

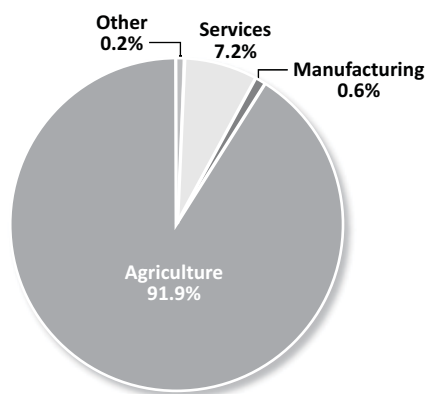
# Azerbaijan

In 2011, Azerbaijan made a minimal advancement in efforts to eliminate the worst forms of child labor. During the reporting period, the President of Azerbaijan signed a new National Action Plan on the Protection of Human Rights. This Plan calls for revisions to the Criminal Code to ensure compatibility with international standards on preventing the sexual exploitation of children and to strengthen efforts to fulfill ILO child labor conventions. In 2011, the Government also released a plan assigning responsibilities for the implementation the 2009-2013 National Action Plan for Combating Human Trafficking, which included provisions to assist homeless and other children at the greatest risk for trafficking. However, the Government has not established a coordinating and monitoring mechanism specifically focused on combating the worst forms of child labor, and research found limited evidence of government programs to address child labor in sectors where it does exist. Children in Azerbaijan are still found in the worst forms of child labor in dangerous work in the agriculture sector and street work.

## Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	4.5 (70,034)
Attending School	5-14 yrs.	94.3
Combining Work and School	7-14 yrs.	4.9
Primary Completion Rate		89.5

## Working Children by Sector, Ages 5-14



### Sources:

**Primary completion rate:** Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from CLS (SIMPOC) Survey, 2005.(2)



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

Children in Azerbaijan are found in the worst forms of child labor in dangerous work in the agriculture sector and street work.(3-14) Children work in the agriculture sector, including in cotton, tea and tobacco production—although reports suggest that the number of child laborers in cotton, tea and tobacco has considerably declined in the past decade.(3, 6, 7, 10, 11, 13, 15-19) Children working in agriculture may work long hours, in extreme temperatures and with dangerous tools and pesticides. They also carry heavy loads and risk injury, illnesses, animal attacks and insect bites.(7, 10, 11, 14, 17)

In urban centers, children are involved in domestic work, commercial sexual exploitation, and street work such as begging, washing cars and street vending.(3, 5, 6, 8, 12, 18, 20, 21) Street children work long hours and may be exposed to extreme temperatures, violence, drug use, humiliation and abuse. They are also vulnerable to prostitution and trafficking.(3, 6, 12, 18, 21, 22)

Azerbaijan is a source, transit and destination country for children trafficked for forced labor and prostitution internationally. Children are also trafficked internally for prostitution and forced labor, including forced begging.(3, 18, 21, 23, 24)

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

Article 249 of the Labor Code prohibits the employment of children under age 15.(25) Articles 98 and 250-254 of the Labor Code prohibit children under age 18 from working in hazardous conditions, and identify specific work and industries

barred to children.(25) They include working with narcotics and toxic substances, underground, at night, in mines, and in night clubs, bars, casinos or other businesses that serve alcohol.(25, 26) Azerbaijan has a hazardous work list of over 2,000 occupations, approved by Decision 58 of the Cabinet of Ministers in 2000.(27, 28) Article 91 of the Labor Code prohibits children under age 16 from working more than 24 hours per week. Children ages 16 and 17 may not work more than 36 hours per week.(25, 26)

	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	17
	Free Public Education	Yes

The Labor Code only covers workers with written employment contracts, and protections may therefore exclude children working without a written employment agreement, in contravention of ILO Convention 138.(25, 27)

The Law of the Republic of Azerbaijan on the Rights of the Child (Article 28) ensures the social protection of children from various kinds of exploitation and hazardous labor. It states that all the social, legal, economic, medical and educational means available should be used for this purpose.(20)

Article 35 of the Constitution prohibits forced labor but provides for exceptions for armed service and during states of emergency and martial law, as well as in the execution of a court's decision under the supervision of a government agency.(29, 30) Article 106 of the Criminal Code prohibits slavery and provides stricter minimum penalties for cases of slavery or human trafficking when children are involved.(31)

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.(31)

Article 242 of the Criminal Code prohibits the creation of pornography with the intent to distribute or advertise.(31) The creation of child pornography is not specifically addressed in the Criminal Code, nor is the use, procurement or offering of a child under age 18 for the production of pornography.(24, 31, 32) Article 171 of the Criminal Code does, however, prohibit involving minors in prostitution or other “immoral actions,” which may include the creation of child pornography.(31)

Azerbaijan has a law specifically prohibiting trafficking in persons, which establishes prevention and protection mechanisms, including special measures for children under age 18.(33) In addition, Article 173 of the Criminal Code establishes penalties for the sale or purchase of a child.(31)

Articles 5 and 19 of the Education Law of Azerbaijan state that general education is compulsory, free and universal from age 6.(34) Although there are conflicting reports, education appears to be compulsory to age 17.(18, 28, 34, 35) However, evidence suggests that families with limited resources sometimes prioritize education for male children and keep girls home working in household chores. Some poor families force their children to work or beg rather than attend school.(8, 18)

According to Articles 3 and 10 of the Law on Military Obligation and Military Service, adopted in December 2011, male citizens are required to perform active military service at age 18, while children age 17 are eligible to receive military training.(28, 36-39)

## Institutional Mechanisms for Coordination and Enforcement

Research found no evidence of a mechanism for coordinating government efforts to specifically combat the worst forms of child labor.(3, 11) The Ministry of Labor and Social Protection, the Ministry of Internal Affairs, and the State Committee on Families, Children and Women's Issues, all work separately in their individual areas of expertise, namely, enforcing workplace standards, prosecuting illicit activities and trafficking and protecting children's rights.(5, 11)

The State Labor Inspectorate within the Ministry of Labor and Social Protection is responsible for enforcing the country's child labor laws.(26) The Ministry reports that it employs 230 labor inspectors.(5) The Ministry does conduct unannounced inspections, but those inspections are not planned or tracked.(9)

In 2011, the Ministry of Labor Inspectorate examined 6,457 enterprises, offices and institutions.(40) Of the 14,896 labor violations reported, seven were child labor violations; of these, two cases were in the industrial sector, three in trade, one in hospitality and one undefined. No penalties were imposed for the child labor violations.(37) In 2010, inspectors examined 3,201 enterprises, offices and institutions and found 23 cases of child labor violations, but no penalties were imposed.(41) In 2009, inspectors found 62 cases of violations involving the employment of children between ages 15 and 18, but no instances of children employed under age 15; it is not clear whether penalties were imposed.(26) More information on violations reported is not publicly available.(9) The reasons for the lack of penalties are not known. As of 2009, over 81,000 businesses had been officially registered in Azerbaijan.(42, 43) Less than 4 percent of the formal sector may have been inspected in 2010; whether these inspections were targeted toward sectors in which children commonly work is unknown. In 2010, the Ministry improved labor inspection quality by providing multiple training and consultation opportunities to its staff with international organizations like the World Bank.(15)

The National Referral Mechanism for Trafficking in Persons is the body that coordinates government efforts to address trafficking in persons, including trafficking in children. It coordinates 15 government ministries and committees, and is led by a National Coordinator at the Deputy-Minister within the Ministry of Internal Affairs (MIA).(16, 33, 44) MIA is responsible for enforcing trafficking laws and investigating trafficking violations. The Government initiated an effort to provide documentation and citizenship rights to vulnerable children, though due to the newness of the program, the impact in 2011 was limited. MIA sought NGO assistance in the documentation of children without birth registrations, a group that is vulnerable to trafficking. In 2011, 16 children received documentation.(8, 18, 21, 33, 37, 45) According to the MIA's Anti-Trafficking Department, in 2011, 29 victims of trafficking were identified, 28 women and 1 child.(21, 44) The single case of child trafficking was investigated and prosecuted, and in December 2011 the perpetrators received 4 to 10 years of imprisonment.(46)

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

In May 2011, the Government adopted a national program to implement the 2009-2013 National Action Plan for Combating Human Trafficking. The program aims to improve the coordination of activities, the effectiveness of the prosecution of perpetrators and the protection and rehabilitation of victims

of trafficking by identifying the parties responsible for each objective of the 2009 National Action Plan.(47, 48) The 2009 National Action Plan targets the underlying social problems that contribute to trafficking.(45, 48)

In addition, the President signed a new National Action Plan on the Protection of Human Rights in December 2011.(28, 49) Sections 1.2.5 and 2.17 seek to ensure that the Criminal Code is compatible with international standards on preventing the sexual exploitation of children, and strengthening efforts to fulfill ILO child labor conventions, respectively. The plan also addresses human trafficking and calls for rehabilitation centers for victims.(49)

The United Nations Development Assistance Framework (UNDAF) (2011-2015) includes efforts to improve identification, referral and legal support services for victims of trafficking, as well as building the capacity of judiciary and law enforcement personnel. However, unlike the previous UNDAF, it does not address other worst forms of child labor.(50, 51)

The Poverty Reduction Strategy (PRS), adopted in September 2008, includes efforts to improve social protection for the most vulnerable populations, including child laborers.(52) Research has not determined whether these actions have been implemented, but the Strategy calls for researching, preparing and implementing a national action plan on child labor. The Strategy also calls for developing a national action plan on abandoned and street children.(52) The Government does not appear to have developed a national action plan on child labor. In addition, the PRS includes a plan to improve efforts to make schools better and more accessible, and to decrease educational costs, for example, with free textbooks and hot meals for children.(52) The impact of these efforts on reducing the worst forms of child labor is unknown.

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

Research has found limited evidence of government funding for programs to specifically address child labor in agriculture or other sectors where child labor exists. Programs to prevent the worst forms of child labor primarily address human trafficking. Government authorities have undertaken a number of programs, sometimes in cooperation with international organizations or NGOs, under the auspices of the National Action Plan on Combating Human Trafficking. These programs aim to prevent trafficking, and to protect and assist victims through public awareness campaigns and the provision of shelter and psychological and employment assistance for

trafficking victims.(3, 23, 53) For example, the Government established a hotline and the Center of Assistance for Victims of Human Trafficking, which provide medical, psychological and social rehabilitation, and reintegration assistance to victims of trafficking.(23, 41)

A 2010 World Bank survey has provided information on the reach of the Government’s social assistance programs.(54) It found that the Government provided some form of social assistance to 63.2 percent of the population and 81.2 percent of the poor in 2008, and that without this social assistance, the instance of poverty in Azerbaijan would have increased by an estimated 60 percent. These social transfers provide almost half (45 percent) of the income of the poorest 20 percent of the population.(54) Social assistance spending is predominantly comprised of pensions (75 percent), but also

includes unemployment support and transfers to families with children, as well as the means-tested Targeted Social Assistance (TSA) Program, which provides cash transfers to low-income families.(54)

The TSA Program, which has replaced three previously-existing benefits targeted at households with children, is more effective than pension benefits in reducing poverty, according to the World Bank analysis.(54) The Program reached around 9.2 percent of the population in 2009, but only about 12.4 percent of the poor (10 percent of the extreme poor) due to resource constraints according to this same analysis. The TSA Program may therefore have limited impacts.(54) The question of whether these social assistance programs have an impact on the worst forms of child labor does not appear to have been addressed.(54-56)

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend the Labor Code to ensure protections are afforded to children working without written employment contracts.	2011
	Specifically address the creation of child pornography in the Criminal Code, including the use, procurement or offering of a child under age 18 for the production of pornography, regardless of intent to distribute.	2011
Coordination and Enforcement	Establish coordinating and monitoring mechanisms to combat the worst forms of child labor.	2009, 2010
	Implement a system to track and monitor labor inspections, including unannounced inspections.	2011
	Report whether and how investigations are targeted at sectors with child labor.	2011
Policies	Formulate and make public the plans for the implementation of the new child labor provisions in the National Action Plan on the Protection of Human Rights.	2011
Social Programs	Target programs specifically to children in the worst forms of child labor, such as agriculture, and their families.	2009, 2010, 2011
	Assess the impact that social protection programs may have on child labor to determine whether expansion of the program may significantly impact child labor in agriculture and forced child labor in prostitution and begging.	2011



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