

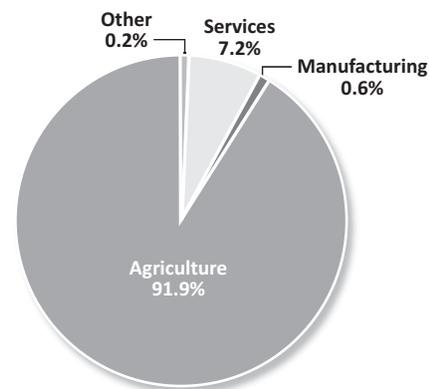
# Azerbaijan

*The Government of Azerbaijan has improved its legal and policy framework to address child trafficking.*

*Trafficking continues, as does the risk of exploitive child labor in agriculture. The country's Poverty Reduction Strategy and Decent Work Country Program both have cited the need for a national action plan specifically for child labor.*

## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5 %
Attending School	5-14 yrs.	94.3%
Combining Work and School		Unavailable



## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Azerbaijan are exploited in the worst forms of child labor,<sup>273</sup> mostly in the agricultural sector.<sup>274</sup> Children work in the cotton sector, where they may be exposed to long-working hours, extreme temperatures, dangerous tools, and pesticides. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of tea and tobacco. Children working in these sectors carry heavy loads and are also at risk of injury and illnesses, animal attacks, and insect bites.<sup>275</sup> Reports suggest that as a result of declining agricultural production, particularly in the cotton sector, the prevalence of child labor in rural areas may have become less common. Further research in this area is needed.<sup>276</sup>

Children have also been reported to work in the construction industry.<sup>277</sup>

In urban centers street children work loading and unloading goods, street vending, washing cars, and

begging.<sup>278</sup> Street children work long hours, and are exposed to violence, humiliation and abuse, extreme temperatures, drug use, and are vulnerable to prostitution and trafficking.<sup>279</sup>

Azerbaijan is a source country for children trafficked for forced labor and forced prostitution. Women and children are also trafficked internally for forced prostitution and forced labor including forced begging.<sup>280</sup>

## Laws and Regulations on the Worst Forms of Child Labor

Article 249 of the Labor Code prohibits the employment of children under 15. At the age of 15, a child may enter into an employment contract with parental approval.<sup>281</sup>

The Labor Code prohibits children under the age of 18 from working in hazardous conditions. It identifies specific conditions and industries barred for children including work underground; carrying heavy loads; in mines; at night; in night clubs, bars, or casinos, or

in businesses carrying alcohol; or working with toxic substances.<sup>282</sup> Article 91 of the Labor Code prohibits children less than 16 from working more than 24 hours per week. Children 16 and 17 may not work more than 36 hours per week.<sup>283</sup>

In 2009, the parliament passed an amendment to the Family Code making it illegal to enter into an employment contract with children who are less than age 15. The law established minimum penalties of 25,000 Manat (\$31,250) for violations.<sup>284</sup> The amendment also strengthened workplace health and safety regulations for children.<sup>285</sup>

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

Article 35 of the Constitution prohibits forced labor in Azerbaijan but provides exceptions for the military, during states of emergency and under martial law.<sup>286</sup> Article 106 of the Criminal Code prohibits slavery and provides stricter minimum penalties for cases involving child slavery and human trafficking.<sup>287</sup>

Article 171 of the Criminal Code establishes penalties for involving a child in prostitution. Articles 243 and 244, respectively, prohibit the coercion of a person into prostitution and the maintenance of a brothel.<sup>288</sup> In 2005, Azerbaijan passed a law specifically prohibiting trafficking in persons. The law establishes organizational, prevention, and protection mechanisms, including measures specifically for

children less than age 18.<sup>289</sup> In addition, Article 173 of the Criminal Code establishes penalties for the sale or purchase of a child.<sup>290</sup>

The age of conscription to the military is 18. However, children who are 17 may volunteer for active military service or enter a cadet military school with parental approval.<sup>291</sup>

## Institutional Mechanisms for Coordination and Enforcement

Although the Ministry of Labor and Social Protection, Ministry of Internal Affairs and the State Committee on Families, Children and Women's Issues work separately in their individual areas of expertise, namely, enforcing workplace standards, prosecuting illicit activities and trafficking, and protecting children's rights,<sup>292</sup> research found no evidence of a mechanism for coordinating government-wide efforts to combat the worst forms of child labor. The UN Development Assistance Framework (UNDAF) has called for better coordination and strengthened monitoring of issues related to street children, and combating child labor and trafficking.<sup>293</sup>

The State Labor Inspectorate within the Ministry of Labor and Social Protection is responsible for enforcing the country's child labor laws.<sup>294</sup> In 2009, the Ministry employed 280 labor inspectors.<sup>295</sup> While no instances of the employment of workers under age 15 were found, 62 cases of violations of labor laws were identified involving the employment of children between the ages of 15 and 18.<sup>296</sup> Inspection activity may not be sufficient. A 2005 survey found that approximately 68 percent of working children 5 to 17 (or 106,000 children) are engaged in hazardous labor in contravention of current law.<sup>297</sup>

The 2005 Law on Trafficking in Persons establishes responsibility for the coordination of trafficking efforts with the National Coordinator in the Ministry of Internal Affairs within the auspices of the National Action Plan to Combat Trafficking.<sup>298</sup> During the reporting period, a dedicated staff person was assigned to focus on trafficking issues in each relevant agency.<sup>299</sup>

The Ministry of Internal Affairs is responsible for enforcing trafficking laws and investigating trafficking violations.<sup>300</sup> According to the Ministry of Internal Affairs, there were 80 trafficking investigations

and four cases of child trafficking in 2009.<sup>301</sup> The Government prosecuted 76 trafficking cases in 2009 and convicted 62 trafficking offenders as of February 2010.<sup>302</sup> There is no information on the prosecution and conviction of the child-specific trafficking cases.

In March 2008, Azerbaijan government officials, judges, prosecutors, law enforcement, and NGOs were trained on human trafficking issues including prosecution, protection, and prevention.<sup>303</sup> In May 2008, the OSCE, in cooperation with the Azerbaijan Ministry of Justice, ILO, and the International Centre for Migration Policy Development provided training to judges and prosecutors on trafficking issues.<sup>304</sup>

### **Government Policies on the Worst Forms of Child Labor**

In February 2009, the Government adopted the second phase of the National Action Plan for Combating Human Trafficking (2009-2013). The plan aims to improve the effectiveness of the prosecution of human trafficking, improve the protection and rehabilitation services offered to victims and improve the coordination of activities.<sup>305</sup>

In addition, the Government has established a National Action Plan on the Protection of Human Rights. The plan addresses commitments made by the Government as signatory to the UN Convention on the Rights of the Child and includes efforts to combat trafficking.<sup>306</sup>

The UNDAF (2011-2015) includes efforts to improve the identification, referral, and legal support for victims of trafficking and capacity building for judiciary and law enforcement personnel; however, unlike the previous UNDAF, it does not address other worst forms of child labor.<sup>307</sup>

In the Poverty Reduction Strategy (PRS) adopted in September 2008, child labor issues are included in efforts focused on improving social protection services for the most vulnerable populations. The strategy calls for research to be conducted and a relevant national action plan on child labor to be prepared and implemented. The strategy also calls for the development of a national action plan on abandoned and street children.<sup>308</sup> In addition, the PRS includes

education efforts to improve access to and the quality of education.<sup>309</sup>

The Decent Work Country Program (2006-2009) developed by the Government of Azerbaijan in cooperation with ILO also called for the development of a national action plan on child labor. The program included efforts to build the capacity of the Government and key stakeholders to implement interventions focused on the prevention of children in child labor and the provision of services aimed at the withdrawal and rehabilitation of children in child labor.<sup>310</sup>

However, the impact of these efforts on reducing the worst forms of child labor has not been addressed.

### **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

Programs to prevent the worst forms of child labor primarily address human trafficking. Following from the National Action Plan on Combating Human Trafficking, a number of programs have been undertaken by government authorities, sometimes in cooperation with international organizations. These programs investigate, prosecute, and prevent trafficking, including the conduct of public awareness campaigns in 58 cities and regions throughout the country. They also make provisions for protection and rehabilitation of trafficking victims, including shelters for victims of trafficking.<sup>311</sup>

The OSCE has called on the Government to improve victim identification particularly through strengthened coordination with NGOs; to increase their efforts to raise public awareness of the problem; and to provide relevant training to law enforcement, labor inspectors, and health workers.<sup>312</sup>

With the ILO, the Government has implemented other child labor programs. These programs included awareness-raising activities, training programs for relevant government officials and civil society, and interventions focused on prevention, withdrawal and rehabilitation of children at risk of or engaged in the worst forms of child labor.<sup>313</sup> Few such programs remain active.

Finally, the Government has implemented social protection and education programs, including a cash transfer program for very poor households. As of early 2008, the program had reached over 80,000 families.<sup>314</sup>

The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

### Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Azerbaijan:

#### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Develop monitoring mechanisms and target inspections to improve the identification of child labor violations in sectors in which children commonly work.
- Establish coordination and monitoring mechanisms to combat the worst forms of child labor.

#### IN THE AREA OF POLICIES:

- Develop, adopt, and implement a national action plan on all worst forms of child labor.
- Assess the impact that policies, such as the Poverty Reduction Strategy and the Decent Work Country Program, may have on addressing the worst forms of child labor.
- Implement the recommendations of the Poverty Reduction Strategy to conduct research and develop and implement a national plan of action to combat child labor.

#### IN THE AREA OF PROGRAMS:

- Consider targeting programs specifically to children in the worst forms of child labor and their families.
- Address OSCE and UNDAF recommendations concerning anti-trafficking activities.
- Assess the impact that social protection and education programs may have on addressing the worst forms of child labor.

<sup>273</sup> Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children are from 2005. Data on school attendance are from 1999. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

<sup>274</sup> ILO-IPEC, *Working children in Azerbaijan: The analysis of child labour and laboring children surveys - An ILO-IPEC Survey on Child Labor*, September 2005.

<sup>275</sup> National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic, *Fact Finding Mission to the Tea and Tobacco Producing Regions of Azerbaijan Republic*, Baku, 2007 2007; available from <https://www.ilo.org/>

[public/english/dialogue/actemp/downloads/projects/azerbaijan\\_rapidass\\_study\\_tea\\_en.pdf](https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_tea_en.pdf). See also National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic International Labour Organization, *Study on Child Labour on Cotton Plantations in 8 Regions of Azerbaijan*, Baku, 2005 2005; available from [https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan\\_rapidass\\_study\\_cotton\\_en.pdf](https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_cotton_en.pdf). See also U.S. Embassy- Baku, *reporting*, March 28, 2010.

<sup>276</sup> U.S. Embassy- Baku official, E-mail communication to USDOL official, November 15, 2010.

<sup>277</sup> Mr. Alakbar Mammadov and Ms. Sadagat Gambarova, "Country Presentation on Combatting Child Labour - Azerbaijan" (paper presented at the Employers in the Fight Against Child Labor "Sharing Experiences and Lessons Learnt on Child Labour", Istanbul, September 27-28, 2007); available from [http://www.tisk.org.tr/yayinlar\\_en.asp?dil=en&sbj=ic&id=2970](http://www.tisk.org.tr/yayinlar_en.asp?dil=en&sbj=ic&id=2970). See also U.S. Embassy- Baku, *reporting*, March 28, 2010. See also Internal Displacement Monitoring Centre (IDMC), *Azerbaijan: IDPs still trapped in poverty and dependence*, [online] July 14, 2008 [cited September 16, 2010]; available from <http://www.unhcr.org/refworld/docid/487b6dfb2.html>.

- <sup>278</sup> UNICEF, *UNICEF Azerbaijan Overview: Key Challenges for Children*, [online] [cited July 19, 2010]; available from [http://www.unicef.org/azerbaijan/overview\\_2206.html](http://www.unicef.org/azerbaijan/overview_2206.html). See also UNICEF, *The Child Protection System in Azerbaijan: Situation Analysis*, New York, 2005; available from [http://ceecis.org/child\\_protection/PDF/Azesyst05.pdf](http://ceecis.org/child_protection/PDF/Azesyst05.pdf). See also National Confederation of Entrepreneurs (Employers') Organizations of Azerbaijan Republic, *No Child Labour: Handbook for Employers*, Handbook; available from [http://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan\\_handbook\\_en.pdf](http://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_handbook_en.pdf).
- <sup>279</sup> UNICEF, *UNICEF Overview*. See also UNICEF, *Child Protection System*. See also National Confederation of Entrepreneurs (Employers') Organizations of Azerbaijan Republic, *Handbook for Employers*.
- <sup>280</sup> U.S. Department of State, "Azerbaijan (Tier 2)," in *Trafficking in Persons Report- 2010* Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.
- <sup>281</sup> Embassy of the Republic of Azerbaijan, *Information of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan*, submitted in response to U.S. Department of Labor request for information on "Child labor, forced labor, and forced or indentured child labor in the production of goods in foreign countries and efforts by certain countries to eliminate the worst forms of child labor", DC, April 21, 2009; available from <http://www.dol.gov/ilab/programs/ocft/FR20100224/Azerbaijan/Azerbaijan.pdf>.
- <sup>282</sup> *Ibid.*
- <sup>283</sup> *Ibid.*
- <sup>284</sup> Radio Free Europe, *Child Labor Law Passes in Azerbaijan*, pursuant to RFERL, February 10, 2010 2009; available from [http://www.rferl.org/content/Azerbaijani\\_Parliament\\_Passes\\_Child\\_Labor\\_Law/1896514.html](http://www.rferl.org/content/Azerbaijani_Parliament_Passes_Child_Labor_Law/1896514.html). See also U.S. Embassy- Baku, *reporting, March 28, 2010*.
- <sup>285</sup> Radio Free Europe, *Child Labor Law Passes in Azerbaijan*. See also U.S. Embassy- Baku, *reporting, March 28, 2010*.
- <sup>286</sup> *Constitution of the Azerbaijan Republic*, (November 12, 1995); available from [http://www.servat.unibe.ch/icl/aj00000\\_.html](http://www.servat.unibe.ch/icl/aj00000_.html).
- <sup>287</sup> *Criminal Code of the Azerbaijan Republic*, (September 1, 2000); available from <http://www.unhcr.org/refworld/docid/4417f82d4.html>
- <sup>288</sup> *Ibid.*
- <sup>289</sup> *Law of the Republic of Azerbaijan on Trafficking in Persons*, (August 5, 2005); available from <http://www.unhcr.org/refworld/docid/4417f1214.html>
- <sup>290</sup> *Criminal Code*.
- <sup>291</sup> Coalition to Stop the Use of Child Soldiers, "Azerbaijan," in *Child Soldiers Global Report- 2008*, London, 2008; available from <http://www.childsoldiersglobalreport.org/content/azerbaijan>. See also UN International Human Rights Instruments, *Core Document Forming Part of the Reports of States Parties: Azerbaijan*, HRI/CORE/AZE/2008, Geneva, June 3, 2009 2009.
- <sup>292</sup> U.S. Embassy- Baku, *reporting, March 28, 2010*.
- <sup>293</sup> UN Country Team in Azerbaijan, *United Nations Development Assistance Framework- Azerbaijan 2005-2009*, UNDAF, May 2004; available from <http://planipolis.iiep.unesco.org/upload/Azerbaijan/Azerbaijan%20UNDAF%202005-2009.pdf>.
- <sup>294</sup> Embassy of the Republic of Azerbaijan, *Response to request for information*.
- <sup>295</sup> U.S. Embassy- Baku, *reporting, March 28, 2010*.
- <sup>296</sup> Embassy of the Republic of Azerbaijan, *Response to request for information*.
- <sup>297</sup> ILO and State Statistical Committee of the Republic of Azerbaijan, *Working children in Azerbaijan: The analysis of child labour and laboring children surveys 2005*, September 2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8152>.
- <sup>298</sup> *Trafficking Law*.
- <sup>299</sup> U.S. Department of State, "Trafficking in Persons Report- 2010: Azerbaijan."
- <sup>300</sup> *Trafficking Law*.
- <sup>301</sup> U.S. Embassy- Baku, *reporting, March 28, 2010*.
- <sup>302</sup> U.S. Department of State, "Azerbaijan (Tier 2)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.
- <sup>303</sup> U.S. Ambassador Anne E. Dorse, "US Ambassador's Remarks at The Trafficking in Persons Training Event" (paper presented at the Trafficking in Persons Training Event sponsored by US Embassy, US Department of Justice, and the OSCE, March 27, 2008); available from <http://azerbaijan.usembassy.gov/ambspeech57en.html>.
- <sup>304</sup> OSCE, *OSCE Office helps train Azerbaijani judges and prosecutors to fight human trafficking*, Press Release, May 12, 2008; available from <http://www.osce.org/item/31054.html>.
- <sup>305</sup> UN Committee against Torture, *Consideration of reports submitted by the States parties under article 19 of the Convention*, CAT/C/SR.909, pursuant to Summary record of the first part (public) of the 909th meeting, 2010; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/>

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<sup>306</sup> Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *The role of the Ombudsman in combating trafficking in human beings*, pursuant to The 2009 Human Dimension Implementation Meeting, September 28-October 9, 2009; available from [http://www.osce.org/documents/odhr/2009/10/40100\\_en.pdf](http://www.osce.org/documents/odhr/2009/10/40100_en.pdf).

<sup>307</sup> UN Country Team in Azerbaijan, *United Nations Development Assistance Framework- Azerbaijan 2011-2015*, Baku, 2009; available from [http://planipolis.iiep.unesco.org/upload/Azerbaijan/Azerbaijan\\_UNDAF\\_2011-2015.pdf](http://planipolis.iiep.unesco.org/upload/Azerbaijan/Azerbaijan_UNDAF_2011-2015.pdf). See also UN Country Team in Azerbaijan, *UNDAF Azerbaijan 2005-2009*.

<sup>308</sup> Government of Azerbaijan, *State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015*, Baku, September 15, 2008; available from <http://www.cled.az/pdf/others/Azerbaijan%20Poverty%20Program%20for%202008-2015.pdf>.

<sup>309</sup> Ibid.

<sup>310</sup> ILO and Government of Azerbaijan, *Decent Work Country Programme in Co-operation with the ILO (2006-2009)*, 2006; available from <http://www.ilo.org/public/english/region/eurpro/geneva/download/decentwork/azerbaijan.pdf>.

<sup>311</sup> U.S. Department of State, “Trafficking in Persons Report-2010: Azerbaijan.” See also OSCE, “Eva Biaudet: Rights of victims are paramount in fight against human trafficking,” *OSCE Magazine*, December 2008 2008; available from [http://www.osce.org/publications/sg/2008/11/35060\\_1213\\_en.pdf](http://www.osce.org/publications/sg/2008/11/35060_1213_en.pdf).

<sup>312</sup> OSCE, “OSCE: Rights of Victims.” See also OSCE, *OSCE special representative urges Azerbaijani authorities to co-operate with NGOs to better identify victims of human trafficking*, Press Release, June 18, 2008; available from <http://www.osce.org/item/31765.html>.

<sup>313</sup> ILO, *Development of a comprehensive anti-trafficking response in Armenia, Azerbaijan and Georgia*, [online] [cited September 22, 2010]; available from [www.ilo.org/sapfl/Projects/lang--en/WCMS\\_082035/index.htm](http://www.ilo.org/sapfl/Projects/lang--en/WCMS_082035/index.htm). See also ILO and Government of Azerbaijan, *DWCP 2006-2009*.

<sup>314</sup> World Bank, *Project Information Document Appraisal Stage: Social Protection Development*, Project Information Document, 42616-AZ, DC, April 29, 2008; available from [http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&siteName=WDS&entityID=000333037\\_20080508035604](http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&siteName=WDS&entityID=000333037_20080508035604).