



## Organization for Security and Co-operation in Europe

### Report by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro, following her visit to the Republic of Azerbaijan, 23-26 September 2012

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#### Introduction

1. This Report presents the main findings of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (later referred to as the Special Representative) obtained in the course of the official country visit to the Republic of Azerbaijan which took place from 23-26 September 2012.<sup>1</sup>
2. The purpose of the visit was to hold consultations with government officials and experts from state institutions and civil society on human trafficking issues. More specifically, the objectives of the visit were to discuss ways to support and advance on-going national efforts to prevent trafficking, assist trafficked persons and protect their rights, as well as bring to justice perpetrators in line with OSCE commitments and relevant international standards.
3. In the course of the visit, the Special Representative engaged in direct consultations with high-level government officials, including the Deputy Minister of Foreign Affairs, Mr. Mahmud Mammad-Guliyev; the National Co-ordinator on Fight against Trafficking in Human Beings of Azerbaijan, Lieutenant-General Vilayat Eyvazov; Deputy Chief of the State Migration Service, Mr. Parviz Musayev; Ombudsman Elmira Suleymanova; Deputy Ministry of Labour and Social Protection, Mr. Ilgar Rahimov; Chairman of the Grave Crimes Court, Mr. Mahmud Nabiyev; Deputy Prosecutor General, Mr. Rustam Usubov. She also met with the Head of the Human Rights Committee of the Parliament, Ms. Rabiyyat Aslanova. The SR visited the State shelter for female and child victims of trafficking, and met with leading NGOs, including Azerbaijan Migration Center (Mr. Alovzat Aliyev), Clean World Public Union (Ms. Mehriban Zeynalova), and Azerbaijan Children Union (Ms. Kamala Aghazada). In addition, the Special Representative held consultations with representatives of the IOM, UNHCR, ABA ROLI, USAID, and representatives of the Diplomatic Corps, and discussed ways to co-ordinate and join efforts in supporting Azerbaijan's state institutions and civil society in advancing anti-trafficking action. The Special Representative concluded her visit by holding consultations with the OSCE's Acting Head of Office, Ms. Melissa Stone. The visit was organized by the Ministry of Foreign Affairs of Azerbaijan, and the OSCE Office in Baku.

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<sup>1</sup> During her visit, the Special Representative was accompanied by her Co-ordination Adviser, Ms. Vera Gracheva, and by the Deputy Head of the OSCE Centre in Baku, Ms. Melissa Stone and Anti-Trafficking Officer Ms. Tarana Bagirova.

4. The Special Representative wishes to thank the Azerbaijani authorities, and in particular the Ministry of Foreign Affairs, for the excellent co-operation in arranging the visit. She is grateful for the Report provided in writing to the OSR/CTHB by the Ministry of Internal Affairs on 11 October 2012 in Vienna, on the margins of the *Alliance against Trafficking in Persons* Conference. The Report contains major information on the legislation, an overview of measures taken by the Azerbaijani government at the national and international level, its co-operation with NGOs, and official statistics for 2005-2012 (nine months of 2012).
5. Moreover, the Special Representative extends her particular thanks to the OSCE Office in Baku which provided strong support, knowledge and expertise in the preparation for, and in the course of the visit.
6. Due to time constraints, the programme of the Special Representative's visit was limited to the meetings held in Baku and did not include meetings in other regions of Azerbaijan, though she was provided with information regarding anti-trafficking measures taken throughout the territory of the country, as well as documentation reflecting the national legal framework, statistics, official reports and other relevant data.
7. Consultations during the visit focused on the human trafficking situation in the country and the on-going policy, legislative and practical responses to it, and in particular on trafficking for labour exploitation, including domestic servitude, and trafficking for the removal of organs. Furthermore, consultations were related to the protection of the rights of trafficked persons, especially migrant workers, and persons vulnerable to trafficking, the prosecution of traffickers, and efforts and policies in the area of prevention.
8. The Special Representative notes that in the course of the visit Government officials demonstrated significant awareness of human trafficking as a serious violation of fundamental rights and dignity of individuals, as well as readiness to develop further co-operation with the OSCE. This intention was strongly confirmed by the Deputy Minister of Foreign Affairs H.E. Mr. Mahmud Mammad-Guliyev, the Chairman of the Grave Crimes Court, Mr. Mahmud Nabiyeu and other high-level officials, as well as representatives of civil society.
9. She also appreciated that Azerbaijan has followed many of the recommendations made by the former OSCE Special Representative, Ms. Eva Biaudet, in 2008-2009 resulting from her Country Visit, including the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, the establishment of a National Referral Mechanism, the creation of a shelter for children-victims of THB, updating the National Action Plan, and other relevant measures.
10. The Special Representative stressed the importance of maintaining, preventing and combating trafficking in human beings (THB) as one of the main priorities on the Government agenda and notes that a decline in political attention to the problem could jeopardize the important results achieved, especially taking into account the geographical location of Azerbaijan and its attractiveness to labour migration due to its strong economic development. The SR/CTHB believes that

the Reports delivered by the National Coordinator to the Parliament of the Republic of Azerbaijan should further serve as a powerful instrument to keep CTHB high up in the national agenda and improve the nation's response to the current challenges<sup>2</sup>.

11. In the course of the visit, the SR/CTHB welcomed the fact that Azerbaijan has become a party to the major international instruments providing high standards in the fight against human trafficking, such as the UN Convention against Transnational Organized Crime and its Protocols (ratified in 2003), the Council of Europe Convention on Action against Trafficking in Human Beings (ratified in 2010), and a number UN Conventions addressing slavery and forced labour<sup>3</sup>, as well as major international and European instruments on human rights and fundamental freedoms<sup>4</sup>.
12. The SR/CTHB commends Azerbaijan for its accession, in 1999, to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 1990 (by 13 March 2013, it was ratified by 6 OSCE participating States and signed by two others, mainly countries of origin of migrant workers)<sup>5</sup>. The implementation of this Convention is of particular importance, taking into account the fact that Azerbaijan has become a country of destination for permanently increasing flows of migrant workers.
13. The SR/CTHB would encourage Azerbaijan to sign and ratify the recent, 2011 ILO Convention 189 concerning Decent Work for Domestic Workers<sup>6</sup> which entered into force on 5 September 2013 and serves as a powerful instrument for the prevention of THB for labour exploitation, especially for domestic servitude.
14. In the national context, over the past few years, Azerbaijan has established an appropriate institutional and legislative framework to prevent and counter human trafficking. Azerbaijan has manifested its approach to THB through the adoption

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<sup>2</sup> See, for example, the Report of the NC to the Parliament in 2010:  
<<http://iaqmi.gov.az/?/en/news/view/11/>>, accessed 15 March 2013.

<sup>3</sup> International Labour Organization, *Slavery Convention* (1926); United Nations, *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* (1956); International Labour Organization, *Convention on Forced Labour*, C29 (1930), ratified in 1992; International Labour Office, *Abolition of Forced Labour Convention*, C105 (1957), ratified in 2000; International Labour Organization, *Worst Forms of Child Labour Convention*, C182 (1999), ratified in 2004.

<sup>4</sup> Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms* (1950), ratified in 2002; United Nations, *Convention relating to the Status of Refugees* (1951); United Nations, *Protocol relating to the Status of Refugees*, A/RES/2198 (1966), accessed by Azerbaijan in 1993; United Nations, *Convention on the Rights of the Child* (1989), accessed by Azerbaijan in 1992; United Nations, *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, A/RES/54/263 (2000), ratified in 2002; United Nations, *Convention on the Rights of Persons with Disabilities* (2006), ratified in 2009.

<sup>5</sup> United Nations, *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (1990),  
<[http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-13&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en)>, accessed 17 March 2013.

<sup>6</sup> International Labour Organization, *Convention Concerning Decent Work for Domestic workers* (June 2011), <[http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:C189](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C189)>, accessed 17 March 2013.

of the Law of the Republic of Azerbaijan on Combating Trafficking in Persons<sup>7</sup> (2004), the reflection of human trafficking and forced labour crimes in the relevant articles of the Criminal Code (Articles 144-1 and 144-2)<sup>8</sup> and the applicability of the Code on Criminal Procedure<sup>9</sup>, as well as the Law on State Protection of Persons Participating in Criminal Proceedings<sup>10</sup>. The SR/CTHB supports the intention of the Ombudsman of the Republic of Azerbaijan to approach THB as a crosscutting issue and consider it in the broader context of human rights protection, including through mainstreaming anti-trafficking measures in child rights protection (for example, awareness-raising for minors in school curricula)<sup>11</sup>.

15. In this regard the SR/CTHB would like to highlight the inclusion of numerous important provisions in the Law of the Republic of Azerbaijan on Combating Trafficking in Persons.<sup>12</sup> In particular, she believes that the inclusion of Art.25 (liability of legal entities), coherent with the requirements of the CoE Convention of Action against Trafficking in Human Beings, is a step forward in the fight against labour exploitation. She also notes with appreciation that the articles related to imprisonment in cases of forced labour (ranging from 5 to 15 years) and to confiscation of criminal assets can strongly contribute to reinforce it.

The SR/CTHB also notes with appreciation that the Anti-trafficking law contains provisions envisaging an increased monthly allowance from the State Budget and other sources paid to the victims of THB during the time of reintegration (Art. 17), and calls for its implementation (since she was informed that the victims, instead, get a lump sum of 400 manat); provisions ensuring liability for the disclosure of confidential information (Art. 17.4); and the non-punishment clause (Art.17.7) exempting victims of trafficking from civil, administrative or criminal liability for offences committed under coercion or intimidation.

16. Furthermore, the SR/CTHB commends the Azerbaijani authorities for including Art.22.1 providing the legal grounds for the confiscation of all proceeds of THB (real estate, funds, and other assets) by a court decision and the transfer to the specially created trafficking in persons victims' assistance fund, and that the assets, according to Art.22.2, shall be utilized to pay compensation to the victims of THB, their rehabilitation, medical and other expenses.

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<sup>7</sup> Available at the official website of the Department on Struggle against Trafficking in Human Beings, Ministry of Interior of the Republic of Azerbaijan:

<[http://iaqmi.gov.az/files/uploader/%C4%B0AQM%20gaqq%C4%B1nda%20Qanun%20\(English\).pdf](http://iaqmi.gov.az/files/uploader/%C4%B0AQM%20gaqq%C4%B1nda%20Qanun%20(English).pdf)>, accessed 15 March 2013.

<sup>8</sup> <<http://iaqmi.gov.az/files/uploader/cixarish%20az-ing.pdf>>, accessed 15 March 2013.

<sup>9</sup> <<http://iaqmi.gov.az/files/uploader/iaqmi%202%20az%20ing.pdf>>, accessed 15 March 2013.

<sup>10</sup> <<http://iaqmi.gov.az/files/uploader/iaqmi%201.pdf>>, accessed 15 March 2013.

<sup>11</sup> See the IOM project "Secondary School Education in Armenia, Azerbaijan and Georgia to Contribute to the Prevention of Trafficking in Persons" available at:

<<http://iom.az/projects/current/ssed/>>, accessed 28 May 2013.

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<[http://iaqmi.gov.az/files/uploader/%C4%B0AQM%20gaqq%C4%B1nda%20Qanun%20\(English\).pdf](http://iaqmi.gov.az/files/uploader/%C4%B0AQM%20gaqq%C4%B1nda%20Qanun%20(English).pdf)>, accessed 23 March 2013.

17. The national legal framework has been enriched by the President's Decrees on National Action Plan for Combating Trafficking in Human Beings<sup>13</sup> for 2009-2013 (the second Action Plan for Azerbaijan), Regulation on Assistance Fund for Victims of THB<sup>14</sup>, Rules on the Identification of Victims of THB (indicators)<sup>15</sup>, on National Referral Mechanisms<sup>16</sup>, on Determining the Allowance Paid to Victims of THB during the Integration Period, on Shelters for Children Victims of THB, on Referring Victims of THB to Special Police Agency, Regulation on Social Rehabilitation of Victims of THB, and Internal Rules for the Operation of Hotline<sup>17</sup>. These Rules and Regulations adopted in 2006-2009 by the Cabinet of Ministers of Azerbaijan and the Ministry of Interior (on Hotline) are targeted to prosecute the offenders, protect the victims of human trafficking and prevent the crime.
18. The SR/CTHB welcomes the creation of a co-ordinating body - the Interagency Commission composed of 15 ministries<sup>18</sup> with the participation of the Ministry of Interior, Ministry of National Security; Ministry of Labour and Social Protection of Population; State Customs Service; Ministry of Culture and Tourism; State Border Service; Ministry of Education; Ministry of Justice; Ministry of Health; Ministry of Youth and Sport; State Committee for Family, Women and Children Problems; Ministry of Foreign Affairs; Prosecutor General's Office of the Republic of Azerbaijan; and State Migration Service. The SR/CTHB takes into account that the representatives of the IOM Office in Azerbaijan, the OSCE Centre in Baku, the ILO, as well as the International Centre for Migration Policy Development (ICMPD) have, in principle, an opportunity to contribute to the work of this co-ordinating structure at its annual meetings, though, according to the information obtained, have not been invited yet. According to the MoI Report presented to the SR/CTHB by the MoI, two Working Groups were also established: one – to “create a uniform system of co-operation among participants of the National Plan of Action and information exchange” (14 ministries) and the other one – to improve the current legislation in the field of combating THB” (4 ministries)<sup>19</sup>.
19. The SR/CTHB takes note that the Azerbaijani Coalition of NGOs as service providers for the victims of THB, in accordance with the Rules on National Referral Mechanisms and National Action Plan, may be invited to the meetings of the Interagency Commission when relevant, but the SR/CTHB takes the view that the high potential of NGOs could contribute much more to the policy development in case they participate in the work of the Commission on a permanent and equal basis as implementing partners. The inclusion of the civil society in the work of National Referral Mechanisms would significantly increase

<sup>13</sup> <<http://iaqmi.gov.az/?/en/content/196/>>, accessed 15 March 2013.

<sup>14</sup> <<http://iaqmi.gov.az/?/en/content/188/>>, accessed 15 March 2013.

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<[http://iaqmi.gov.az/files/uploader/Az%C9%99rbaycan%20Respublikas%C4%B1n%C4%B1n\\_en2.pdf](http://iaqmi.gov.az/files/uploader/Az%C9%99rbaycan%20Respublikas%C4%B1n%C4%B1n_en2.pdf)>, accessed 15 March 2013.

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<[http://iaqmi.gov.az/files/uploader/Az%C9%99rbaycan%20Respublikas%C4%B1n%C4%B1n\\_en.pdf](http://iaqmi.gov.az/files/uploader/Az%C9%99rbaycan%20Respublikas%C4%B1n%C4%B1n_en.pdf)>, accessed 15 March 2013.

<sup>17</sup> <<http://iaqmi.gov.az/?/en/content/186/>>, accessed 15 March 2013.

<sup>18</sup> <<http://iaqmi.gov.az/?/en/content/191/>>, accessed 15 March 2013.

<sup>19</sup> Report provided by the MoI to the OSR/CTHB on 11 October 2013.

its efficiency. Currently, according to the National Action Plan and the structure of the National Referral Mechanism, the role of NGOs is limited to educating potential victims of trafficking in persons and delivering training for officials, creating specialized units for the victims of trafficking in persons, legal assistance and social rehabilitation of the victims of trafficking in persons (Art. 10.2 of the Anti-Trafficking Law).

20. The SR/CTHB believes that the next NAP should be developed in close co-operation with civil society and international organizations, build on solid empirical evidence of the features of THB in Azerbaijan (e.g., modus operandi of criminal networks, means of abuse and coercion, major factors of vulnerability, forms of exploitation, etc.) and of the impact of measures previously taken, as well as on an analysis of the specific challenges to meet in order to enhance the effectiveness of the country's response. In this regard, she would also be ready, together with the OSCE Project Co-ordinator in Baku, to provide technical assistance for the elaboration of the new National Action Plan.
21. The SR/CTHB appreciates the establishment of the Department on Struggle against Trafficking in Human Beings (in 2004) and its autonomy, under the supervision of the National Co-ordinator responsible for the implementation of the National Action Plan, in the structure of the Ministry of Interior in accordance with the President's Decree 433 (in 2006), and believes that the creation of this co-ordinating structure and the Deputy Minister's level of the National Co-ordinator are crucial for a coherent national response to THB<sup>20</sup>. The SR/CTHB appreciated the opportunity of having direct consultations with the National Co-ordinator, Police Major General Vilayat Eyvazov, provided by the host country in the course of the visit.
22. The SR/CTHB wished to underline the new features and trends of human trafficking that were unknown when the Azerbaijani Law on CTHB and the new articles of the Criminal Code were elaborated and adopted. Since that time, globally, trafficking in human beings evolved into a systemic component of the economy and labour market, and its labour dimension has become a prevailing trend. Nowadays, victims of forced labour and THB for labour exploitation globally constitute 68 per cent of all victims of trafficking, while the amount of victims of THB for sexual exploitation is estimated at the level of 22 per cent<sup>21</sup>. The need to adjust the anti-trafficking machinery, legislation and practices to the current challenges has become obvious and demanding in all OSCE participating States. This is especially needed for the countries with rapid economic growth that have become a destination for labour migrants often kept in degrading working and living conditions, not paid, exploited and above all not recognized as victims of a crime. Labour exploitation affects millions of migrant workers – the ILO estimates that globally around 20.9 mln persons are in a situation of forced labour at any single moment and 3 mln persons can be considered in a

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<sup>20</sup> <<http://iaqmi.gov.az/?/en/content/149/>>, accessed 15 March 2013.

<sup>21</sup> International Labour Office, *ILO Global Estimate of Forced Labour: Results and methodology* (Geneva, 2012), available at: <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf)>, accessed 18 March 2013.

situation of forced labour in the OSCE region.<sup>22</sup> Their identification is often hampered by their irregular migration status. In this regard, the SR/CTHB shares the concerns of the Parliamentary Human Rights Committee regarding the legal regulations of labour migration. The Law on Labour Migration adopted in 1999 might need a revision taking into account the new status of Azerbaijan as a receiving country and the relevance of updating it with a view to protect the rights of migrant workers in line with international standards.

23. Internal trafficking from poor to wealthy areas, that has been underestimated and unrecognized as trafficking, is also increasing everywhere. Still in a considerable number of the OSCE participating States, internal trafficking is not recognized as such, and its victims are deprived of the protection and assistance they are entitled to.
24. The SR/CTHB underlined that figures on identified victims of trafficking should be interpreted by taking into account that an increasing number of cases, in any given country, usually reflects the increase and higher efficiency of anti-trafficking measures taken. The OSCE and other international organizations are far from interpreting a decrease as an indicator of a decline in THB cases.
25. In this regard, the SR/CTHB is concerned about statements made by a competent authority regarding the decrease of THB cases since 2009-2010<sup>23</sup> and on Azerbaijan having the lowest figures of THB cases in the CIS region. Given the ever-changing features of human trafficking and current global trends<sup>24</sup>, the Special Representative stresses the importance of regular monitoring of trafficking in order to carefully assess whether there is a real decline in trafficking or whether the phenomenon has changed, making it more difficult to detect. It is also crucial to fine-tune anti-trafficking responses accordingly. In particular, the Special Representative notes that while Azerbaijan has traditionally been considered mainly as a country of origin for THB especially of women and girls for the purpose of sexual exploitation, there are growing indications of trafficking for the purpose of labour exploitation. In addition, the Special Representative considers that increased attention and efforts should be paid to the phenomenon of internal trafficking of children and adults, both for sexual and labour exploitation with a view to developing targeted responses.<sup>25</sup>

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<sup>22</sup> The ILO report shows that the EE/CIS region has the highest rate (4.2 persons for 1000 of population). The SR/CTHB stressed that many countries that were traditionally considered as countries of origin for victims of sexual exploitation, have become countries of destination for all forms of THB, especially for the purpose of labour exploitation (such as Poland, Ukraine, etc.).

<sup>23</sup> The MoI Report shows the decrease of cases from 80 to 75, of the number of offenders – from 76 to 20, and of the number of victims – from 91 to 53.

<sup>24</sup> For example, a significant trend, according to 2012 UNODC Report, as well as from many OSCE participating States, is the increase in trafficked children, as well as a growing recognition of the scale of trafficking for labour exploitation – although the phenomenon is still largely undetected. See: UNODC, *Global Report on Trafficking in Persons* (2012), <[http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking\\_in\\_Persons\\_2012\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf)>, accessed 18 March 2013; ILO, *ILO Global Estimate of Forced Labour: Results and methodology* (Geneva, 2012), <[http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf)>, accessed 18 March 2013.

<sup>25</sup> See: *Alliance against Trafficking in Persons* Expert Co-ordination Team (AECT), *Joint Statement on Child Protection, Especially among Migrant, Undocumented, Unaccompanied, Separated and Asylum Seeking Children, to enhance Prevention of Child Trafficking* (Warsaw, 8 October 2010).

More specifically, she believes that further strengthening the child protection system at the local and community level would contribute to enhancing both prevention of child trafficking and protection of child victims.

26. The SR/CTHB believes that child trafficking for various forms of exploitation (including in forced and organized begging) deserves specific attention. She was concerned about the fact that in some cases children are forced to work in the fields. The existing Hotline on children's rights violations and the preventive work done by the Office of the Ombudsman at schools and other children's institutions should be strongly supported.
27. New forms of trafficking, such as trafficking for organ removal, deserve additional attention in all OSCE participating States, including Azerbaijan, due to the growing demand for transplantations and the lack of supply through official channels. The SR/CTHB would encourage vigorous investigation of pending cases and serious consideration of its qualification not as "an abuse of power" but as human trafficking. In 2013 the SR/CTHB provided the OSCE participating States with the results of the research undertaken by her Office on this issue and designed to assist all participating States, including Azerbaijan, in the fight against this particularly cynical and severe exploitation of the victims. She also calls for enhancing international co-operation in this matter among all participating States.
28. In this regard she is concerned about an inadequate period of implementation of legal assistance agreements and addresses this concern to the countries requested to provide legal assistance. The delays in the implementation hamper proper investigation of cases of a transnational nature (the majority of cases of THB for organ removal are of a transnational nature).
29. The SR/CTHB positively assessed preventative measures such as awareness-raising campaigns (also on the risks of employment without a written contract); a significant increase of financial assistance to the victims of THB (from a symbolic sum up to 400 manat in 2012); funding of NGOs through the provision of grants; state funding of the NAP and the MoI shelter, as well as the establishment of the Fund for victims' assistance, training of staff and awareness-raising seminars in boarding schools and other children's institutions; and enhanced co-operation with major international organizations<sup>26</sup>.
30. The SR/CTHB draws attention to the vulnerability to THB of refugees, stateless persons, asylum seekers, street/homeless children and other categories, and to the need to focus prevention programmes on their social protection. In this regard, she highlighted the problems faced by Roma communities relocated from Kazakhstan and other countries. Many of them have no citizenship, no birth certificates or IDs (which are necessary for the children to be enrolled in secondary school education) and remain vulnerable to THB, including for forced

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<sup>26</sup> See for more details: Initial report submitted by the Republic of Azerbaijan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, available at: <[www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.AZE.1.doc](http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.OPSC.AZE.1.doc)>, accessed 28 May 2013.



and organized begging. The lack of data regarding the location of Roma communities, living conditions, enrolment into educational institutions, employment, source of income, etc., might hamper the elaboration of effective THB-related prevention programmes.

31. Some other problems identified by NGOs in the course of the meeting with the SR/CTHB (such as birth certificates for the children born to single mothers, early marriages, abuse of reproductive technologies such as the exploitation of women for surrogate motherhood, abuses in the adoption process) contribute to the vulnerability of these specific groups.
32. With due respect to the security measures taken by authorities prior and during international events held in Azerbaijan (such as Eurovision or the FIFA Championship), the SR/CTHB was concerned to hear about “the human cost of security” with regard to Roma children. She takes the view that ensuring security by keeping vulnerable groups out of sight for a certain period of time is contrary to international human rights standards.
33. The SR/CTHB took note of Art.9 .2 which, in defining the responsibilities of the Government agencies combating THB, is limited to the assistance and protection of the Azerbaijani victims abroad, while Art. 9.4 stresses that “the executive authorities shall combat trafficking in persons by preventing, discovering and eliminating illegal crossing of the state and customs borders by human traffickers and victims of trafficking in persons”. The SR/CTHB would like to draw the attention of the authorities to new trends, reflecting increasing internal trafficking and, in cases where it is transnational, the legal nature of border crossing in the vast majority of cases. The Law should take these new trends into account.
34. The SR/CTHB took good notice of Art.17.8 stating that foreigners and persons without citizenship who became victims of trafficking shall be provided with protection and assistance. She underlines that the implementation of this provision fully depends on the proper identification of victims who are non-nationals of the Republic of Azerbaijan, especially labour migrants with or without a legal status. Art.20.1 and 20.2 provides that such victims shall not be repatriated from Azerbaijan within one year. However, the protective aim of this provision is currently undermined by the prevalence of measures against illegal migration and treatment of potential victims-irregular migrants as offenders rather than victims. Their co-operation with law enforcement, the condition required by Art.20.5, does not automatically lead to the right theoretically provided by Art.17.8. Therefore, the SR/CTHB calls for full and correct implementation of Art.20.1 and 20.2.
35. The SR/CTHB is concerned about Art.20.6 of the Law requiring the deportation of persons (foreigners and stateless persons) whose personal identity is impossible to establish, and calls upon the authorities to consider applying the principle of non-refoulement, especially when it related to unaccompanied and undocumented children or other categories in need of international assistance.

36. The SR/CTHB stressed that the existing practice and regulations on deporting an irregular migrant within 24 hours<sup>27</sup> constitutes a real obstacle to the identification and investigation of cases of THB for labour exploitation. Migrants, irrespective of their status, should have the right to get legal assistance, and should receive information about their rights which is problematic because of the short timeframe. The SR/CTHB is concerned about the situation of migrants from Pakistan, Iran, or Afghanistan (difficulties in confirming their identity) deported on the grounds of “security” and calls on observing the standards of the international human rights law.
37. Migration regulations permitting a migrant with a tourist visa to be employed for 90 days (and only then to ask for a registration, with a registration fee of 1000 manat seeming too expensive), liberal as such, creates an opportunity for unscrupulous employers to keep labour migrants beyond the protection of the law and get rid of them after the expiration of this officially permitted period claiming that they are lacking a regular status and should be deported. The SR/CTHB was particularly concerned about the reluctance of employers to register labour migrants (and to pay taxes accordingly), and agreed that this situation creates conditions for labour exploitation. Easier ways to obtain a work permit upon arrival could prevent such abuse of vulnerability.
38. The existing quota for non-nationals of Azerbaijan (11,000 persons per year) does not seem to cover the demand for labour migrants in the fast-growing economy, especially in the construction sector. More realistic figures based on the needs assessment could help to decrease the “grey areas” of the labour market.
39. According to NGOs, only two labour migrants exploited in a situation of forced labour have been recognized as victims. Some NGOs believe that serious problems remain unaddressed, such as the seizure of passports and unjustified deportation decisions of which the migrants are not properly informed, and that occur without a court decision. This poses a significant obstacle for the migrants – victims of labour exploitation -- to claim compensation since they have no right to return to Azerbaijan as they have allegedly violated migration regulations. The SR/CTHB would recommend considering ways to develop, in co-operation with IOM, safe return programmes that would be transparent and clear for the persons concerned. Currently some of them remain unaware of the status of return, and believe that this is accomplished within a voluntary return programme and that their return to Azerbaijan is permitted.
40. The SR/CTHB was informed about another obstacle for proper monitoring of the implementation of labour regulations, especially in cases of certain businesses using forced labour, such as a prohibition for labour inspectors and NGOs to enter construction sites without a preliminary approval from employers/owners, and possible only during working hours. This also constitutes an obstacle for

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<sup>27</sup> According to the information provided by the Chairman of the Grave Crimes Court, “*illegal migrants are deported in a civilized way as soon as they are caught. State Migration Service may keep them 24 hours as illegal migrants and, with a court decision, another 24 hours. If a person does not ask to investigate a case as a victim, there are no grounds to keep him/her.*” Nevertheless, the Chairman agreed that “*within 24 hours it is difficult to investigate*”.

NGOs to conduct outreach with migrant workers and disseminate information about their labour rights. In this regard the SR/CTHB commends the Azerbaijani Migration Centre for having provided legal assistance to those migrants who managed to seek help, and for the AMC ability to find solutions to recoup unpaid salaries without opening a criminal case. The SR/CTHB also commended AMC for its excellent co-operation with the State Migration Service and further steps taken by the SMS to fine companies complicit in labour exploitation, though she believes that the fines are too low to discourage unscrupulous employers from further crimes. The SR/CTHB underlines that human trafficking for the purpose of forced labour is a serious crime and deserves punishment (including imprisonment) that would be commensurate with the gravity of the offence.

41. Many participating States, including Azerbaijan and its State Migration Service, should acknowledge the necessity to provide legal counseling to irregular labour migrants to ensure identification of potential victims of trafficking for labour exploitation and/or forced labour cases. Legal counseling is crucial for the restoration of their labour rights and equal access to justice and remedies (including back payments of the wages and compensation of damages). The case of a Philippine labour migrant allegedly exploited as a domestic worker (non-registered by the employer, deprived of her passport, non-recognized as a victim by the authorities and finally deported without an opportunity to claim compensation) remains a case of concern as a pattern of mistreatment. The SR/CTHB noted that, as in many countries of the OSCE region, Azerbaijan consider potential victims of labour exploitation to be in an illegal situation only as illegal migrants justifying their deportation. She therefore recommends that the authorities at first assess illegal migrants' situation in order to identify potential victims of trafficking.
42. The SR/CTHB was impressed by the work accomplished by Azerbaijani NGOs, and would like in particular to highlight the creation of a shelter for homeless children run by the Azerbaijan Children's Union (crucial for the prevention of child trafficking); the work of the World of Law NGO helping to rehabilitate and socially integrate former convicts (in the context of prevention of future engagement in criminal activities); assistance provided by the Azerbaijani Migration Centre to victims of forced labour, also through a shelter for victims of forced labour; and assistance to the victims of gender discrimination, domestic violence and THB for sexual exploitation provided by the NGO Clean World. Furthermore, the SR/CTHB stresses the important role of the Ministry of Labour and Social Protection, especially in ensuring that the social and economic rights of the workers (nationals and non-nationals) are observed, and calls upon the authorities to enhance the efficiency of the Victim Assistance Centre established under this particular Ministry with a view to providing assistance in the rehabilitation (including medical, psychological and other assistance) and reintegration of the victims of trafficking.
43. A specific issue related to confidential information, especially in cases of sexual exploitation, deserves additional attention. According to information given by an NGO, any data about persons called to testify in court, when it becomes available to the family of the victim, may cause additional trauma, domestic violence and stigmatization of the victim. This should be avoided by all means. The SR/CTHB

is seriously concerned about figures showing that females constitute the majority of THB convicts (up to 90 per cent, according to the Chairperson of the Human Rights Committee of the Parliament, and up to 100 per cent for cases of THB for sexual exploitation, according to the Chairman of the Grave Crimes Court). She drew attention to the fact that many of them might have been forced into becoming recruiters or have other minor roles in the trafficking process, while the real exploiters continue to have impunity. Investigations fail to identify who is behind the crime, and ignore that this reflects the deliberate policy of traffickers. She called upon both the NGOs and the Grave Crime Court to consolidate their position on the basis of the non-punishment clause in the national legislation of Azerbaijan and the provisions of the CoE Convention on Action against Trafficking in Human Beings, as well as the OSCE commitments, including the Vilnius Ministerial Declaration on Combating All Forms of Human Trafficking.

44. The SR/CTHB shared her concerns with the Chairman of the Court on Grave Crimes about the common problem of a restrictive interpretation of THB cases by judges and prosecutors who do not connect debt bondage or abuse of vulnerability as related to human trafficking, limiting this THB qualification only to cases of extreme violence or deprivation of freedom of movement. In many cases, as it was confirmed by the Chairman of the Grave Crimes Court, there are no obvious indications of abuse, the victims travel with their documents and are willing to go abroad. This remains a complicated issue for the judiciary and prosecutors, even though the Criminal Code recognizes THB as a grave crime, similar to terrorism, banditry, murder, or drug trafficking. The SR/CTHB agreed with the Chairman of the Court that without an active fight against THB the number of cases diminishes, and in this regard she would like to reiterate her opinion about the THB-related statistics provided (see points 24 and 25).
45. With regard to the prosecution of forced labour cases or violations of labour law by legal persons (both, national and foreign), the SR/CTHB believes that the criminal justice response in the OSCE region in general is still weak and non-commensurate with the gravity of THB for labour exploitation: fines do not prevent employers from committing these violations hence their profits are much higher, and the punishment envisaged by Art.144-2.1 of the Criminal Code is too mild if compared with the harm suffered by the victims<sup>28</sup>. The need to put in place real deterrents is recognized through the entire OSCE region. In the context of Azerbaijan, traffickers take advantage of the construction sector boom that attracts labour migration. Indications of violations are similar in all countries: no wages, unsanitary living conditions, deprivation of IDs, threats, physical punishment, psychological pressure, etc. She noted that punishment would work better also as a deterrent factor if it is adequate to the gravity of the crime.
46. SR/CTHB was surprised to know that the State Migration Service has not received any complaints from foreign labour migrants yet, especially taking into account the information provided by NGOs and international organizations about the situation in the construction sector. Since the State Migration Service reaffirmed its obligation and readiness, in case of a complaint, to fine a company, to oblige it to pay back unpaid wages, and to provide the person in need with

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<sup>28</sup> <<http://iaqmi.gov.az/files/uploader/cixarish%20az-ing.pdf>>, accessed 23 March 2013.

legal assistance and a 3-month residence permit (if needed for investigation), there might be certain obstacles that prevent labour migrants from approaching the SMS.

47. One of these obstacles could be related to shortcomings in the legislation: for example, the two differing definitions of trafficking in persons (one in the anti-Trafficking Law, Art. 1.01<sup>29</sup>, and the other one in the Criminal Code, Art. 144-1.1<sup>30</sup>, underlining the cross-border features of the crime); the definition of potential victims of trafficking (that includes “people practicing vagrancy or begging, persons of a morally depraved lifestyle, uncontrolled minorities and children who are abandoned and uncared-for (orphans), persons who intentionally evade education, and persons who are addicted to narcotics and psychotropic agents”<sup>31</sup> and excludes persons with “normal” behavior, migrants, foreigners)<sup>32</sup>. The list is limited to persons with delinquency or deviation (beggars, prostitutes, Roma, drug-addicts, street children) and restricts the interpretation of a potential victim. In this context the implementation of Art.11.2.4 that envisages “providing for their employment” and Art.11.2.5 that “encourages entrepreneurs to hire potential victims of trafficking in persons” seems problematic.
48. In conclusion, while positively noting the Azerbaijani Government’s commitment and the numerous steps taken in the prevention and countering of trafficking, the Special Representative encourages the authorities to continue their efforts and invites them to consider the following recommendations to enhance the implementation of OSCE anti-trafficking commitments. She trusts that these recommendations may help to develop the next National Action Plan on THB and/or other related policy initiatives. Moreover, the Special Representative and her Office look forward to further co-operation with the Azerbaijani authorities and NGOs to support the follow-up to these recommendations, in close co-ordination with the OSCE Project Co-ordinator in Baku and the Permanent Mission of the Republic of Azerbaijan in Vienna.

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<sup>29</sup> Law of the Republic of Azerbaijan on Trafficking in Persons, Art.1.0.1, <<http://iaqmi.gov.az/files/uploader/%C4%B0AQM%20gaqq%C4%B1nda%20Qanun%20%28English%29.pdf>>, accessed 22 March 2013.

<sup>30</sup> <<http://iaqmi.gov.az/files/uploader/cixarish%20az-ing.pdf>>, accessed 23 March 2013.

<sup>31</sup> Law of the Republic of Azerbaijan on Trafficking in Persons, Art.1.0.10, <<http://iaqmi.gov.az/files/uploader/%C4%B0AQM%20gaqq%C4%B1nda%20Qanun%20%28English%29.pdf>>, accessed 22 March 2013.

<sup>32</sup> Foreigners are mentioned in Art.17.8 which regulated the provision of assistance to the foreign victims on a non-discriminatory basis.

## **Recommendations**

### **1. Ensure sustained political commitment to anti-trafficking by:**

- Mainstreaming anti-trafficking measures into related programmes and policies on migration, anti-corruption measures (including the National Action Plan against Corruption), anti-discrimination, gender and youth policies, etc.

### **2. Enhance prevention of trafficking for labour exploitation by:**

- Adapting a toolbox designed mainly to combat THB for sexual exploitation to the new perception of THB in the labour dimension and other areas, in particular in construction, agriculture, and domestic sectors prone to exploitation. These common trends, as well as differentiated needs of the victims, have to be taken into account in individual countries.
- Enhancing the efficiency and power of labour inspectors and their right to check the sites of concern without preliminary notice and at any time and increasing the fines that currently fail to discourage exploitation and act as deterrence from committing the crime.
- Examining more closely informal recruitment mechanisms in the labour market and seeking ways to develop measures to curb fraudulent recruitment and improve prevention of labour trafficking;<sup>33</sup> ensuring licensing and monitoring of private employment agencies, including those engaged in work and travel programmes for students, to prevent abuse and exploitation; ensuring that private employment agencies do not charge directly or indirectly, in whole or in part, any fees or costs to workers for their recruitment and placement;<sup>34</sup>
- Reconsidering the SerbAz case, that is pending at the European Court on Human Rights and, thus, showing political will to reassess the treatment of the workers concerned on a case by case basis prior to the Court's judgment, also taking into account the investigation going on in Bosnia and Herzegovina;
- Engaging the private sector and encouraging companies to contribute to social development (schools, kindergarten) and take responsibility for what happens in their supply chain.
- "Bridging" the private sector with human rights organizations, as well as with the Ombudsman, throughout the country with a view to prevent THB for labour exploitation;

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<sup>33</sup> OSCE Ministerial Council, *Decision No. 8/07 Combating Trafficking in Human Beings for Labour Exploitation*, MC.DEC/8/07 (Madrid, 30 November 2007), para. 16

<sup>34</sup> ILO, *Private Employment Agencies Convention*, C181 (1997), art. 7.1, <[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312326](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312326)>, accessed 11 February 2014.

**3. Enhance prevention of child trafficking through child protection measures, including by:**

- Introducing life skills education in the school curriculum for children, and as a priority in boarding schools as a preventative measure;
- Prioritizing proactive investigations on possible cases of child trafficking both internal and transnational;
- Decreasing the vulnerability of Roma children by providing birth certificates and other proper documentation needed for school enrolment; conducting a needs assessment regarding the vulnerability of Roma communities to prevent child trafficking (including for the purpose of exploitation in begging and in forced criminality).

**4. Enhance identification and prevention of internal trafficking by:**

- Conducting targeted qualitative research to analyse the features and trends of the phenomenon of internal trafficking, and in particular internal trafficking of children for the purpose of sexual exploitation and forced labour.

**5. Enhancing assistance to victims and protection of victims' rights by:**

- Strengthening the National Referral Mechanism (NRM) by engaging the relevant NGOs – service-providers as members of the Inter-agency commission participating in its meetings on a regular basis and contributing to the decision-making process and identification of the victims of trafficking; signing agreements with NGOs recommended by the OSCE Project Co-ordinator in Baku.
- Ensuring that victim identification is conducted on a non-discriminatory basis and is extended to non-nationals of Azerbaijan, as well as those trafficked internally, with a view to enhance their protection and simultaneously avoid discrimination and stigmatization of people, especially women and children; ensuring that the principle of confidentiality is respected by staff employed in NRM multidisciplinary teams and that the relevant provisions of the legislation are fully implemented.
- Avoiding immediate deportation of irregular migrants (without a legal status) to give the authorities the possibility to verify the situation of alleged exploitation, to provide legal counseling at a very early stage and engage NGOs to identify cases of labour exploitation. The basic needs of the exploited person (to get salaries back) should be guaranteed;

- Ensuring that services of the NRM are accessible to foreign potential and actual victims; in particular ensuring assistance and protection measures regardless of foreign victims' willingness to co-operate with law enforcement.
- Engaging human rights institutions with a view to assessing and evaluating the effectiveness and coherence of anti-trafficking measures with international human rights law, as well as to improve protection and assistance to the victims of trafficking in line with the human rights-based approach;
- Ensuring that the period of stay of a presumed victim of trafficking (reflection period) or a victim of labour exploitation is sufficient and allows the person concerned to have legal counseling (access to, and an immediate contact with, a certified lawyer) and to take an informed decision (this could be done with NGOs providing legal assistance);
- Ensuring that a labour migrant, after his/her return to the country of origin, is allowed to come back to Azerbaijan to initiate a procedure for compensation;
- Establishing a few shelters and legal counseling (free of charge) in remote areas, especially at the borders, to avoid the necessity to refer the presumed victim to the capital; establishing shelters for men, women and children.
- Intensifying training for specialists in the field of legislation, psychology, documentation, and immediate action to ensure the establishment of contacts with the families of the victims and to prevent the victims' stigmatization upon return;

**6. Enhancing law enforcement and criminal justice responses to trafficking by:**

- Ensuring coherence of the relevant provisions of the Criminal Code and of those of the Anti-Trafficking Law.<sup>35</sup> In particular, the Special Representative recommends that the Criminal Code's provisions on trafficking in persons (Art.144-1) and on forced labour (Art. 144-2) are consistent with Art 1.01 of the Law on Combating Trafficking in Persons (the definition). More specifically: ensuring that forced labour, organized begging and trafficking in human beings for all forms of exploitation, including for organ removal, are treated as crimes of equal gravity and that the same level of assistance and protection of rights is afforded to victims of any of these crimes;<sup>36</sup>
- Intensifying regular and extensive training on THB for law enforcement, prosecutors and judges, including by involving not only those who are joining the public service but also those already serving in their functions. Such training should be based on a multidisciplinary and human rights-based approach.

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<sup>35</sup> Available at the official website of the Department on Struggle against Trafficking in Human Beings, Ministry of Interior of the Republic of Azerbaijan:

<[http://iaqmi.gov.az/files/uploader/%C4%B0AQM%20gaqq%C4%B1nda%20Qanun%20\(English\).pdf](http://iaqmi.gov.az/files/uploader/%C4%B0AQM%20gaqq%C4%B1nda%20Qanun%20(English).pdf)>, accessed 15 March 2013.

<sup>36</sup> Ibid.



- Ensuring that law enforcement and prosecutorial authorities inform and explain to victims their rights (and the way to concretely access it) in a language that they understand, and in particular the right to legal assistance and representation including by pro-bono lawyers; the right to be accompanied by a trustworthy person (e.g., a psychologist or social worker) and the right to compensation for damage suffered.
- Delivering specific training to enhance the capacity of pro-bono and legal aid lawyers representing victims of trafficking as one of the measures in the next National Action Plan.
- Ensuring that criminal investigations are aimed at detecting and dismantling the whole criminal network behind the trafficking operation, including those who organize and/or direct and those who aid and abet. To this end, ensure making full use of law enforcement and judicial co-operation resources; the confiscated assets should serve as an additional source to be used for compensation, along with the State Fund allowances;
- Promoting efficient prosecution of money laundering and the use of financial investigation techniques from the very beginning of a THB investigation. To this end, increasing capacity-building of law enforcement and prosecutors to use such advanced investigation techniques with a view to tracing, freezing, seizing and confiscating proceeds of crime;
- Enhancing efforts to combat corruption linked with THB;
- Considering ways to differentiate the response to THB not limiting it to criminal justice, applying different tools, labour market regulations, protection of workers' rights, and other sophisticated machinery depending on every case and ensuring the restoration of rights and unpaid salaries; this is especially relevant in cases when criminal procedures are impossible, though the problem should be solved through other means and by other players;
- Ensuring that evidence provided by the prosecutors to the courts is sufficient, and encouraging judges to convey their opinion to the prosecution when there is a lack of evidence, though taking into account that the courts, due to legal reforms, do not have the right to return the case to investigators (unless this is requested by the defense or the prosecutor); such messages to the prosecution may have a positive impact on their work in the future;
- Organizing, in co-operation with the OSCE structures and institutions, in particular the OSR/CTHB and its office in Baku, seminars with prosecutors and judges from Azerbaijan and countries that have extensive and positive experience in prosecuting THB-related cases, with an emphasis on practical issues and with a view to develop the exchange of best practices and lessons learnt between judges and prosecutors and equip as many as possible with advanced tools and expertise;

- Facilitating study trips contributing to the capacity-building of judges and prosecutors, especially with a focus on THB for labour exploitation, to increase the capacity to identify, investigate and prosecute relevant cases;

## **7. International co-operation**

- Considering state co-funding of joint anti-trafficking projects, training included, to increase national ownership in the fight against human trafficking and facilitate co-operation.
- Considering closer co-operation with the OSCE in the preparation of the new National Action Plan, including consultations with the SR/CTHB and the OSCE Project Co-ordinator in Baku at the final stage, and the possible participation of the SR/CTHB and its office in Baku in the presentation of the new Action Plan when adopted.

## ANNEX I

### **RESPONSE TO THE OSCE REPORT ON HUMAN TRAFFICKING (received 23 June 2014)**

- The Government of the Republic of Azerbaijan assesses positively the visit of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings in Azerbaijan in 2012;
- Year of 2013 marked 10<sup>th</sup> anniversary of the fight against trafficking in human beings in Azerbaijan. Throughout this time combating trafficking in human beings became one of the priorities for the Government of the Republic of Azerbaijan. Successful implementation of two National Actions Plans on Combating of Human Trafficking and progress in related legislative, institutional and operational areas indicates high level of attention rendered to the combating of human trafficking;
- In spite of the taken measures problem of human trafficking is still there. The Government of the Republic of Azerbaijan realizes it and showing political will continues actions in order to enhance legislation, interagency cooperation and strengthen coordination, moreover it takes complex measures to protect the rights of victims;
- Achievements in the area of combating human trafficking were also recognized by the international community. After 5 years since 2008 Azerbaijan was moved from the Tier 2 Watch List position to the Tier 2 position in the annual Trafficking in Persons report of the US State Department. We continue our efforts to reach Tier 1 position in that report. The mere essence of the efforts undertaken by the Government of the Republic of Azerbaijan is to eliminate the problem of human trafficking and to protect the rights of victims;
- National Action Plan on Combating Human Trafficking for 2014-2018 has been prepared and is awaiting approval by the President of the Republic of Azerbaijan. Civil society and international organizations took active part in preparation process of the National Action Plan and their recommendations were duly taken into consideration;
- National legislation was enhanced through the following measures. The law on "*Combating Human Trafficking*" and the *Criminal Code* were amended. "*The Program on social rehabilitation and integration into society of children victims of trafficking*" and "*The Rules on repatriation of victims of human trafficking*" were approved. Government continued to focus on the implementation of *the National Referral Mechanism on victims of human*

*trafficking*. On May, 2013 in Ganja, city in the west part of Azerbaijan *Regional Rehabilitation and Reintegration Center* was established under the Nongovernmental Organization "Tamas". This project was initiated by the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan. This Center mainly deals with current and potential victims of human trafficking;

- Rapid economic development of the country steadily lead to the transformation of Azerbaijan from the source of migration into the destination country. This new environment also increases the probability of the cases of forced labor trafficking. The relevant agencies of the Republic of Azerbaijan pay close attention to those cases as well. In October, 2013 the Main Department on Combating Human Trafficking at the Ministry of Internal Affairs, the State Labor Inspection Service under the Ministry of Labor and Social Protection of Population and the Immigration Control and Deportation Department of the State Migration Service approved "*The Plan of measures on combating human trafficking and forced labor, as well as on prevention and elimination of its consequences*" (2013-2018)<sup>37</sup>. Representatives of the Ministry of Internal Affairs, Ministry of Labor and Social Protection of Population and Azerbaijan Trade Unions Confederation visited several quarries; although no forced labor trafficking victims were identified during such visits several cases of violation of migration and labor legislation were revealed. At the same time, NGO Coalition on Combating Human Trafficking and other civil societies conducted 44 monitorings in 18 regions and cities of Azerbaijan (31 agricultural objects, 4 industrial facilities and 8 road construction objects). Visits were aimed at identifying the cases of forced labor, especially with children abuse. During these visits no victims of forced labor were revealed either;
- The Ministry of Internal Affairs in collaboration with the State Committee for Family, Women and Children Affairs and relevant NGO continues its work on the process of identification of homeless children and children deprived of parental care, their registration, provision with Identification Documents and rendering of assistance without turning to police. In 2013, 52 children, youth and parents were provided with relevant assistance and ID cards;
- As a result of operational activities conducted in 2013, 80 facts of trafficking in human beings in associated 17 criminal cases and 4 facts of forced labor in associated 4 criminal cases were registered. 17 persons (14 female and 3 male) were brought to justice on the charges of commitment of crime of trafficking in human beings. 56 persons (41 female and 15 male) were identified as victims of human trafficking. During the reporting period 5 out of 17 wanted human traffickers were detained and handed over to investigation and judicial bodies. 37 THB victims (23 female and 14 male) were placed in safe shelters. 50 THB affected persons received a single fee during the rehabilitation period,

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<sup>37</sup> This document was agreed at the level of relevant Deputy Ministers and envisages special measures for coordination of interagency cooperation with the aim to monitor and identify victims of forced labour and human trafficking.

13 THB victims were provided with assistance from the Relief Fund. 22 victims were placed in jobs, 21 received vocational trainings. Out of all THB victims registered in 2013 19 Azerbaijani citizens were exploited in Turkey, 16 in UAE, 15 in Russian Federation and 1 person in Iran. 3 out of 5 victims of exploitation identified within the country were foreigners (2 from Uzbekistan and 1 from Philippines). Abovementioned citizens of Uzbekistan and Philippines were provided with the right to live on the territory of the Republic of Azerbaijan. From all identified victims of the THB 40 were victims of sexual exploitation and 16 were victims of labor exploitation;

- During the implementation of the second National Action Plan 2009-2013 according to 400 criminal cases of human trafficking and forced labor 174 human traffickers were brought to justice, 4 organized bands and 47 criminal groups were neutralized, 263 victims of THB were identified. Over the last 5 years first instance courts in Azerbaijan convicted 174 human traffickers;
- Azerbaijan pays special attention to the international cooperation in the area of combating human trafficking. We continue our successful cooperation with the OSCE, Council of Europe, United Nations, International Organization for Migration, and International Center on Migration Policy Development. Azerbaijan and European Union signed *Joint Declaration on Mobility Partnership* on December, 2013. This document envisages widening of the cooperation with EU, provides an opportunity to get familiarized with the practice of EU countries in the area of combating human trafficking and to amend the policy of Azerbaijan to comply with the international standards;
- Azerbaijan fully implements its commitments under the Council of Europe Convention on Action against Trafficking in Human Beings. Group of Experts on Action against Trafficking in Human Beings (GRETA) visited Azerbaijan on 13-17 May, 2013 and on 23 May, 2014 published its report concerning the implementation of the relevant Convention. The country report contains recommendations provided by the GRETA and the Government's comments on it;
- Azerbaijan will thoroughly examine the recommendations proposed by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings and hopes to continue the cooperation with the Office of the Special Representative.

## ANNEX II

### **Bodies and organizations met during this visit:**

- **The Deputy Minister of Foreign Affairs, Mr. Mahmud Mammad-Guliyev**
- **The National Co-ordinator on Fight against Trafficking in Human Beings of Azerbaijan, Lieutenant-General Vilayat Eyvazov**
- **The Deputy Chief of the State Migration Service, Mr. Parviz Musayev**
- **The Ombudsman, Ms. Elmira Suleymanova**
- **The Deputy Ministry of Labour and Social Protection, Mr. Ilgar Rahimov and Deputy Chief of State Labour Inspection Service**
- **The Chairman of the Grave Crimes Court Mr. Mahmud Nabiyev**
- **The Deputy Prosecutor General, Mr. Rustam Usubov**
- **The Head of the Human Rights Committee of the Parliamentary, Ms. Rabiyyat Aslanova**
- **International organizations and bilateral representations: IOM, UNHCR, ABA ROLI, USAID, as well as representatives of Embassies in Azerbaijan.**
- **Representatives of civil society institutions: Citizens' Labour Rights Protection League, Azerbaijan Migration Center, Clean World Public Union and Azerbaijan Children Union.**
- **The Special Representative also visited a State shelter for women and children.**