

**Responses of the Republic of Azerbaijan to the US Department of Labor
questionnaire on child labor in Azerbaijan in the context of preparation of 2014
Findings on the worst forms of child labor (TDA Report)**

Section I: Worst Forms of Child Labor

A: Information to be considered in preparation of TDA 2014 Assessment

Allegation contained at the 2013 TDA Report that “*children are largely found working in the agriculture sector, which includes cotton, tea, and tobacco*” was studied by the competent authorities of Azerbaijan. No facts have been registered on the use of child labor at the above-mentioned sectors.

1. Prevalence and Sectoral Distribution of Child Labor

State and its relevant agencies protect children against all kinds of exploitation and hazardous labor through social, legal, economic, medical and educational means. Relevant governmental and non-governmental organizations implement detection, prevention and measures to combat the worst forms of child labor including forced begging, child trafficking, involvement in drug trafficking, and sexual exploitation of children for commercial purposes. Sexual exploitation of children, involvement of children in begging, gambling, prostitution, drug abuse, and other unlawful acts as well as use of children for any criminal purposes is strictly prohibited by the national legislation, in particular by the Code of Administrative Offences and the Criminal Code of the Republic of Azerbaijan.

Over recent years, several special rules (strengthening preventive measures with respect of children involved in begging and other unlawful acts as well as persons inciting them to such unlawful acts; prevention of vagrancy and begging; and strengthening preventive measures against involvement of minors in unlawful acts and exploitation of child labor) were approved by the Ministry of Internal Affairs (MIA).

In 2014, the Ministry of Internal Affairs identified 65 facts of voluntary engagement of children in daily labor at social and other services (without labor contract) for the purpose of supporting their family and 52 cases were submitted to the State Labor Inspection and other relevant authorities for taking appropriate measures.

At present, State Statistical Committee of the Republic of Azerbaijan has started conducting new statistical analysis on child labor and street children in Azerbaijan on the initiative of the State Committee on Family, Women and Children’s Affairs (SCFWCA).

2. Laws and Regulations on the Worst Forms of Child Labor

New National Action Plan on combating trafficking in human beings for 2014-2018 adopted on 24 July 2014 provides complex measures aimed at improving assistance for child victims or potential victims of human trafficking and protecting their rights. At the same time, “Program for social rehabilitation and integration of child victims of human trafficking into society” was adopted by the Cabinet of Ministers of Azerbaijan on 6

February 2014. "Rules on regulations of individual education" was approved by the Minister of Education which is expected to contribute to setting up learning process for children who remain beyond the educational process for a long period of time. It will also indirectly cover those children at risk groups.

3. Enforcement of Labor Laws Regarding Child Labor and Hazardous Child Labor

State Labour Inspection Service (SLIS) under the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan (MLSPP) carries out state control on compliance with the labour legislation by the legal entities, branches and representations of foreign legal entities and physical persons who are engaged in business activity without creating a legal entity. Appropriate controls are exerted to ensure compliance by employers with all requirements of the labour legislation, including those pertaining to the child labour. In doing so, special attention is paid whether persons under 15 are employed, labour contracts with the children between the age of 15-18 are in line with the labour legislation, working hours are correctly defined, they are engaged in jobs with hard and hazardous work conditions, including in underground tunnels, mines and other underground jobs as well as in cites like night clubs, bars and casinos which could be detrimental to development of his/her moral maturity, and in places where alcoholic beverages, narcotic components and toxic material are stored or sold.

SLIS employs 220 labour inspectors and organizes regular trainings for its inspectors to improve the state control on compliance with the labour legislation. It intends stepping up these efforts. The Service has carried out 8546 state controls and examined the issue of use of child labour during those controls. The control of compliance with the labour legislation by the SLIS is conducted on the basis of the mandate of the service and the "Regulation on the form and conduct of the unified registry on controls in the field of entrepreneurship". The complaints against child labour addressed to the Service are considered in accordance with the Law of the Republic of Azerbaijan on rules for considering appeals by citizens. They are registered in a special book and responded after proper investigation.

2 million AZN from the Presidential Reserve Fund of the 2013 State Budget were allocated to the MLSPP for the purpose of improving social rehabilitation service to children with limited health abilities and socially vulnerable minors in accordance with the Decree of the President of the Republic of Azerbaijan dated 9 January 2013.

Joint Action Plan for 2013-2015 on elimination of child labor exploitation was signed between MLSPP and SCFWCA in 2013. Within the Action Plan, trainings were organized by the SCFWCA on the worst forms of child labor for the regional representatives of SLIS, police inspectors as well as employees of the Commission on juvenile affairs under the local executive authorities. The trainings covered 49 cities and districts of Azerbaijan and 288 employees of the relevant state bodies mentioned above were trained.

During the training courses, presentations were made on international legal standards on the prevention of child labor, national legislation, definition and explanation of "child labor", as well as practices in the field of elimination of the worst forms of child labor.

Moreover, discussions were held around the current state of play in this field. For the purpose of increasing and improving knowledge on child labor, the booklet entitled “Your labor rights” published in Azerbaijani and English was widely disseminated in various regions of Azerbaijan as well as social awareness videos have been broadcasted. Furthermore, summer schools were organized for the school children by the SCFWCA to raise awareness among them in the course of July-August 2014.

4. Enforcement of Criminal Laws on Child Forced Labor/Trafficking, Commercial Sexual Exploitation and Use of Children in Illicit Activities

Police authorities are responsible for investigating crimes enshrined in the Articles 144-1, 144-2, 170, 171 and 171-1 of the Criminal-Procedural Code of Azerbaijan. Directorate General for Combating Trafficking in Human Beings of the Ministry of Internal Affairs of Azerbaijan is a special police unit carrying out investigative activities and criminal prosecution in respect of crimes connected with trafficking in, sexual and labor exploitation of children.

5. Government Task Forces or Commission on Child Labor

Several governmental agencies are engaged in combating child labor. Ministry of Internal Affairs, Ministry of Labor and Social Protection of the Population, State Committee on Family, Women and Children’s Affairs are the main state agencies responsible for combating child labor within their competent authorities.

6. Government Policies on the Worst Forms of Child Labor

In accordance with the Joint Action Plan on elimination of child labor exploitation for 2013-2015 signed between MLSPP and SCFWCA, the activities are underway aimed at preparing social awareness campaigns on negative consequences of child labor exploitation, conducting trainings for labor inspectors, organization of seminars and roundtables with the participation of various state agencies involved in combating child labor. Moreover, the following actions are expected to take within the National Action Plan on combating trafficking in human beings in Azerbaijan for 2014-2018:

- To strengthen measures for fulfillment of the obligations arising from the international legal standards, as well as International Labor Organization’s documents;
- To conduct regular monitoring with respect to the children deviating from the education and to take actions for rehabilitation of the socially vulnerable children.

As of October 2014, Ministry of Education in cooperation with Ministry of Health has launched the project entitled “Teaching Reproductive Health at Secondary Schools”. One of the key components of this project is an awareness campaign against sexual exploitation of children.

“Umudly Galacak” NGO in cooperation with Ministry of Education and other government agencies runs “Child’s Hotline,” “Social Rehabilitation Center for Children

and Youth,” “Child’s Rights Clinics,” and “Social Rehabilitation Center for Children and Youth exposed to violence”.

7. Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

In accordance with the National Action Plan for Combating Trafficking in Human Beings for 2014-2018, following activities are expected to implement with respect to children:

- Taking appropriate measures for ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- Preparing proposals on improvement of legal and social protection of vulnerable women and children for decreasing the risk of being trafficked;
- Preparing proposals for provision of safe use of internet and cell phones by children;
- Strengthening measures for fulfillment of obligations arising from the international conventions, as well as the International Labor Organization documents;
- Strengthening efforts for identification of victims of trafficking in human beings and forced labor including child victims, foreigners or stateless persons;
- Appropriate protection of the rights and interests of child victims or potential victims of trafficking in human beings as well as their social rehabilitation by the ward ship and guardianship authorities and juvenile affairs commissions in accordance with the legislation;
- Providing child victims of trafficking in human beings with the opportunity to continue their education and taking more efficient measures for their admission to comprehensive secondary schools according to place of their temporary residence;
- Rendering social and legal, social and psychological and social-consultative services to children in ward of the state to prevent their falling within the risk group for trafficking in human beings on coming of age;
- Organization of education for children accommodated in asylums and undergoing rehabilitation at such asylums to ensure their security and depending on their psychological and social condition;
- Taking steps for prevention of discrimination of child victims of trafficking during their education in human beings in comprehensive secondary schools;
- Monitoring of the facts of evasion of education and homelessness among children, taking appropriate measures for rehabilitation of evading and socially vulnerable children;
- Monitoring of the families which adopted or took tutorship over children and formation of local monitoring groups for this purpose;
- Taking measures for provision of children with appropriate identity papers in case of need;
- Taking measures for establishment of a special service for social work with children.

On the request from the Ministry of Labour and Social Protection of Population, local NGOs have been implementing projects aimed at providing social services to persons in vulnerable situations, including socially vulnerable minors. Particularly, the projects cover the following directions:

- Social-psychological services for prevention of neglected minors (hotline service);
- Social rehabilitation of socially vulnerable children without parental care (Baku);
- Social rehabilitation of children without parental care and those committed offences and organizing social-legal counselling for them;
- Social rehabilitation of socially vulnerable children who have become victim of violence and crime (Baku);
- Social adaptation of neglected children released from penitentiary and special institutions;
- Rehabilitation of children who have become victims of domestic violence (Sumgait).

8. Response to “Suggestions for Government Action” in the 2013 Profile

National authorities of Azerbaijan pay due attention to the suggestions contained at the US Department of Labor report while implementing the national policy towards eliminating the worst forms of child labor.