdicts to addresses chosen by the victims; enforce the law against passport withholding; increase provision of victim identification and victim sensitivity training to working-level law enforcement officials; and continue efforts to raise public awareness about both sex and labor trafficking.

Prosecution

The Government of Azerbaijan demonstrated some 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 reported two new labor trafficking investigations and 17 new sex trafficking investigations in 2011, compared with three labor trafficking investigations and an unknown number of sex trafficking investigations in 2010. The government reported prosecuting 20 individuals - nine of which were new prosecutions - for sex trafficking crimes in 2011, compared with 38 individuals prosecuted for such crimes in 2010. The government convicted 10 sex

trafficking offenders in 2011, a decrease from the 28 and 58 trafficking offenders convicted in 2010 and 2009, respectively.

Nine convicted offenders received sentences ranging from seven to eight years' imprisonment, and one offender received a two-year prison sentence. The government did not prosecute or convict any individuals for forced labor in 2011. The Ministry of Internal Affairs' Anti-Trafficking Department (MIA ATD) reported that it extradited three Azerbaijani citizens from the UAE to face sex trafficking charges in Azerbaijan. In March 2012, the government passed amendments to the criminal code to allow punitive measures - including criminal prosecution, imposition of fines, asset confiscation, and liquidation - to be taken against legal entities such as construction companies, which commit certain crimes, including using compulsory labor. Two NGOs alleged that police officers controlled or influenced the activities of certain saunas, motels, and massage parlors where forced prostitution likely occurred. They further stated that construction companies, including those that used forced labor, were protected by government officials. The government did not investigate allegations of government officials' involvement in sex or labor trafficking. Some civil society groups criticized the MIA ATD for being corrupt and ineffectual.

In 2011, the MIA ATD, in cooperation with NGOs, provided law enforcement authorities with anti-trafficking training on investigative techniques, public awareness raising, and sensitivity. The government provided in-kind assistance for a three-day conference, led and financed by international partners, in Baku; prosecutors, judges, and police investigators responsible for trafficking crimes participated in the event which focused on implementing the country's labor trafficking law, including through building cases.

Protection

The Government of Azerbaijan made progress during the reporting period to protect and assist victims of trafficking, although victim identification remained a concern. In 2011, the government identified 29 female victims of sex trafficking, including one child, and no male victims or victims of forced labor, while in 2010 the government identified 31 trafficking victims, including three male victims of forced labor. Labor inspectors and police officers inspected construction sites, rock quarries, cotton fields, and tobacco farms; these inspections included efforts to detect forced labor indicators, but did not result in the identification of trafficking victims.

During the year, the government continued to fund one trafficking shelter, which assisted 38 victims of trafficking, including one labor trafficking victim; 27 victims were assisted by the shelter in 2010. All government-identified victims were assisted in this shelter and were provided with medical and psychological assistance. Each of the 28 identified adult victims was provided with a one-time subsidy payment in the equivalent of \$243, an increase from the equivalent of approximately \$40 in 2010. Victims were not detained at the government-funded shelter and could enter and leave the premises freely. The government continued to provide initial assistance to domestic trafficking victims without requiring them to file a formal complaint with the police. In March 2012, the government amended the Law on Social Services to permit trafficking victims to receive social services from local governments.

In practice, most aid to victims was contingent upon their cooperation with law enforcement authorities, though this was not a legal requirement. There were no reports that victims were penalized for unlawful acts committed as a direct result of being trafficked; however, there were allegations that sex and labor trafficking victims, who were not identified by the government, were deported. While the anti-trafficking law allowed victims to receive temporary relief from deportation, this was not applied in practice as no foreign victims were identified by the government.

Prevention

The Government of Azerbaijan sustained its trafficking prevention efforts during the reporting period. The National Referral Mechanism (NRM), which serves as the national coordinating body of relevant ministries responsible for fighting trafficking, met twice during the reporting period. Many working-level officials in the NRM appeared to be focused mainly on sex trafficking and to have a limited understanding of labor trafficking indicators.

The government provided the equivalent of \$62,000 in assistance to NGOs working on trafficking issues in 2011, compared with the equivalent of approximately \$56,700 provided in 2010. Additionally, the MIA recognized the work of 10 NGOs involved in anti-trafficking issues, awarding each organization the equivalent \$1,200. The government disseminated tens of thousands of anti-trafficking booklets, pocket cards, posters, and DVDs to teachers and students, as well as methodological guides to government and shelter officials; these materials were developed by international organizations. The government continued to run trafficking awareness public service announcements, developed by NGOs, on major TV networks, and the MIA ATD placed anti-trafficking messages in more than 50 newspapers. The government continued to fund an NGO-operated trafficking hotline that served to provide information to the public and assist potential victims of trafficking; seven of the 15,768 phone calls came from possible sex trafficking victims and all seven cases were investigated.

The government does not have an effective birth registration process for home births, leaving some Azerbaijani citizens without legitimate identification documents, thus vulnerable to trafficking. During the year, the government reported that it provided 16 undocumented children and 46 undocumented adults with identification documents. The government did not take actions to reduce the demand for commercial sex acts. The Government of Azerbaijan has a 2009-2013 action plan to combat trafficking.