



**GRETA**  
GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS

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**Report concerning the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Azerbaijan**

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## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to the parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental.

Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA launched the second evaluation round of the Convention on 15 May 2014. During this new evaluation round, GRETA has decided to examine the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. The questionnaire adopted by GRETA for the second evaluation round is sent to all parties which have undergone the first evaluation round, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of a obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to submit, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual comments by the party concerned, is made public and sent to the Committee of the Parties to the Convention.

## I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Azerbaijan took place in 2012-2013. Following the receipt of Azerbaijan's reply to GRETA's first questionnaire on 21 May 2012, a country evaluation visit was took place from 13 to 17 May 2013. The draft report on Azerbaijan was examined at GRETA's 18th meeting (4-8 November 2013) and the final report was adopted at GRETA's 19th meeting (17-21 March 2014). Following the receipt of the Azerbaijani authorities' comments, GRETA's final report was published on 23 May 2014.<sup>1</sup>

2. In its first report on Azerbaijan, GRETA welcomed the steps taken to adopt legislation and regulations in the field of action against human trafficking and to set up co-ordinating and specialised anti-trafficking structures. However, GRETA stressed the need for more involvement of civil society and trade unions in the development and implementation of anti-trafficking policies, as well as for improved co-ordination among public actors at the national and regional levels. Noting that the focus of national anti-trafficking action had been on trafficking for the purpose of sexual exploitation, GRETA asked the Azerbaijani authorities to strengthen action to prevent and combat trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as construction, agriculture and domestic work. Furthermore, GRETA stressed the need to improve the knowledge and sensitivity of relevant professionals about human trafficking and the rights of victims of trafficking. Moreover, GRETA called on the Azerbaijani authorities to take steps to discourage demand for services from trafficked persons, in partnership with the private sector and civil society. Noting the development of a National Referral Mechanism and indicators for identifying victims of trafficking, GRETA urged the authorities to ensure multi-agency involvement in the identification process by formalising the role and input of specialised non-governmental organisations (NGOs) and other relevant stakeholders, such as labour inspectors and medical staff. Further, GRETA asked the authorities to ensure that assistance measures are not dependent on the victims' willingness to co-operate with law enforcement agencies. GRETA also called on the Azerbaijani authorities to strengthen their efforts to ensure that crimes related to trafficking for all types of exploitation are proactively investigated and prosecuted promptly and effectively, and to make full use of the measures available to protect victims and witnesses of trafficking, as well as NGOs supporting victims.

3. On the basis of GRETA's report, on 7 July 2014, the Committee of the Parties to the Convention adopted a recommendation to the Azerbaijani authorities, requesting them to report back on the measures taken to comply with this recommendation by 7 July 2016.<sup>2</sup> The report submitted by the Azerbaijani authorities was considered at the 19th meeting of the Committee of the Parties (4 November 2016). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.<sup>3</sup>

4. On 1 February 2017, GRETA launched the second round of evaluation of the Convention in respect of Azerbaijan by sending the questionnaire for this round to the Azerbaijani authorities. The deadline for submitting the reply to the questionnaire was 3 July 2017. Azerbaijan submitted its reply on 1 July 2017.<sup>4</sup>

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<sup>1</sup> <http://rm.coe.int/1680630ceb>

<sup>2</sup> <http://rm.coe.int/1680630ce9>

<sup>3</sup> <http://rm.coe.int/16806c0681>

<sup>4</sup> <http://rm.coe.int/greta-2017-21-rq2-aze/168072fb48>

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Azerbaijani authorities, the above-mentioned report submitted by them to the Committee of the Parties and information received from civil society. An evaluation visit to Azerbaijan took place from 23 to 26 October 2017 in order to hold meetings with relevant actors, collect additional information and assess the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Mr Ryszard Piotrowicz, Second Vice-President of GRETA;
- Ms Alina Braşoveanu, member of GRETA;
- Mr Mats Lindberg, administrator in the Secretariat of the Convention.

6. During the visit, the GRETA delegation met the first Deputy Minister of the Interior, who is the National Co-ordinator on Combating Trafficking in Human Beings, as well as officials from the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour and Social Protection, the Ministry of Health, the Ministry of Transport, Communication and High Technologies, the Ministry of Culture and Tourism, the Ministry of Youth and Sport, the Ministry of Education, and the Ministry of Foreign Affairs. Meetings were also held with officials from the State Migration Service, the State Security Service, the State Border Service, the State Committee for Family, Women and Children's Affairs, the Guardianship and Trusteeship Body, the Commission on Protection of Affairs and Rights of Children, and the Council of State Support to Non-Governmental Organisations under the Auspices of the President of the Republic of Azerbaijan. Moreover, the GRETA delegation met prosecutors from the Prosecutor General's Office and judges from the Supreme Court and four regional Courts for Serious Crimes. Discussions were also held with representatives of the Office of the Commissioner for Human Rights and members of the Azerbaijani Parliament's Committees on Human Rights and on Legal Policy and State-building.

7. Separate meetings were held with representatives of NGOs. The GRETA delegation also met officials of the European Union, the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).

8. In the course of the visit, the GRETA delegation visited the State shelter for victims of trafficking in human beings in Baku, as well as a reception centre for asylum seekers and a centre for irregular migrants, both of which are run by the State Migration Service.

9. The list of the national authorities with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

10. GRETA wishes to place on record the co-operation provided by the Azerbaijani authorities during the evaluation visit and in particular by the contact person appointed by the Azerbaijani authorities to liaise with GRETA, Mr Ilkin Gurbanov, Head of Division on Information Provision and Analytical Work at the Main Department on Combating Human Trafficking of the Ministry of Internal Affairs.

11. The draft of the present report was approved by GRETA at its 31st meeting (19-23 March 2018) and was submitted to the Azerbaijani authorities for comments on 9 April 2018. The authorities' comments were received on 11 June 2018 and were taken into account by GRETA when adopting the final report at its 32nd meeting (8-13 July 2018). The report covers the situation up to 13 July 2018; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 40-45).

## **II. Main developments in the implementation of the Convention by Azerbaijan**

### **1. Emerging trends in trafficking in human beings and types of exploitation**

12. Azerbaijan is primarily a country of origin of victims of trafficking in human beings (THB) and to some extent also a country of destination. According to statistics provided by the Azerbaijani authorities, the number of victims of THB identified by the Main Department on Combatting THB was 54 in 2014, 63 in 2015, 70 in 2016 and 71 in 2017. Further, there were 46 presumed victims of THB identified on reasonable grounds in 2014, 19 in 2015, 7 in 2016 and 9 in the first five months of 2017 (see paragraph 94). About 95% of the officially identified victims were women trafficked for the purpose of sexual exploitation (with the exception of one woman who was subjected to labour exploitation). All male victims were trafficked for the purpose of labour exploitation. Only two children were identified as victims of THB in the reporting period, in 2014 and 2015 respectively.<sup>5</sup>

13. The vast majority of the identified victims were Azerbaijani citizens exploited abroad, primarily in the Russian Federation, Turkey, the United Arab Emirates, Malaysia and Pakistan. As regards foreign victims of THB exploited in Azerbaijan, during the reporting period, there were five from Uzbekistan, four from the Russian Federation, two from Ukraine, one from China and one from Turkmenistan.

14. GRETA notes that the scale of human trafficking in Azerbaijan is probably higher than the above-mentioned figures of officially identified victims suggest, due to certain shortcomings of the identification procedure (see paragraph 97-99) and insufficient attention to internal trafficking.

### **2. Developments in the legal framework**

15. The Criminal Procedure Code (CPC) was amended by Cabinet of Ministers' decision of 20 June 2016 to include a reference to the 30-day recovery and reflection period to which victims of trafficking are entitled in the context of criminal proceedings.

16. Further, a number of secondary legislative instruments have been amended since GRETA's first report. The Rules on the National Referral Mechanism, initially adopted by Decision No. 123 of 11 August 2009 of the Cabinet of Ministers, and the Rules (Indicators) for Identification of Victims of Trafficking in Human Beings, adopted by Decision No. 131 of 3 September 2009, were amended by Cabinet of Ministers' Decision No. 246 of 25 June 2015. The Programme on the Elimination of Social Problems Leading to Trafficking in Human Beings was amended by Decision No. 389 of 6 October 2016 and the Rules on Establishing, Financing, Operating and Supervising Special Institutions for Victims of Trafficking in Human Beings were amended by Decision No. 360 of 22 September 2016, as was the Statute of the Assistance Fund for Victims of THB.

17. The above-mentioned measures are discussed in greater detail in later parts of this report (see paragraphs 71, 93 and 130).

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<sup>5</sup> A 15-year old girl trafficked abroad for the purpose of labour exploitation and a new-born child sold by its parents.

### 3. Developments in the institutional framework

18. There have not been any significant developments in the institutional framework for combating THB in Azerbaijan since GRETA's first evaluation report.

19. The National Co-ordinator on Combating THB, who is a Deputy Minister of Internal Affairs, continues to be responsible for the implementation of the National Action Plan, the co-ordination of the activities of the different actors involved and the exchange of information between them. The National Co-ordinator submits an annual report on combating THB in Azerbaijan to the Minister of Internal Affairs, the Parliament and the Ombudsman.<sup>6</sup> The Working Group on Combating THB, composed of representatives of all relevant ministries and with NGOs present as observers, assists the National Co-ordinator.<sup>7</sup>

20. The Inter-agency Commission implementing the National Referral Mechanism (NRM) referred to in GRETA's first report<sup>8</sup> has a similar composition to the Working Group and comprises representatives of the Ministries of Internal Affairs, Justice, Health, Education, Labour and Social Protection, Youth and Sport, Culture and Tourism, the Prosecutor General's Office, the State Customs Committee, the State Committee for Family, Women and Children, the State Security Service, the State Border Service and the State Migration Service. The Commission meets at least once a year under the direction of the National Co-ordinator. NGOs used to participate in the meetings of the Inter-agency Commission, but this practice was discontinued some three years previously.

21. The Main Department on Combating Trafficking in Human Beings of the Ministry of Internal Affairs, including a Special Police Unit against THB, is the main body for investigating THB offences. It co-operates closely with the Main Department on Combating Organised Crime of the same Ministry. Within the judiciary, human trafficking offences fall within the competence of the five regional Courts for Serious Crimes.

22. There is no designated National Rapporteur on THB in Azerbaijan. In the view of the Azerbaijani authorities, the National Co-ordinator's annual reporting to Parliament fulfils the requirements of paragraph 4 of Article 29 of the Convention. GRETA is of the view that the key features of National Rapporteurs' mechanisms within the meaning of Article 29, paragraph 4, of the Convention should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. A structural separation between these monitoring functions and executive functions makes possible an objective evaluation of the implementation of anti-trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations. **GRETA considers that the Azerbaijani authorities should re-examine the possibility of establishing an independent National Rapporteur or designating another mechanism as an independent organisational entity with a view to ensuring an effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).**

23. Specialised NGOs continue to play an important role in anti-trafficking action in Azerbaijan, through awareness raising, running shelters and providing assistance to victims of trafficking (see paragraphs 107-108). However, the funding made available to NGOs for specific tasks, such as providing services to victims of human trafficking, has decreased in recent years (see paragraph 196).

<sup>6</sup> Available on the anti-trafficking site of the Ministry of Internal Affairs: <http://www.insanalveri.gov.az/?/az/menu/16/>

<sup>7</sup> See paragraph 21 of GRETA's first report on Azerbaijan.

<sup>8</sup> See paragraph 23 of GRETA's first report on Azerbaijan.



#### 4. National Action Plans

24. At the time of GRETA's second visit, the 2014-2018 National Action Plan on Combating Trafficking in Human Beings, approved by Presidential Decree dated 24 July 2014, was in force.<sup>9</sup> It contains measures in the areas of awareness-raising, legislation, prevention, prosecution, assistance to victims and international co-operation. By way of example, the National Action Plan envisages the strengthening of control over labour migration, monitoring of media and internet sites for advertisements which could be linked to THB, and the provision of vocational training and other support measures to victims of trafficking with a view to preventing re-trafficking.

25. The following public bodies are involved in implementing the National Action Plan: the Cabinet of Ministers, the Ministry of Internal Affairs, the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Economy, the Ministry of Health, the Ministry of Transport, Communication and High Technologies, the Ministry of Education, the Ministry of Labour and Social Protection of Population, the Ministry of Youth and Sport, the Ministry of Culture and Tourism, the State Security Service, the State Migration Service, the State Border Service, the State Customs Committee State, the State Committee for Family, Women and Children Affairs, the Civil Aviation Administration, the State Maritime Administration, the Financial Markets Supervision Authority, the Azerbaijan Television and Radio Broadcasting Company, local executive authorities and specialised NGOs.

26. There is no specific budget allocated for the implementation of the National Action Plan. Each ministry and public agency responsible for the implementation of actions under the Plan uses its own budget for this purpose. In general, there are no evaluations of the implementation of different national action plans, but the Department of State Control under the Presidential Administration supervises their implementation and where necessary instructs the responsible State bodies to implement actions left unimplemented at the end of the time period covered by the plans.

**27. GRETA considers that the Azerbaijani authorities should conduct an independent evaluation of the implementation of the current National Action Plan against THB upon its expiry, as a tool for assessing the impact of the activities and for planning the next National Action Plan. Further, GRETA considers that the Azerbaijani authorities should allocate appropriate funds in the State budget to action against THB, in consultation with all relevant actors, and reflecting the actual requirements of a co-ordinated and effective human rights-based approach to combating human trafficking.**

#### 5. Training of relevant professionals

28. In its first report, GRETA urged the Azerbaijani authorities to take further steps to improve the knowledge and sensitivity of relevant professionals, in particular police officers, prosecutors and judges, regarding the complex nature of THB and the rights of victims.

29. According to the Azerbaijani authorities, the basic training of new police recruits at the Police School includes 4 to 6 hours of training on THB. Further, the Police Academy trains senior police officers on THB. In addition, the staff of the Main Department on Combating Trafficking in Human Beings of the Ministry of Internal Affairs, together with the NGO Clean World, delivered training on trafficking and domestic violence to a total of 512 police officers in the cities of Gazakh, Shamkir, Tovuz, Balakan, Zagatala, Gabala, Ismayilli, Astara, Lankaran, Masalli and Jalilabad. Further, in 2017 the Main Department on Combatting Trafficking delivered 11 days of training for local police officers in different regions. In addition, the staff of the Main Department themselves received additional training in 2017.

<sup>9</sup> Available at: <http://insanalveri.gov.az/upload/Sərəncam%20MFP%202014-2018.pdf>

30. GRETA was informed that the Academy of the State Border Service had included THB in its training curriculum. According to the Azerbaijani authorities, about 1,000 officials of the State Border Service and students of the Academy of the State Border Service annually take part in four-hour training sessions on THB. In addition, members of the State Border Service regularly take part in training and other events focussing on work against THB organised abroad or in Azerbaijan by international organisations represented in Azerbaijan.

31. There is no specific training on THB for prosecutors, though some of them participate in training and conferences abroad. By way of example, in 2014 the Embassy of the United States supported the training of 25 prosecutors, judges and criminal investigators about best practices in investigating and prosecuting THB cases.

32. A counter trafficking curriculum and handbook were developed and published within the project "Enhancing Co-operation Measures to Effectively Combat Trafficking in Persons through Capacity Building and Technical Assistance in Azerbaijan – Phase IV", implemented by IOM and funded by the US Department of State.<sup>10</sup> The objective of these publications is to strengthen national efforts to combat trafficking in persons by providing training materials for judges, prosecutors and candidate judges, which will be used by the trainers in the framework of the formal education programme of the Justice Academy of the Ministry of Justice of Azerbaijan.

33. Within the framework of the project "Strengthening the capacity to combat human trafficking in Azerbaijan", implemented by IOM, training was provided to some 15-20 lawyers of the Azerbaijani Bar Association in September 2017. IOM is in the process of developing manuals on THB for the Police School and the Police Academy, officials of the Ministry of Internal Affairs, judges, prosecutors, diplomats, staff of the State Migration Service and State Border Service, psychologists and social workers. Moreover, on 3-5 May 2017, IOM trained staff of reception centres for asylum seekers and deportation centres for irregular migrants as part of the project "Consolidation of Migration and Border Management Capacities in Azerbaijan".

34. Since 2014, no training on THB has been provided to labour inspectors and all inspections related to entrepreneurial activity have been suspended (see paragraph 57).

35. In 2014-2015, the Main Department on Combating THB disseminated booklets on THB to the Ministry of Transport, the State Border Service, the State Customs Committee, the Civil Aviation Administration, the State Maritime Administration and specialised NGOs in order to raise their knowledge of THB. In 2016 the booklets were also distributed to the Ministry of Education, the Ministry of Youth and Sport, the Ministry of Culture and Tourism, the Ministry of Labour and Social Protection of Population, the Ministry of Health, the State Migration Service, and the State Committee for Family, Women and Children Affairs.

36. In 2015 the Public Health and Reforms Centre of the Ministry of Health, in co-operation with the NGO "Hopeful Future", organised a three-day training session on the provision of medical, psychological and social support to child victims of THB. Participants included medical staff, social workers and police in the Ujar District. Further, with the support of the United Nations Population Fund (UNFPA), training was provided on 6-10 June 2016 to health workers on how to assist victims of gender-based violence and THB, child trafficking and trafficking for the purpose of labour exploitation. Participants included staff of the Public Health and Reform Centre of the Ministry of Health and the State Institute for Advanced Training of Doctors, as well as doctors from different hospitals, including a child clinic.

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<sup>10</sup> Available at: <http://www.iom.az/publications/>

37. GRETA was informed that medical doctors undergo compulsory re-training every fifth year and that information about THB is included in the curriculum. In their comments on GRETA's draft report, the Azerbaijani authorities explained that training on the fight against human trafficking and providing medical aid to victims has been included in the training curriculum of the Departments for Therapy, Paediatrics, Obstetrics, Gynaecology and Surgery of the State Advanced Training Institute for Doctors.

38. Despite the above-mentioned training activities, GRETA is concerned that certain professional groups have not received training on THB, in particular labour inspectors, judges, social workers and asylum officials. GRETA stresses the importance of a multi-disciplinary approach to training and the overcoming of prejudices and stereotypes which hinder the identification of victims of THB.

**39. While noting the training provided on THB to some professional groups, GRETA considers that the Azerbaijani authorities should ensure that all relevant professionals are trained periodically, throughout their careers, in the identification of victims of trafficking, including with a view to improving the identification of victims of THB for labour exploitation. Such training should be embedded in the core training curricula of relevant professionals and be provided to law enforcement officers, prosecutors, judges, border guards, immigration officials, staff working in refugee reception centres and detention centres for irregular migrants, staff working in establishments for children, social workers, labour inspectors and diplomatic and consular staff.**

## **6. Data collection and research**

40. In its first report GRETA considered that the Azerbaijani authorities should continue their efforts in developing and maintaining a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors and allowing disaggregation. GRETA also considered that the authorities should conduct and support research on THB-related issues as an important source of information for the evaluation of current programmes and for planning future policy measures.

41. The responsibility for collecting data on THB remains with the Main Department on Combating THB, which maintains a database on victims of THB and offenders, disaggregated according to sex, age, type of exploitation and nationality. The National Co-ordinator publishes every year a report on THB, based on anonymised data gathered by the Main Department for Combating THB. However, GRETA notes that there is a lack of statistics on the granting of the recovery and reflection period and compensation awarded to victims of THB.

**42. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA urges the Azerbaijani authorities to develop a comprehensive statistical system on trafficking in human beings by compiling reliable statistical data on presumed and formally identified victims of THB from all main actors, including specialised NGOs and international organisations, as well as on the investigation, prosecution and adjudication of human trafficking cases, allowing disaggregation concerning sex, age, type of exploitation, and country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.**

43. Several projects conducted by IOM have included elements of research. Since September 2014 IOM has been implementing a project entitled "Capacity Building in Migration and Border Management in Azerbaijan", as part of which several reports have been published regarding migration management, labour legislation and other topics of relevance to THB.<sup>11</sup> Another project, entitled "Identification of Gaps and Evaluation of Needs: Comparative Analysis of Efforts for Combating Trafficking in Human Beings in the South Caucasus", was implemented in 2015-2016. As part of this project the report "Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan" was published in 2016.<sup>12</sup> It is based on desk research, surveys and interviews with officials and civil society representatives and analyses the identification of victims of trafficking, assistance, legislation, investigation and prosecution, as well as international co-operation.

44. GRETA notes that there is a lack of research into trafficking for the purpose of labour exploitation and trafficking in children, which limits the understanding of these phenomena.

**45. GRETA considers that the Azerbaijani authorities should make further efforts to conduct and support research on THB-related issues as an evidence base for future policy measures. Areas where research is needed in order to shed more light on the extent and nature of the problem of THB include trafficking of foreign nationals to Azerbaijan, trafficking for the purpose of labour exploitation, including domestic servitude, and child trafficking. Further, GRETA invites the Azerbaijani authorities to research the issue of organised online streaming of sexual abuse of children and its possible linkages to human trafficking.**

### III. Article-by-article findings

#### 1. Prevention of trafficking in human beings

##### a. Measures to raise awareness (Article 5)

46. In its first report, GRETA considered that the Azerbaijani authorities should plan future actions in the area of raising awareness in the light of impact assessments of previous measures and on the basis of research. GRETA stressed that awareness-raising campaigns, education in schools and training of relevant professionals should aim at promoting gender equality and eradicating gender-based violence and the stigmatisation of victims of trafficking. Further, more information campaigns for migrants living in Azerbaijan should be conducted to inform them about their rights and the risks of human trafficking.

47. The 2014-2018 National Action Plan envisages a number of awareness-raising measures, such as training journalists on how to report about THB and informing companies in the tourism sector about the risks of THB, including by means of written materials.

48. In 2016, the State Committee for Families, Women and Children launched an awareness-raising campaign, entitled "Do not become a victim of trafficking in human beings!", as part of which a film was presented, debates were held and information materials were distributed. According to the authorities, the same Committee has prepared awareness-raising materials about trafficking in women which were distributed in July-December 2017 at border and customs check-points.

<sup>11</sup> More information available at: [http://iom.az/IOM.files/One\\_pager\\_IOM\\_ENG.pdf](http://iom.az/IOM.files/One_pager_IOM_ENG.pdf)

<sup>12</sup> Available at: [https://publications.iom.int/system/files/pdf/counter\\_trafficking\\_azerbaijan\\_en.pdf](https://publications.iom.int/system/files/pdf/counter_trafficking_azerbaijan_en.pdf)

49. Short films about THB and video clips for social media were prepared by the TV channel ANS<sup>13</sup> and the NGO "Clean World Social Union", with the support of the Ministry of the Interior. In July 2016 the ARB TV station broadcast a programme about trafficking in women.

50. Several projects run by IOM in Azerbaijan in recent years have included measures to raise public awareness of THB, e.g. through the organisation of events on the occasion of the World Day against Trafficking in Persons (30 July). In 2016, IOM reported having reached out to more than 10,000 persons to draw attention to the issue of human trafficking.<sup>14</sup> IOM also organised panel discussions and round-table sessions in the Autonomous Republic of Nakhchivan in 2016.

51. The Azerbaijani authorities have also referred to other recent awareness-raising initiatives on THB, such as round tables, seminars, presentations and distribution of materials, organised in different parts of the country, for example on the occasion of the World Day against Trafficking.

52. The Azerbaijani State Civil Aviation Administration has posted information about trafficking on its website and booklets on THB have been disseminated to the State Maritime Administration.

53. To GRETA's knowledge, there has been no impact assessment of the above-mentioned awareness-raising measures.

54. **GRETA considers that the Azerbaijani authorities should continue their efforts to raise awareness of THB for different forms of exploitation among the general public and design future actions in the area of awareness-raising in the light of the assessment of previous measures.**

#### **b. Measures to prevent THB for labour exploitation (Article 5)**

55. In its first report, GRETA urged the Azerbaijani authorities to strengthen action to prevent THB for the purpose of labour exploitation, in particular in at-risk sectors such as construction, agriculture and domestic work. GRETA also considered that the authorities should make further efforts to review the system for licensing of recruitment agencies.

56. As noted in paragraph 44, the occurrence and extent of THB for the purpose of labour exploitation is not well researched in Azerbaijan. In its first report on Azerbaijan, GRETA referred to the increase in migrant workers, in particularly in the construction sector, but also in agriculture and domestic work, and noted that law enforcement officials and labour inspectors had a tendency to see potential cases of THB for labour exploitation as labour disputes. GRETA considered that the Azerbaijani authorities should acknowledge the phenomenon of THB for labour exploitation and adapt their policy and practical measures.<sup>15</sup> Action 13.2.5 of the 2014-2018 National Action Plan against THB foresees measures for the prevention of "illegal migration, forced labour and human trafficking". The State Migration Service, the Ministry of Labour and Social Protection and the Ministry of Internal Affairs have developed an "Action Plan for Prevention of Trafficking in Persons and Forced Labour, Their Suppression and the Elimination of Their Consequences" (2013-2018). The Azerbaijani authorities have referred to measures to detect irregular migrant workers<sup>16</sup> and bring legal proceedings against them; however, there is no indication of any sanctions imposed on employers and recruitment agencies. GRETA stresses that migrant workers who are victims of trafficking for labour exploitation run the risk of sanction and deportation if not properly identified as victims (see also paragraph 165).

<sup>13</sup> A documentary about THB was screened on the ANS channel on 25 March 2016. In addition, an official of the Ministry of Internal Affairs took part in a broadcast by the ANS about trafficking of children, broadcast on 1 June 2016.

<sup>14</sup> More information available at: [http://iom.az/publications/files/CT.0993\\_Newsletter\\_ENG.pdf](http://iom.az/publications/files/CT.0993_Newsletter_ENG.pdf)

<sup>15</sup> See paragraph 54 of GRETA's first report on Azerbaijan.

<sup>16</sup> In 2014, 37,606 foreigners and stateless persons were detained for violations of the requirements of migration legislation and administrative proceedings were initiated against them. The respective numbers in 2015, 2016 and 2017 were 26,567, 26,632 and 20,527.

57. As noted in paragraph 44, the occurrence and extent of THB for the purpose of labour exploitation is not well researched in Azerbaijan. In its first report on Azerbaijan, GRETA referred to the increase in migrant workers, in particularly in the construction sector, but also in agriculture and domestic work, and noted that law enforcement officials and labour inspectors had a tendency to see potential cases of THB for labour exploitation as labour disputes. GRETA considered that the Azerbaijani authorities should acknowledge the phenomenon of THB for labour exploitation and adapt their policy and practical measures.<sup>17</sup> Action 13.2.5 of the 2014-2018 National Action Plan against THB foresees measures for the prevention of “illegal migration, forced labour and human trafficking”. The State Migration Service, the Ministry of Labour and Social Protection and the Ministry of Internal Affairs have developed an “Action Plan for Prevention of Trafficking in Persons and Forced Labour, Their Suppression and the Elimination of Their Consequences” (2013-2018). The Azerbaijani authorities have referred to measures to detect irregular migrant workers<sup>18</sup> and bring legal proceedings against them; however, there is no indication of any sanctions imposed on employers and recruitment agencies. GRETA stresses that migrant workers who are victims of trafficking for labour exploitation run the risk of sanction and deportation if not properly identified as victims (see also paragraph 165).

58. On 1 November 2015, the Azerbaijani Government suspended all inspections related to entrepreneurial activity for two years, as a measure intended to stimulate business development.<sup>19</sup> Pursuant to the Law on “Suspension of inspections related to entrepreneurial activity”, the suspension is not applicable to tax audits, as well as inspections carried out by the Prosecutor General’s Office in connection with investigation of corruption-related crimes. The Law stipulates that inspections related to cases posing significant threat to the life and health of the population, state security and economic interests are also allowed, provided that they are included in the list determined by the Azerbaijani Government. In November 2017 the suspension was extended for another three years, until 1 January 2021.<sup>20</sup> While inspections may still take place if a formal written complaint is made, GRETA is not aware whether any work place inspections by labour inspectors have taken place since 1 November 2015. Before the suspension entered into force, the State Labour Inspectorate used to detect some 4-5 cases of forced labour per year, but these were not considered to be THB cases. As noted in GRETA’s first report, the Labour Inspectorate is mandated to inspect only registered companies and inspections must be announced beforehand. Labour inspectors can enter private homes only if employees working there have a tax number and make a complaint. The State Labour Inspectorate reportedly lacks staff and resources to effectively enforce labour laws.

59. GRETA refers to the fifth monitoring round report on Azerbaijan by the European Commission against Racism and Intolerance (ECRI), according to which informal employment is widespread in Azerbaijan and in 2014 the authorities identified 37,420 migrants in an irregular situation. According to ECRI, there is good reason to suppose that there is a link between the relatively high number of migrants in an irregular situation and the fact that employers are looking for cheap labour and do not want to pay the annual fee of 1,000 Manat (about 480 Euros) per employee for a temporary residence permit. Migrants hired without payment of this fee will be even more vulnerable to exploitation as they will be in an irregular migration situation.<sup>21</sup>

<sup>17</sup> See paragraph 54 of GRETA’s first report on Azerbaijan.

<sup>18</sup> In 2014, 37,606 foreigners and stateless persons were detained for violations of the requirements of migration legislation and administrative proceedings were initiated against them. The respective numbers in 2015, 2016 and 2017 were 26,567, 26,632 and 20,527.

<sup>19</sup> More information available at: [http://www.ey.com/Publication/vwLUAssets/ey-business-brief-nov-2015-eng/\\$FILE/ey-business-brief-nov-2015-eng.pdf](http://www.ey.com/Publication/vwLUAssets/ey-business-brief-nov-2015-eng/$FILE/ey-business-brief-nov-2015-eng.pdf)

<sup>20</sup> <https://www.azernews.az/business/121474.html>

<sup>21</sup> ECRI fifth monitoring round report on Azerbaijan (2016), paragraph 52. Available at: <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-V-2016-017-ENG.pdf>

60. There is no legislation regulating the employment of foreign domestic workers in Azerbaijan. GRETA was informed of cases of Filipino citizens working as nannies or domestic workers for Azerbaijani families, without contracts, their passports being withheld from them. Since 2014, 11 Filipino workers have reportedly approached IOM for legal assistance. The recruitment of Filipino workers took place through companies based outside Azerbaijan, e.g. in the United Arab Emirates, or unregistered companies based in Azerbaijan. According to the Azerbaijani authorities, there used to be an unregistered recruitment agency for temporary work in Azerbaijan, which organised the recruitment of Filipino nannies, but it was closed down. Domestic work is considered a labour law matter and while the Azerbaijani authorities acknowledge that there have been disagreements about working conditions between Filipino domestic workers and their employers, these were not considered as cases of THB. The Azerbaijani authorities indicated that steps had been taken to ensure that the Filipino domestic workers were paid the wages due.

61. There are no specific procedures for ensuring that domestic workers employed in diplomatic households are not subjected to exploitative work conditions, other than the requirement to be registered at the Ministry of Foreign Affairs. GRETA notes that as part of the previously mentioned IOM project "Strengthening the capacity for combating THB in Azerbaijan", there are plans to implement training activities for diplomatic staff posted to Azerbaijan. In addition, under a new anti-trafficking project launched in 2017 in co-operation with the IOM, the development of educational materials for diplomats is envisaged. Referring to the OSCE handbook entitled "How to prevent human trafficking for domestic servitudes in diplomatic households and protect private domestic workers",<sup>22</sup> **GRETA invites the Azerbaijani authorities to develop procedures for preventing possible cases of trafficking for the purpose of exploitation in diplomatic households.**

62. GRETA stresses Azerbaijan's positive obligations under Article 4 of the European Convention of Human Rights to put in place adequate measures regulating businesses and other economic activity, such as domestic work, to ensure that they are not subject to abuse. **GRETA urges the Azerbaijani authorities to take measures to prevent trafficking for the purpose of labour exploitation by:**

- **raising awareness amongst the general public and migrant workers regarding the risks of THB for the purpose of labour exploitation;**
- **training labour inspectors as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation, identifying victims of trafficking for labour exploitation, including among irregular migrants, and the rights of victims;**
- **reintroducing work place inspections by labour inspectors and strengthening the mandate of labour inspectors with a view to preventing THB;**
- **regulating and monitoring the functioning of recruitment and temporary work agencies to prevent THB;**
- **reviewing the regulatory system concerning migrants working as domestic workers and ensuring that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking.**

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<sup>22</sup>

Available at: <https://www.osce.org/handbook/domesticservitude?download=true>

### **c. Measures to prevent trafficking in children (Article 5)**

63. The 2014-2018 National Action Plan against THB foresees several measures related to prevention of trafficking in children, including a project on safe Internet and mobile phone use by children, and the distribution of awareness-raising materials. Other measures foreseen include social, legal and educational support, as well as monitoring of children placed in foster care.

64. The Ministry of Internal Affairs and the Ministry of Education have conducted awareness-raising workshops on THB in a total of 41 educational institutions, including 15 vocational schools, 23 specialised secondary educational institutions, two secondary schools and one boarding school. In addition, the State Committee for Family, Women and Children in co-operation with the IOM in 2017 conducted workshops to raise awareness on THB at six secondary schools in the Guba, Gusar, and Khazmaz regions. The Assistance Centre in Baku (see paragraph 110) also organises awareness-raising activities on THB for children and young people, as well as for their parents and teachers. At the time of GRETA's visit, these activities, which take place outside normal school hours, had been attended by 2,040 school children.

65. IOM has developed and published a school activity kit on prevention of human trafficking and safe migration in the framework of the project "Enhancing Co-operation Measures to Effectively Combat Trafficking in Persons through Capacity Building and Technical Assistance in Azerbaijan – Phase VI", in co-operation with the Ministry of Education. It includes a guidance note for teachers and school children on how to organise various extra-curricular activities such as art competitions, drama, role plays, essays and discussions on safe migration and prevention of human trafficking.<sup>23</sup>

66. Further, in November of 2016, the Ministry of Culture and Tourism disseminated booklets on how to combat child abuse and child trafficking to tourist companies operating in Azerbaijan.

67. According to representatives of the State Committee for the Family, Women and Children's Affairs, the number of children in orphanages has gone down from 21,000 to approximately 3,000. There is an on-going process of de-institutionalisation of child care, but children deprived of parental care are usually placed in a child-care institution for a period of time because there is a waiting list for foster families. GRETA was informed that some children end up homeless in street situations after leaving government-run orphanages, which makes them particularly vulnerable to THB.

68. GRETA notes with concern reports of cases of the worst forms of child labour in Azerbaijan, including commercial sexual exploitation, as well as hazardous street work (washing cars or vending) and exploitation of begging.<sup>24</sup> Children in street situations, as well as children living in economically depressed rural communities, are particularly vulnerable to THB. According to the authorities, the Ministry of Internal Affairs has increased control, co-operation with relevant agencies and awareness-raising to combat child labour. Workshops and training aimed at raising awareness and skills on combating child labour have been organised. Measures have been taken to identify children deprived of parental care, provide them with shelter and assist them in obtaining ID cards. As a result of 1,500 raids, 570 children involved in begging by their parents were identified, administrative sanctions were imposed on 220 parents and 62 materials on facts of violation of child labour laws were sent to the State Labour Inspectorate and its regional structures.

<sup>23</sup> More information available at: <http://www.iom.az/publications/>

<sup>24</sup> Report by United States Department of Labour on the Worst Forms of Child Labour in Azerbaijan, available at: <https://www.dol.gov/sites/default/files/images/ilab/child-labor/Azerbaijan2016.pdf>



69. GRETA was informed that there are an estimated 300 child marriages per year in Azerbaijan, mainly within Roma communities. According to UNICEF data for 2016, 11% of girls in Azerbaijan are married before their 18th birthday. Rates of child marriage are higher in certain parts of the country as a result of a combination of socio-economic and cultural factors. Several NGOs, in co-operation with UNICEF, have developed and run projects aimed at raising awareness of the risk of children (mostly girls) becoming victims of THB and early marriage, as well as providing training to officials, NGOs, parents and children in Guba, Xhachmaz, Lankaran, Masalli, Yevlas and Mingachaur regions.

70. In its first report, GRETA urged the Azerbaijani authorities to ensure the registration of all children at birth. According to Article 166.1 of the Family Code, children are as a rule registered at birth by the Registration Department in the place they were born or in the place where their parents live. The registration procedures have been simplified in terms of required documentation, especially in cases of one or both parents not being Azerbaijani. Should the relevant documentation for a newly born child be missing, a court can nonetheless register a birth. New-born children can also be registered by Azerbaijani consular offices abroad. In practice, there are shortcomings in the registration of newly born children whose parents do not possess documentation to prove their identity, which mainly concerns the Roma community.

**71. While welcoming the attention to prevention of child trafficking in the National Action Plan, GRETA urges the Azerbaijani authorities to take additional measures to:**

- **improve the protection of children in vulnerable situations, paying particular attention to children in street situations, children from rural areas at risk of child labour and, children placed in or leaving child care institutions;**
- **strengthen the prevention of child, early and forced marriages;**
- **strengthen the role and capacity of the child protection systems to prevent trafficking in children and alert other relevant stakeholders to possible cases of trafficking;**
- **ensure that all children are registered at birth.**

**d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)**

72. Decree No. 81 of the Cabinet of Ministers of 20 May 2011 establishing the "Programme on Elimination of Social Problems Creating Conditions for Human Trafficking" was amended and updated in 2015 and 2016. The purpose of this programme is to eliminate social problems fostering human trafficking, to improve the living standards of trafficking victims and potential victims, to identify persons and groups vulnerable to trafficking, including children deprived of parental care, as well as to provide social protection to young persons who have to leave institutional or alternative care facilities due to the age limit. According to the Azerbaijani authorities, socio-economic reforms have contributed to an improvement of the living standards of the population, including by lowering the unemployment level, thus decreasing the risk of vulnerable persons falling victim to THB. One of the objectives of the 2014-2018 National Action Plan is the elimination of the root causes of THB. Action 13.2.7. of the Action Plan foresees the registration of homeless and other vulnerable families with the local authorities and Action 13.2.8. envisages measures to encourage employers to employ persons vulnerable to THB, as well as victims of THB.

73. Members of the Roma community are vulnerable to THB due to their socio-economic situation, ECRI's fifth monitoring cycle report on Azerbaijan refers to reports of Roma communities living in remote areas lacking basic legal documentation, which results in an extremely vulnerable socio-economic situation without access to the social, health and education system.<sup>25</sup> In 2017, the State Committee for Family and Women's Rights, together with UNICEF, carried out a survey of children in street situations in the Gazakh and Agstafa regions and a report is under preparation.

74. At the time of GRETA's visit, there were some 1,100 asylum seekers in Azerbaijan, the majority of them being Afghan, with smaller numbers of Tajik and Pashtuns. The number of persons granted asylum has been low: 65 in total, out of whom 30 since 2014.<sup>26</sup> GRETA was informed that UNHCR provides a form of complementary protection to those who are not granted asylum and covers the cost of their presence in Azerbaijan; however, their status is not formalised or based in law and they have only limited civil rights and access to social services, making them vulnerable to THB. The Azerbaijani authorities have indicated that asylum seekers are allowed to work, but in practice few of them have regular employment.

75. The number of stateless persons in Azerbaijan has decreased significantly over the years.<sup>27</sup> According to UNHCR, there are an estimated 200 stateless persons in Azerbaijan. There are concerns about the absence of procedures for statelessness determination and for the issuance of papers to stateless persons, especially as parents must present residence registration papers before the issuance of a birth certificate for their child.<sup>28</sup> According to information provided by the Azerbaijani authorities, 181 stateless persons were granted Azerbaijani citizenship in 2015, 117 in 2016 and 378 in 2017.

**76. GRETA considers that the Azerbaijani authorities should increase their efforts to prevent THB through social, economic and other measures for groups vulnerable to THB, such as Roma communities and asylum seekers. Further efforts should also be made to promote gender equality, combat gender-based violence and stereotypes, and support specific policies for the empowerment of women as a means of combating the root causes of THB.**

**e. Measures to prevent trafficking in human beings for the purpose of organ removal (Article 5)**

77. GRETA notes that while human trafficking for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs<sup>29</sup> are two distinct crimes, they bear certain similarities and share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.<sup>30</sup> Among the necessary preventive measures, GRETA emphasises the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of trafficking in human beings.

<sup>25</sup> ECRI fifth monitoring cycle report on Azerbaijan, published 7 June 2016, paragraph 58.

<sup>26</sup> In 2014: 5; in 2015: 0; in 2016: 8; in 2017: 8; in 2018 (until 9 April 2018): 9.

<sup>27</sup> See paragraph 100 of GRETA's first report on Azerbaijan.

<sup>28</sup> United Nations Committee on the Elimination of Racial Discrimination (CERD), Concluding observations on the combined seventh to ninth periodic reports of Azerbaijan, 2016, page 31, available at <http://www.refworld.org/publisher,CERD,,AZE,597b1ebc4,0.html>

<sup>29</sup> Opened for signature in Santiago de Compostela on 25 March 2015; entry into force on 1 March 2018.

<sup>30</sup> See "[Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs](#)", [Joint Council of Europe/United Nations Study](#) (2009), in particular pages 55-56; "Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding", OSCE Occasional Paper No. 6 (2013).

78. Article 144.1 of the Criminal Code (CC) lists illegal removal of human organs and tissues or illegal biomedical experiments or research on a person among the exploitation purposes in the definition of THB. According to Article 137 of the CC, the purchase and sale of human organs or tissues and their removal for transplantation is punishable with three to five years' imprisonment. In addition, a person found guilty of this crime could be deprived of the right to hold certain professional or elected positions for up to three years.

79. Law No. 726-IQ of 28 October 1999 on "Transplantation of Human Organs and (or) Tissue" regulates organ transplants from live and dead donors. Organs or tissues may be extracted for transplants from living donors if they have given their written consent, and from a deceased donors if they have given their consent during their life time, or if their relatives agree to it, provided that the deceased did not express their refusal to consent while alive. According to a Decision of 13 September 2000 by the Cabinet of Ministers, the following organs or tissues may be transplanted: heart, lungs, liver, kidneys, pancreatic gland, spleen, bone marrow and cornea. The Ministry of Health maintains a waiting list of patients in need of transplants. A number of secondary legislative instruments provide rules and procedures, as well as lists of medical institutions authorised to carry out organ transplants.<sup>31</sup>

80. If a person is believed to be a victim of trafficking or a criminal act or preparation of a criminal act related to trafficking are detected, the authorities must be informed. According to the Azerbaijani authorities, a criminal investigation was launched in 2016 regarding suspected THB for the purpose of organ removal, involving Iranian and Azerbaijani citizens and a planned organ extraction in Tajikistan. The prospective donor and buyer were arrested in Azerbaijan while preparing to leave for Tajikistan. An investigation was launched under Article 144-1.2.9 of the CC on 1 December 2016. During the investigation, it was determined that the prospective donors voluntarily agreed to the transplantation operation without the use of any means by the prospective buyer and the investigation was terminated in May 2017. In respect of the doctor who was supposed to perform the transplantation, a foreign citizen, a case was filed on 30 May 2017 under Article 137.1 of the CC (purchase and sale of human organs) and Article 144 of the CC (human trafficking), which was still pending at the time of writing.

**81. GRETA considers that the Azerbaijani authorities should strengthen the training and awareness-raising measures aimed at medical professionals involved in organ transplantations and other relevant professionals, as well as the co-ordination and interaction between health-care professionals and law enforcement agencies in relation to preventing and combating THB.**

**82. GRETA also encourages the Azerbaijani authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal.**

#### **f. Measures to discourage demand (Article 6)**

83. In its first report, GRETA urged the Azerbaijani authorities to strengthen their efforts to discourage demand for services from trafficked persons as regards all forms of exploitation, in partnership with the private sector and civil society. Further, GRETA invited the Azerbaijani authorities to consider establishing as a criminal offence the use of services which are the object of exploitation, with the knowledge that the person is a victim of trafficking in human beings.

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<sup>31</sup> "Terms and Conditions of Human Organ and (or) Tissue Transplantation"; "List of Specialised Healthcare Facilities carrying out Human Organ and (or) Tissue Transplantation"; "Rules on Removal, Preparation (conservation) and Storage of Human Organs and (or) Tissues for Transplantation"; and "Procedures of Medical Decision-making on the Necessity of Transplantation of Human Organs and (or) Tissues".

84. GRETA has not been provided with information about any particular measures taken to discourage demand for services from trafficked persons, other than the general awareness-raising measures referred to in paragraphs 47-51.

85. The authorities have referred to the legislation on advertising, which prohibits advertisements which incite violence, aggression or acts that might harm the life, health, honour and dignity of persons, as well as pornographic advertising.

86. The Azerbaijani authorities have indicated that an addition to Article 144 of the CC was under preparation, which would criminalise the use of services of a victim of trafficking with the knowledge that the person is a victim (see paragraph 158).

**87. GRETA considers that the Azerbaijani authorities should adopt legislative, administrative, educational, social, cultural and other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:**

- **raising awareness of the important role of the media and advertising in tackling demand which leads to human trafficking;**
- **promoting awareness among businesses, strengthening corporate social responsibility and preventing trafficking in supply chains.**

**g. Border measures (Article 7)**

88. In its first report, GRETA considered that the Azerbaijani authorities should make further efforts to detect cases of THB and identify victims of trafficking in the context of border and migration-related controls and to provide employees of the State Migration Service, State Border Service and State Customs Service with training in order to increase their capacity to proactively detect cases of human trafficking and identify trafficked persons. Further, GRETA considered that the Azerbaijani authorities should continue their efforts to provide written information to foreign nationals planning to travel to Azerbaijan, in a language that they can understand, in order to alert them to the risks of THB, inform them of where they can go for assistance and advice, and provide them with information on their rights.

89. According to the Azerbaijani authorities, the State Border Service distributes leaflets about the risks of THB in Azerbaijani, Russian and English. Such materials were developed by the Centre for Assistance of Victims of Trafficking in Human Beings, in co-operation with the State Border Service, and distributed at the border crossing points of Bilasuvar, Astara and Balakan. Military servicemen at border checkpoints are reportedly trained to identify victims of THB, in line with the Rules (Indicators) on the Identification of Victims of THB (see also paragraph 30) and UNHCR has trained border guards about the differences between THB victims, asylum seekers and migrant workers.

90. Azerbaijani consulates abroad can issue work visas for one year at a time. GRETA was informed that a new system for issuing visas, put in place in 2017, allows applicants from most countries to apply for electronic tourist visas. Tourists should register with the authorities if they stay longer than 10 days in the country. Not registering and overstaying the visa results in a fine of 400 Manat (about 190 Euros). It would appear that Filipinos and Pakistanis are among the nationalities most commonly caught working without a valid visa, leading to their deportation.

91. The State Migration Service has a mandate to check work permits among foreign and stateless workers. From 14 to 16 March 2016 staff of the State Migration Service participated in a workshop entitled "Illegal employment and labour exploitation of migrants", which was organised by IOM in Baku as part of the project "Consolidation of Migration and Border Management Capacities in Azerbaijan".

92. **GRETA considers that the Azerbaijani authorities should strengthen their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration. This should include:**

- **steps to build the capacity of staff to detect indicators of THB;**
- **the provision of information to foreign nationals arriving irregularly or seeking asylum, in a language that they can understand, about the risks of THB, their rights and where to turn for advice and assistance. In this context, GRETA refers to the United Nations Office of the High Commissioner for Human Rights (OHCHR) 2014 Recommended Principles and Guidelines on Human Rights at International Borders.<sup>32</sup>**

## **2. Measures to protect and promote the rights of victims, guaranteeing gender equality**

### **a. Identification of victims of THB (Article 10)**

93. In its first report, GRETA urged the Azerbaijani authorities to guarantee that, in practice, identification is dissociated from the presumed victim's co-operation in the investigation, and to increase efforts to proactively identify victims of THB for the purpose of labour exploitation, male victims and victims of internal THB.

94. The Law on Combating THB, adopted in 2005 and amended in 2013, stipulates that the identification of victims of THB is the responsibility of the special police unit of the Main Department for Combating THB. Following GRETA's first visit, Decision No. 123 of the Cabinet of Ministers concerning the Rules on the National Referral Mechanism for victims of trafficking in human beings, adopted in 2009, was amended by Cabinet of Ministers Decision No. 246 of 25 June 2015.

95. As was the case at the time of the first evaluation, only victims who agree to co-operate with the criminal proceedings and in whose cases a formal criminal investigation is launched are identified as victims of trafficking. On the basis of indicators contained in the Rules (Indicators) on the Identification of Victims of Trafficking, persons who do not co-operate in criminal proceedings are considered as presumed victims of THB and therefore eligible for assistance. As noted in paragraph 12, there were 46 presumed victims of THB identified on reasonable grounds in 2014, 19 in 2015, seven in 2016 and nine in the first five months of 2017. According to the Azerbaijani authorities, pursuant to the Law on Combating THB, there is no difference between the rights of a presumed and a formally identified victim of THB.

96. The hotline "152", operated by the Main Department against Trafficking, received 13,216 calls in 2014, 32 of which related to THB, 13,329 calls in 2015, 6 of which related to THB, 14,792 calls in 2016, 14 out of which related to THB and 8,565 calls in 2017, 13 of which related to THB. There are three other hotlines to which suspicions of THB can be reported, one by the Assistance Centre for victims of trafficking and two by civil society organisations.<sup>33</sup>

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<sup>32</sup> [http://www.ohchr.org/Documents/Issues/Migration/OHCHR\\_Recommended\\_Principles\\_Guidelines.pdf](http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf)

<sup>33</sup> IOM, Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan, 2016, page 15.

97. Decision No. 131 on the Rules (Indications) for Identification of Victims of THB envisages the carrying out of proactive identification measures, such as raids on establishments used for sexual services, monitoring of construction sites, markets, stations and other places, raids in “black labour exchanges” where migrants are predominantly seen, monitoring of advertisements in media and on the Internet, as well as informing specialised police units of indications of possible THB gathered through labour inspections or by the social, education and health authorities or NGOs.

98. However, GRETA notes that, according to IOM’s 2016 needs assessment report referred to in paragraph 43, identification of victims of THB is reactive rather than proactive.<sup>34</sup> There is a lack of civil society involvement in the identification process. The majority of the identified victims are Azerbaijani women trafficked for the purpose of sexual exploitation abroad, who were either identified in the country of destination or who self-identify upon return.

99. GRETA was informed that, as a result of inspections, the State Migration Service found one case of Chinese nationals in an irregular situation having possibly been exploited by their compatriots in a massage parlour. However, no evidence of THB was reportedly found during the police investigation and the persons concerned returned to China.

100. GRETA notes that the suspension of work place inspections since November 2015 (see paragraph 57) and the limited mandate and resources of labour inspectors are not conducive to a proactive approach to victim identification. This is reflected in the low number of identified victims of THB for the purpose of labour exploitation. According to IOM’s 2016 needs assessment report, there is a high tolerance of poor working conditions and a perception that labour issues are disputes between employers and employees, rather than potential crimes.<sup>35</sup> GRETA stresses the importance of adopting a proactive approach to the identification of possible victims of THB among migrant workers, irregular migrants and persons engaged in domestic work.

101. According to the Azerbaijani authorities, the State Migration Service case workers have received training in identifying victims of THB among asylum seekers. UNHCR and IOM have also trained State Migration Service staff considering asylum applications about THB. However, in the reporting period no victims of THB were identified among asylum seekers and no victims of THB were given refugee status.

102. GRETA visited a facility run by the State Migration Service, which comprises a detention centre for irregular migrants and a reception centre for asylum seekers. GRETA was informed that while asylum seekers can in principle leave the centre upon request (as envisaged by Article 87 of the Migration Code), in practice they are usually not allowed out of the centre. There are no NGOs representatives currently visiting the facility, but according to the Azerbaijani authorities, NGOs have the right to visit it and speak to asylum seekers and irregular migrants. The authorities have also noted that the Ombudsman and staff of her office (in the capacity of National Preventive Mechanism), as well as representatives of UNHCR and IOM can visit the reception centre.

103. **GRETA once again urges the Azerbaijani authorities to ensure that victims of THB are identified as such, in compliance with Article 10 of the Convention, and in particular to:**

- **reinforce the National Referral Mechanism and the multi-agency involvement in victim identification by formalising the role and input of specialised NGOs and involving other relevant actors, such as labour inspectors, social workers, educational staff and medical staff, in victim identification;**
- **guarantee that, in practice, identification is dissociated from the presumed victim’s co-operation in the investigation;**

<sup>34</sup> IOM, Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan, 2016, page 12.

<sup>35</sup> IOM, Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan, 2016, page 14.

- **ensure that the application of the Rules (Indicators) on Identification of Victims of THB and the Rules on the National Referral Mechanism is duly monitored and evaluated;**
- **increase efforts to proactively identify victims of THB for the purpose of labour exploitation in the sectors most at risk, such as construction, agriculture and domestic work, by involving labour inspectors and trade unions;**
- **review the mandate of labour inspectorate so that they can inspect other workplaces than those of registered companies (e.g. premises where domestic workers are employed) and effectively identify victims of THB;**
- **improve the detection and identification of victims of trafficking among irregular migrants and asylum seekers through a proactive approach which requires regular training on THB and the rights of victims for immigration and asylum officials, including staff working in the detention centre for irregular migrants, and by allowing specialised NGOs to access facilities where such persons are held.**

**b. Assistance measures (Article 12)**

104. In its first report, GRETA urged the Azerbaijani authorities to strengthen their efforts to provide assistance to victims of trafficking and to ensure emergency and safe accommodation for victims of THB who are not willing or able to co-operate with the law enforcement authorities. Further, GRETA considered that the Azerbaijani authorities should continue their efforts to facilitate the reintegration of victims of trafficking into society and avoid re-trafficking by providing them with access to education, vocational training and the labour market.

105. As described in GRETA's first report, the Law on Combating THB provides for the obligation to provide medical and psychosocial assistance and rehabilitation programmes to victims of THB (Articles 9.5 and 9.6). The Law also provides for the setting up of State-run shelters (Article 13) and assistance centres for victims of THB (Article 14). Article 15 lists the measures to be taken for the social rehabilitation of victims. According to Article 17, upon request by the prosecuting authority, relevant public authorities, shelters and assistance centres should, within the scope of their functions, provide assistance to victims of THB, with the victim's consent. Assistance to victims of THB is formally provided by public sector institutions, although some services have in practice been outsourced to NGOs.<sup>36</sup>

106. The provision of safe accommodation to victims of THB is under the responsibility of the Ministry of Internal Affairs, health care services under the Ministry of Health, and education under the Ministry of Education.

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<sup>36</sup> See paragraph 139 of GRETA's first report on Azerbaijan.

107. The GRETA delegation visited the State shelter for women, men and children victims of trafficking in Baku, which is directly subordinated to the Main Department for Combating THB.<sup>37</sup> It has a capacity of 54 beds, divided into distinct sections for men, women and children. Accommodation is provided in rooms of two to six beds. There are 16 staff members, including social workers and a psychologist. At the time of GRETA's visit, 10 identified or presumed victims of THB were accommodated at the shelter, seven of whom were male victims of labour exploitation and three were female victims of labour or sexual exploitation. The State shelter has an annual budget of 200,000 Manat (about 96,000 Euros). Accommodation and assistance are provided regardless of whether the presumed or identified victims co-operate in the criminal investigation. Some victims had stayed at the shelter for two years. A total of 51 victims were accommodated at the shelter in 2015, the maximum number of victims at any given time being 14. It would therefore appear that the State shelter is under-used in relation to its capacity, while shelters run by NGOs are reportedly operating at maximum capacity. GRETA was informed that the shelters run by NGOs are preferred by victims because they offer a more personalised and less regimented environment than the State shelter. Female victims in particular reportedly feel isolated at the high-security State shelter which residents generally do not leave unaccompanied.<sup>38</sup>

108. In addition to the State shelter, two NGOs, the "Clean World" Public Union (in Baku) and the Tamas Regional Development Public Union (in Ganja), run shelters for female victims of THB. State officials indicated that they often refer victims of trafficking to these NGO-run shelters. The Ministry of Labour and Social Protection of the Population periodically issues tenders for NGO services, but so far shelters run by NGOs have not received funding from the Ministry as public grants can only be awarded to accredited NGO shelters, but there is no clear mechanism in place for an NGO shelter to become accredited.<sup>39</sup>

109. As part of a project running since September 2015 (C-TIP project), IOM has supported the shelters run by the "Clean World" Public Union and the Tamas Regional Development Public Union, as well as the shelter for children run by the Azerbaijan Children's Union (see paragraph 121). IOM initially conducted an assessment of the gaps and challenges in service delivery in the shelters and, on the basis of the findings and recommendations, worked closely with the shelters to provide assistance to victims at several levels (direct financial assistance to meet the operational expenditure of the shelter, capacity-building support for improved victim-centred delivery and other technical support).<sup>40</sup> The project has been the primary source of financial support to the shelters. Through the support of this project, the shelters were enabled to provide legal, social and psychological support to victims. From September 2015 to December 2016, the C-TIP project referred 43 women for employment and enrolled 15 children in schools through the NGO shelters.

110. Under Article 14 of the Law on Combating THB, assistance centres for the victims of THB are created to advise victims about relevant administrative and legal procedures and about their rights, provide medical and psychological assistance, vocational training, education and help to find accommodation and employment.<sup>41</sup> GRETA was informed that the services are provided to victims of trafficking regardless of whether they are willing to co-operate with the criminal prosecution. The support is provided confidentially and victims' personal details are not disclosed. Assistance centres are supervised by the Ministry of Labour and Social Protection of the Population, which provides funding from the State Social Protection Fund.

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<sup>37</sup> This shelter had already been visited by GRETA at the time of the first evaluation, see paragraph 131 of GRETA's first report.

<sup>38</sup> IOM, Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan, 2016, page 19.

<sup>39</sup> IOM, Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan, 2016, page 19.

<sup>40</sup> <http://www.iom.az/>

<sup>41</sup> See paragraphs 129, 137 and 139-140 of GRETA's first report on Azerbaijan.



111. The Assistance Centre for victims of THB in Baku has already been described in detail in GRETA's first report.<sup>42</sup> Apart from identified and presumed victims of THB, it also works with persons considered at risk of THB, such as women released from prison who may have lost their network of social support and who are likely to find themselves unemployed. The Assistance Centre receives State funding (47,000 Manat in 2017, equivalent to about 22,000 Euros). The lawyers working at the Assistance Centre provide legal advice to victims, which is funded by IOM, but do not provide legal representation at court hearings. The Assistance Centre also assists victims in administrative procedures and to find employment. There have been no foreigners among the clients of the Assistance Centre.

112. GRETA was informed that in 2015, the Ministry of the Interior spent a total of 108,000 Manat (about 91,000 Euros) on assistance measures for victims of THB, including social rehabilitation, provision of shelters, subsistence, financial benefits and legal assistance. In 2016 the respective amount was 153,000 Manat (about 73,000 Euros) and in 2017, 122 000 Manat (about 62,000 Euros).

113. As regards health care, GRETA was informed that victims of trafficking can be referred to nine health care facilities in Baku designated for receiving victims of THB and whose staff have been trained on THB issues.<sup>43</sup>

**114. GRETA considers that the Azerbaijani authorities should strengthen their efforts to provide assistance to all victims and presumed victims of THB, including by ensuring access to shelter and services across the territory of the country.**

**115. In this context, GRETA considers that the authorities should provide adequate funding to the Assistance Centre for Victims of THB, as well as to specialised NGO running shelters and providing services to victims, including by removing any barriers to accessing external funding.**

### **c. Identification and assistance of child victims of THB (Articles 10 and 12)**

116. In its first report, GRETA urged the Azerbaijani authorities to improve the detection and identification of child victims of trafficking, including by setting up a specific identification mechanism which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child is the primary consideration.

117. As noted in GRETA's first report, Article 16 of the Law on Combating THB foresees a specific referral mechanism and assistance system for child victims of THB. The law stipulates that the best interests of the child have to be taken into account when assisting them. When a child has been detected as a possible victim of THB, the Commission of Children's Affairs and Protection of Rights, as well as the guardianship and custodial authorities, where appropriate, shall be informed and participate in the decisions concerning the assistance to be provided. Children placed in shelters have the right to continue their education and communicate with their parents unless the parents were involved in the trafficking of their children.<sup>44</sup>

118. Despite the provisions of Article 16 of the Law on Combating THB, a specific referral mechanism for child victims of THB has not been set up and there are no standard operating procedures concerning child victims' identification and referral to assistance.

<sup>42</sup> See paragraph 26 of GRETA's first report on Azerbaijan.

<sup>43</sup> Republican Mental Health Centre, Republican Clinical Hospital named after M.Mirgasimov, Children's Hospital named after A.Garayev, Republican AIDS Centre, Institute of Lung Diseases, Republican Narcological Centre, Scientific Research Institute of Obstetrics and Gynaecology, Women's consultation No. 7, City Polyclinic No. 25.

<sup>44</sup> See paragraphs 130 and 132 of GRETA's first report on Azerbaijan.

119. As noted in paragraph 12, there have been only two identified child victims of THB in the period 2014-2017: a 15-year old girl trafficked for the purpose of labour exploitation, who was placed in a shelter, and a new-born baby who had been sold by its parents and was taken care of by the guardianship and custodial authorities and placed in a care institution.

120. GRETA is concerned by reports that possible child victims of trafficking detected by NGOs are not treated as presumed victims of THB or formally identified as victims. In 2016 law enforcement agencies reportedly identified more than 500 children engaged in street work, such as washing cars, vending and begging, but they were not referred to social services and returned to street work almost immediately.<sup>45</sup>

121. As noted in paragraph 106, the State shelter in Baku can accommodate child victims of THB for up to 60 days. Upon application, the Special Police Unit against THB, together with the Guardianship and Trusteeship Body and the Commission of Protection of Children's Affairs, can decide to extend the stay beyond 60 days. There are also two NGO-run shelters which accept child victims of THB, one by the Azerbaijan Children's Union and the other by the NGO "Place of Hope". Children placed in shelters are given medical, psychological and social assistance and have the opportunity to continue their education. An individual social rehabilitation programme is prepared for each child.

122. GRETA was informed that foreign child victims of THB would only be returned to their countries of origin if it is considered that there is no risk of re-trafficking. If the outcome of the risk assessment is a recommendation not to return a child, the child will be issued with a residence permit and will benefit from rehabilitation and integration measures.

123. The Law on Combating THB specifies that when the age of the possible victim of THB is uncertain and there are reasons to believe that the victim is a child, the person shall be considered to be a child. According to representatives of the State Migration Service, there has never been any need for an age assessment.

124. **GRETA once again urges the Azerbaijani authorities to improve the identification and referral to assistance of child victims of trafficking, including by:**

- **setting up a specific identification mechanism based on inter-agency co-operation and accompanied by standard operation procedures, which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration;**
- **ensuring that relevant actors (police, child protection authorities, social workers, health care staff, teachers, NGOs,) are adequately trained and provided with guidance for the identification of child victims so that they can take a proactive approach and increase their outreach work to identify child victims of THB.**

125. **Further, GRETA invites the Azerbaijani authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child.<sup>46</sup>**

<sup>45</sup> United States Department of Labour, 2016 Findings on Worst Forms of Child Labour: Azerbaijan.

<sup>46</sup> General Comment No. 6 Treatment of unaccompanied and separated children outside their country of origin, Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.

#### **d. Protection of private life (Article 11)**

126. As already noted in GRETA's first report, Articles 17 and 18 of the Law on Combating THB provide that personal data or contacts of identified victims of THB must not be disclosed. According to Article 316-1 of the CC, the illegal collection or dissemination of confidential information about victims of THB or security measures applied to them is punishable by up to five years' imprisonment. According to Article 7 of the Law on State Protection of Persons Participating in Criminal Proceedings, information about a victim or a witness is to be protected.

127. According to civil society representatives met by GRETA, the official postal or other communications sent to victims of THB from courts have become more discreet, thus decreasing the risk that victims' family members or other persons might learn about the person's victimisation.

**128. GRETA invites the Azerbaijani authorities to continue efforts to safeguard the privacy of victims of trafficking.**

#### **e. Recovery and reflection period (Article 13)**

129. In its first report, GRETA urged the Azerbaijani authorities to ensure that victims and possible victims of trafficking are systematically informed of the possibility of benefiting from a recovery and reflection period and are actually granted such a period.

130. As described GRETA's first report, Article 14.1 of the Law on Combating THB provides that victims of trafficking are entitled to a 30-day recovery and reflection period in order to allow them to recover, escape the influence of the perpetrators and take a decision on whether to co-operate with the criminal investigation.<sup>47</sup> During the recovery and reflection period, victims are entitled to the services referred to in the Law on Combating THB (see paragraph 104) and must not be expelled from the country.

131. As noted in paragraph 15, in 2016, a new Article 123(1) was introduced into the Criminal Procedure Code (CPC), stipulating that police officers conducting a criminal investigation and prosecutors are authorised to grant a recovery and reflection period to victims of THB. The recovery and reflection period remains as defined in the Law on Combatting THB. However, according to the authorities, the new provision is an important development as police officers and prosecutors are guided by the CPC in their work. A person granted a recovery and reflection period is considered to be a presumed victim of trafficking.

132. There were no statistics on the number of recovery and reflection periods granted until the end of 2016. In 2017, eight presumed victims of trafficking (Azerbaijani citizens trafficked for the purpose of sexual exploitation) were granted such a period.

133. While welcoming the new provision on the recovery and reflection period in the CPC, GRETA is concerned by the absence of statistics on its application and the fact that it has not been granted to foreign victims of trafficking.

**134. GRETA considers that the Azerbaijani authorities should keep under review the practical application of the recovery and reflection period and ensure that it is systematically proposed and effectively granted to all presumed foreign victims of THB.**

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<sup>47</sup> See paragraphs 146 of GRETA's first report on Azerbaijan

#### **f. Residence permits (Article 14)**

135. As noted in GRETA's first report, Article 20.1 of the Law on Combating THB provides for two consecutive periods during which a victim of THB "cannot be deported through an administrative order".<sup>48</sup> The first period is of one year and is granted by the authorities by taking into consideration the co-operation of the victim with the prosecution authorities, the physical and moral suffering of the victim and the danger run by the victim if returned to the country of origin, in particular as concerns the risk of being re-trafficked. After this one-year period, a foreign victim can stay on Azerbaijani territory on condition that he/she co-operates with the prosecution authorities and as long as the criminal prosecution is not completed (Article 20.2). Any person who would like to benefit from a right to stay on Azerbaijani territory must apply to the State Migration Service. At the end of the second period, it is possible to apply for a five-year residence permit.

136. GRETA was informed that in 2014, one victim of trafficking (from the Philippines) was granted a temporary residence permit for six months, in 2015, two victims (from Uzbekistan) were granted residence permits for six months and in 2017, three victims (from Georgia and Ukraine) were granted residence permits for six months.

137. GRETA notes that the Law on Combating THB, rather than providing for the right to be granted a residence permit as required in the Convention, refers to "periods during which a victim of THB cannot be deported". According to the Azerbaijani authorities, amendments to the Migration Code, which take into account the requirements of the Convention, have been prepared regarding the issuance of temporary residence permits to foreign or stateless victims of THB and have been submitted to the Cabinet of Ministers. The amendments concern the issuing of temporary residence permits to foreign or stateless victims of THB and exonerate the victims from the obligation to provide certain documents required from other applicants for residence permits. The draft amendments were sent to the Presidential Administration on 16 March 2018.

**138. GRETA invites the Azerbaijani authorities to continue to ensure that victims of trafficking can fully benefit from the right to obtain a residence permit, including owing to their personal situation.**

#### **g. Compensation and legal redress (Article 15)**

139. In its first report, GRETA urged the Azerbaijani authorities to provide information to all victims of trafficking concerning the possibilities to obtain compensation and to ensure that they have effective access to compensation from the traffickers and/or the State, including by ensuring effective access to legal assistance.

140. The legislation regarding compensation has not changed since the first evaluation of Azerbaijan by GRETA.<sup>49</sup> According to Article 2 of the Law on the Adoption and Implementation of the CPC, compensation can be obtained through civil proceedings after the completion of the criminal proceedings. Under Articles 3.6 and 3.7 of the Rules on the National Referral Mechanism, victims are entitled to lodge a civil claim with the criminal or civil courts to receive compensation for material and moral damages resulting from a criminal act, as well as to receive compensation from the State Assistance Fund for Victims of THB (see paragraph 141). According to the Azerbaijani authorities, although payment of compensation was not referred to in the court decision, nine victims of THB received compensation from the perpetrators or their relatives in 2015, 17 in 2016 and 21 in 2017. Two civil compensation claims were filed but not considered by the court.

<sup>48</sup> See paragraphs 151 and 152 of GRETA's first report on Azerbaijan.

<sup>49</sup> See paragraphs 155-159 of GRETA's first report on Azerbaijan.

141. Further, under Article 191 of the Criminal Procedure Code, victims can claim compensation from the State for prejudice suffered as a result of a criminal act. According to Article 191.1 of the CPC, the court will decide whether compensation from the State is to be granted and to what amount, as well as the amount of compensation the perpetrator is to contribute (Article 191.2 of the CPC). The Azerbaijani authorities stated that no victims of THB had received compensation from the State pursuant to the CPC.

142. As noted in GRETA's first report, identified victims of THB receive a one-off compensation payment of 400 Manat (about 190 Euros) from the Assistance Fund for Victims of THB. Receiving this compensation does not preclude the victim from claiming damages from the perpetrator or the State. In 2014, 40 victims received this one-off payment (including four men); in 2015, 43 (including four men) and in 2016, 61 (including two men). According to Article 22 of the Law on Combating THB and the Statute of the Assistance Fund, traffickers' confiscated assets can be transferred to the Fund, but this has never happened. The Assistance Fund relies primarily on donations as there is no budgetary allocation for it. At the time of the GRETA visit, there was 1500 Manat (about 720 Euros) in the Assistance Fund.

143. The Rules of the National Referral Mechanism entitle victims to free legal assistance. Based on an agreement concluded on 26 August 2015 between the Government and the Bar Association of Azerbaijan, the latter provides legal aid to victims of trafficking against a monthly payment of 450 Manat (about 210 Euros). Thus 17 victims of THB received legal assistance in 2015, 40 in 2016 and 38 in 2017. According to the Azerbaijani authorities, legal assistance was provided not only during the investigation and court proceedings, but also after the end of the criminal proceedings, e.g. for civil and family matters.

144. Pursuant to Article 10 of the Law on Combating THB, legal assistance can be provided to victims of THB by NGOs and lawyers who are not members of the Bar Association have provided legal advice to victims of THB *pro bono*. However, on 31 October 2017 the Azerbaijani Parliament passed amendments to the Civil Code according to which only lawyers who are members of the Bar Association are allowed to provide legal assistance, preventing other practicing lawyers who are not members of the Bar Association from representing victims of THB.<sup>50</sup> GRETA was informed that there is little interest amongst Bar Association members in providing legal assistance to victims of THB because of the low pay. Thus the legal representation of victims of trafficking in criminal cases is in practice in the hands of one single lawyer member of the Bar Association, who receives the above-mentioned monthly payment from the Government.

145. **GRETA once again urges the Azerbaijani authorities to ensure effective access to compensation for victims of THB, including by:**

- **reviewing current criminal and civil procedures regarding compensation with a view to improving their effectiveness and making State compensation effectively accessible to victims of THB;**
- **ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation in criminal and civil proceedings, and the procedures to be followed;**
- **enabling victims of THB to exercise their right to compensation by guaranteeing their effective access to legal aid, building the capacity of legal practitioners to support victims to claim compensation and including compensation in existing training programmes for law enforcement officials and the judiciary;**
- **removing the restrictions as regards which lawyers can provide legal assistance to victims of THB.**

<sup>50</sup> According to a 2016 report by the International Commission of Jurists, the number of accredited lawyers in Azerbaijan in relation to the size of the population is very low <http://www.refworld.org/pdfid/58d4fbc4.pdf>

146. **Further, GRETA considers that the Azerbaijani authorities should make full use of the legislation allowing the seizure and confiscation of offenders' assets and their transfer to the Assistance Fund for Victims of THB, ensure the adequate financing of the Assistance Fund and increase the amount of the one-off compensation payment with a view to meeting the reintegration needs of victims.**

**h. Repatriation and return of victims (Article 16)**

147. In its first report, GRETA considered that the Azerbaijani authorities should continue to develop the institutional and procedural framework for the repatriation and return of victims of THB, with due regard to their rights, safety, dignity and protection. It noted that particular attention should be paid to ensuring that appropriate risk assessment is carried out prior to the return in compliance with the State's obligations under the principle of *non-refoulement*, and that the return of child victims would not be against the best interests of the child.

148. As noted in GRETA's first report, under Article 19 of the Law on Combating Trafficking, the repatriation of Azerbaijani citizens who have been identified as victims of THB abroad shall be organised by the Ministry of Foreign Affairs through the consulates and embassies of Azerbaijan. If the person in question does not have a passport, the Ministry will issue a return certificate replacing it. As far as repatriation of foreign victims of THB from Azerbaijan is concerned, pursuant to Article 20 of the Law on Combating Trafficking, the Department for Combating THB in co-operation with the State Migration Service provides the relevant documents, covers the costs of the return and takes necessary measures to ensure a safe return and avoid re-trafficking.

149. Article 20.3 provides that while child victims of THB can be repatriated under some conditions, they are not to be deported by administrative order. As noted in paragraph 121, repatriation of child victims is only allowed if it is considered that there is no risk of re-trafficking of the child. Any child victim above the age of 10 is consulted about a possible repatriation to his or her home country.

150. GRETA was informed that no Azerbaijani victims of THB were repatriated to Azerbaijan with the involvement of the authorities in the reporting period and therefore those who returned did so by their own devices. According to information provided by the authorities, one Chinese and one Filipino citizen were returned to their countries of origin in 2016, and in 2017, one Filipino and one Kazakh citizen.

151. **GRETA considers that the Azerbaijani authorities should ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity, including the right to *non-refoulement* (Article 40(4) of the Convention).<sup>51</sup> This means informing victims about existing repatriation and voluntary return programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked people.**

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<sup>51</sup> [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, HCR/GIP/06/07, 7 April 2006.](#)

### 3. Substantive criminal law

#### a. Criminalisation of THB (Article 18)

152. The offence of trafficking in human beings, first introduced in Article 144.1 of the Criminal Code of Azerbaijan in 2005 and amended in 2013, has not changed since GRETA's first evaluation report. It reads as follows:

"The recruitment, obtaining, keeping, harbouring, transportation, giving or receipt of a person by means of threat or use of force, intimidation or other means of coercion, abduction, fraud, deception, abuse of power [influence] or a position of vulnerability, or by giving or receiving payments or benefits, privileges or concessions to achieve the consent of a person having control over another person, for the purpose of exploitation". Exploitation is defined as: "forced labour (services), sexual exploitation, slavery or practices similar to slavery and dependence resulting from such practices, illegal removal of human organs and tissues, illegal biomedical experiment/research on a person, use of a woman as surrogate mother, involvement in illegal as well as in criminal activity".<sup>52</sup>

153. The offence in Article 144.1 of the CC is punishable by imprisonment of five to 10 years. Article 144-1.2 of the CC lists the aggravating circumstances for which imprisonment of eight to 12 years is envisaged (the offence being committed against two or more persons; against a child; against a pregnant woman whose pregnancy is known by the perpetrator; by transporting a victim of human trafficking through the state border of Azerbaijan; by a premeditated group of persons, an organised group and/or a criminal organisation; when committed through abuse of power; by using force endangering the life and health and/or by using threat of using such force; by torturing the victim or treating that person in a cruel, inhuman or degrading way; or for the purpose of using the organs and tissues of the victim).

154. "Abuse of a position of vulnerability" is one of the means listed in Article 144-1 of the CC. The Azerbaijani authorities have referred to the situation of an indebted person as an example of a position of vulnerability.

155. Forced labour is criminalised independently of Article 144.1 of the CC, under 144-2.1 of the CC, as follows: "Forcing a person to fulfil any work (service) by threatening this person, using force or a threat of using force against this person, or by restricting freedom of a person except in specific cases provided for by law". GRETA was informed that forced begging is considered as falling under the provision of forced labour, but there have been no cases of THB for the purpose of forced begging identified during the reporting period. The Azerbaijani authorities do not consider that there would be any overlap causing difficulties in the application of Articles 144.1 and 144-2.1 and in the absence of relevant case law they argue that both provisions could be used in parallel.

156. The definition of THB in Article 144.1 of the CC refers specifically to the exploitation of illegal or criminal activities as one of the forms of exploitation.

157. "Forced marriage" is criminalised under Article 176.1 of the CC and "illegal adoption" under Article 174 of the CC. Although "forced marriage" and "illegal adoption" are not mentioned among the forms of exploitation linked to human trafficking under Article 144.1 of the CC, GRETA was informed that if they are committed through human trafficking, there will be an accumulation of offences.

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<sup>52</sup> Non-official translation.

### **b. Criminalisation of the use of services of a victim (Article 19)**

158. In its first report, GRETA invited the Azerbaijani authorities to consider establishing as a criminal offence the use of services which are the object of exploitation, with the knowledge that the person is a victim of trafficking in human beings.

159. GRETA was informed that amendments to the CC criminalising the knowing use of services of victims of THB had been prepared and were awaiting approval by the Presidential Administration. **GRETA would like to be kept informed of the adoption of these draft amendments.**

160. **GRETA once again invites the Azerbaijani authorities to adopt legislative measures to criminalise the use of services with the knowledge that the person is a victim of THB, regardless of the form of exploitation, as stipulated by Article 19 of the Convention.**

### **c. Corporate liability (Article 22)**

161. In its first report, GRETA considered that the Azerbaijani authorities should examine the reasons why no legal entities had been prosecuted for trafficking-related acts to date and, in the light of their findings, take the necessary measures to ensure that the liability of legal entities can be acted upon in practice.

162. There have not been any legal changes with regard to corporate liability since GRETA's first report. According to Article 99.4 of the CC, legal entities may be held liable for criminal offences, including those relating to trafficking, committed in their name and on their behalf. The sanctions provided are: fine, special confiscation, deprivation of the right to exercise certain types of activity, and termination of legal personality. The Azerbaijani authorities have indicated that, to date, there has been no information on legal entities committing human trafficking offences and, consequently, no criminal cases regarding the involvement of legal entities in THB offences.

163. **GRETA invites the Azerbaijani authorities to keep under review the application of the legal provisions concerning corporate liability for THB with a view to ensuring effective investigation and prosecution of any suspected offences related to THB committed by legal entities.**

### **d. Non-punishment of victims of trafficking in human beings (Article 26)**

164. According to Article 17.7 of the Law on Combating THB, persons subjected to THB are exempted from criminal, administrative and civil responsibility for offences committed under coercion or intimidation while they were victims of THB.

165. GRETA was informed that, in the reporting period, 12 victims of THB were considered exempt of liability for offences they were forced to commit. In respect of these persons, the non-punishment principle was applied at the prosecution stage and they were not charged as they were identified as victims of THB. By way of example, the Azerbaijani authorities have referred to cases in which female victims of THB for the purpose of sexual exploitation, who had been compelled to take part in the recruitment of other women, were not held liable for the offences they allegedly committed.

166. However, noting the high number of migrant workers detained after being found in violation of the migration legislation (see paragraphs 56 and 58), GRETA is concerned that migrant workers who are victims of trafficking for labour exploitation run the risk of sanctions and deportation if not properly identified as victims.



167. **While welcoming the fact that the non-punishment provision is explicitly stipulated in Azerbaijani law, GRETA considers that the Azerbaijani authorities should ensure its effective application in practice. While the identification procedure is on-going, possible victims of trafficking should not be punished for immigration-related offences.** Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.<sup>53</sup>

#### **4. Investigation, prosecution and procedural law**

##### **a. Measures related to effective investigations (Articles 1, 27 and 29)**

168. In its first report, GRETA urged the Azerbaijani authorities to strengthen their efforts to ensure that crimes related to THB, for all types of exploitation, are proactively investigated and prosecuted promptly and effectively, leading to proportionate and dissuasive sanctions, including by improving the specialisation and training of judges, prosecutors, police investigators and lawyers regarding the seriousness of THB and the severe impact of exploitation on victims and the need to respect the rights of victims of THB.

169. As noted in paragraph 21, there is a police unit specialised in investigating THB offences at the Main Department on Combating Trafficking in Human Beings, which is directly subordinated to the National Co-Ordinator against THB. The police officers of that unit are trained in identifying victims of THB and referring them to assistance. Both the Main Department on Combating Trafficking of Human Beings of the Ministry of Internal Affairs and the Main Department on Combating Organised Crime of the same ministry are involved in investigating THB offences.

170. There are no prosecutors specialised in THB offences, but there is a department of the Prosecutor General's Office specialised in organised crime, which covers THB. THB offences are adjudicated by the Courts for Serious Crimes.

171. Police investigators are trained to use special investigative techniques, including phone tapping, intercepting printed or electronic communications, accessing and examining vehicles or buildings, carrying out covert surveillance of people and infiltration of criminal groups. GRETA was informed that when investigating human trafficking cases police officers often requests data from mobile phone operators. Pursuant to the CPC, information gathered by the use of special investigative techniques can be used as evidence in the prosecution of a case. However, according to the IOM needs assessment report, the need to gather evidence through the use of special investigation techniques is underscored by the fact that victims' testimonies otherwise become the main source of evidence.<sup>54</sup>

172. Financial investigations can be pursued in accordance with Articles 177.3 and 177.4 and 259.3 of the CPC, including as regards transfers and status of bank accounts. There is a Financial Markets Control Chamber reviewing financial transactions. GRETA was informed that in 2016 it did not identify any suspicious activity which would have exposed links to THB crime.

<sup>53</sup> <https://www.osce.org/secretariat/101002?download=true>

<sup>54</sup> IOM, Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan, 2016, page 32.

173. GRETA was informed that in 2014, 22 suspected cases of THB were investigated by the police, 33 in 2015, 26 in 2016, and 29 in 2017. The number of prosecutions in THB cases was 22 in 2014, 26 in 2015, 30 in 2016, and 28 in 2017. As regards convictions by Courts for Serious Crimes. in THB cases, there were 23 regarding 26 persons (among them 15 suspended sentences) in 2014, 28 regarding 35 persons (among them 16 suspended sentences) in 2015, 45 concerning 51 persons (among them 27 suspended sentences) in 2016, and 27 concerning 31 persons (25 of them suspended sentences) in 2017. In 2017, 10 cases were appealed to the Supreme Court, out of which six were considered and four were referred for decision in 2018. In one of the six cases the decision of the Appeal Court was upheld, in one case it was annulled, three cases were referred back to the Appeal Court, and in one case it was established that the appeal had not been made within the relevant deadline.

174. Although GRETA has not been provided with statistics as regards the length of prison sentences for THB offences, it would appear that they are usually short, and a large proportion of the sentences are suspended. According to Article 63 of the CC, the minimum term of imprisonment for the crime of trafficking is five years, but Article 60.2 of the CC provides that a court can, under exceptional circumstances, issue sentences below the minimum foreseen by law. According to judges met by GRETA, over 80% of the perpetrators are women who recruited other women for the purpose of sexual exploitation abroad. The CC allows the suspension or postponement of sentences against women who are pregnant or have small children to take care of. By way of example, an Azerbaijani woman was convicted in 2014 of THB for the purpose of labour exploitation,<sup>55</sup> which involved a Filipino woman working as a domestic worker, to eight years and six months' imprisonment,<sup>56</sup> but in accordance with Article 70 of the CC, the sentence was suspended with a one-year probation period, based on the fact that the perpetrator had children in her care.

175. GRETA is concerned that investigations into THB appear to focus on the immediate recruiters of victims and not on possible trafficking and exploitation networks behind them. The exploitation of the victims usually takes place abroad, which makes it difficult to collect evidence, and many THB cases are eventually dismissed in court. Even when perpetrators are convicted, the sentences are often suspended. GRETA thus notes that a significant number of investigations and prosecutions into trafficking cases do not lead to convictions with proportionate and dissuasive sanctions. It appears that insufficient efforts are made to target the masterminds of THB offences as the majority of those convicted were only recruiters.

176. According to Article 22 of the Law on Combatting THB, all property obtained from THB crimes can be confiscated by the court and transferred to the Assistance Fund established for victims of THB (see paragraph 141). However, in the reporting period there have been no judgements resulting in the confiscation of traffickers' assets.

177. In its first report on Azerbaijan, GRETA referred to the so-called "SerbAz" case, involving the alleged exploitation of men from Bosnia and Herzegovina, Serbia and "the former Yugoslav Republic of Macedonia" on construction sites in Azerbaijan.<sup>57</sup> GRETA notes that an application was made to the European Court of Human Rights concerning this case and it has been communicated to the Azerbaijani authorities.<sup>58</sup>

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<sup>55</sup> Under Articles 144-1 and 144-2 of the CC.

<sup>56</sup> Court decision of 19 May 2014.

<sup>57</sup> See paragraphs 195-196 of GRETA's first report on Azerbaijan.

<sup>58</sup> *Seudin Zoletic and others v. Azerbaijan*, application no. 20116/12.

178. **GRETA once again urges the Azerbaijani authorities to strengthen their efforts to ensure that crimes related to THB for all types of exploitation are proactively investigated, , prosecuted promptly and effectively, and lead to proportionate and dissuasive sanctions, in particular by:**

- **stepping up proactive intelligence-based investigations and engaging in international co-operation to uncover trafficking networks;**
- **making effective use of special investigation techniques and financial investigations;**
- **providing training and encouraging prosecutors and judges to develop expertise in dealing with cases of THB;**
- **strengthening efforts to investigate and prosecute cases of THB for the purpose of labour exploitation, including of children;**
- **increasing the co-operation between labour inspectors and the police;**
- **systematically carrying out financial investigations in human trafficking cases with a view to seizing and confiscating criminal assets.**

**b. Protection of witnesses and victims (Articles 28 and 30)**

179. In its first report GRETA urged the Azerbaijani authorities to make full use of all measures available to protect victims of THB, witnesses and NGOs supporting victims and to prevent retaliation and intimidation during investigation, as well as during and after the court proceedings. GRETA stressed that particular attention should be paid to the current system of protection of child victims and witnesses of THB, in particular by improving the procedures for interviewing them during the investigation and court hearings.

180. The protection measures foreseen under Article 7 of the Law on State Protection of Persons Participating in Criminal Proceedings also apply to victims of THB. These measures include protection of the witness' or victim's place of residence; giving the witness or victim personal protection and notifying him or her of any known danger; temporary placement of the witness or victim in a safe place; protection of information about the witness or victim; transfer of the witness or victim to another place of employment, study and/or residence; changing the identity (name and ID-documents) of the witness or victim and/or altering his or her external appearance; as well as holding closed court hearings.<sup>59</sup> However, according to the previously mentioned IOM needs assessment report, no evidence could be found of witness protection measures used to protect victims of trafficking before, during or after criminal proceedings. The IOM report quotes representatives of the General Prosecutor's Office as saying that such protection measures are "not necessary" in a THB context.<sup>60</sup>

181. Paragraph 13.3.3 of the 2014-2018 National Action Plan against THB foresees measures to improve the protection of witnesses and persons co-operating with the criminal prosecution of THB.

182. **GRETA once again urges the Azerbaijani authorities to make full use of all measures available to protect victims of THB, witnesses and NGOs supporting victims and to prevent retaliation and intimidation during investigation, as well as during and after the court proceedings.**

<sup>59</sup> For further details, see paragraph 203-204 of GRETA's first report on Azerbaijan.

<sup>60</sup> IOM, Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan, 2016, page 52.

### **c. Jurisdiction (Article 31)**

183. According to Article 27 of the Law on Combating THB, Azerbaijan has jurisdiction to investigate and charge Azerbaijani citizens, foreigners and stateless persons resident in Azerbaijan who have committed THB offences on the territory of Azerbaijan.<sup>61</sup> Azerbaijan has jurisdiction to investigate offences committed abroad by persons permanently resident in Azerbaijan, provided that the offence in question is criminalised both in Azerbaijan and in the country in which it was committed, and, that the suspects have not been convicted of the offence in question in the country where the crime occurred (Article 12.1 of the CC). Foreign or stateless persons may be investigated and prosecuted in Azerbaijan if the offence was directed against an Azerbaijani citizen or Azerbaijani interests (Article 12.2 of the CC).

## **5. International co-operation and co-operation with civil society**

### **a. International co-operation (Articles 32 and 33)**

184. In its first report, GRETA considered that the Azerbaijani authorities should further develop international co-operation on criminal matters, in particular through the conclusion of agreements on parallel investigations and/or joint investigative teams concerning THB offences. Further, GRETA asked the Azerbaijani authorities to seek to remove existing difficulties in international co-operation with countries of destination of victims of trafficking.

185. According to Article 28 of the Law on Combating THB and Article 488 of the CPC, the provision of legal assistance to other countries in THB cases is carried out in accordance with the treaties to which Azerbaijan is a party, the Azerbaijani Constitution, the Law on Combating THB, the CPC, the Law on Legal Aid in Criminal Cases and the Law on Extradition of Persons who have Committed a Crime. Treaty obligations take precedence over domestic law. Multilateral agreements on legal assistance in criminal matters to which Azerbaijan is a party include the Council of Europe 1959 European Convention on Mutual Legal Assistance in Criminal Matters, but Azerbaijan has not ratified its second additional protocol.

186. Azerbaijan has signed bilateral agreements on mutual legal assistance with Turkey, Kazakhstan, Uzbekistan, Kyrgyzstan, India, Bulgaria, Moldova, Lithuania, Iran, China, Turkmenistan, the United Arab Emirates, Hungary and the Russian Federation. A bilateral Memorandum of Understanding on co-operation in combating THB was signed between Azerbaijan and the United Arab Emirates in 2011. There is also a 2014 Agreement between Azerbaijan and Qatar on co-operation in the prosecution of THB. Further, there are bilateral declarations about combatting THB between Azerbaijan and Italy, France, Tajikistan, Pakistan, Bulgaria, Georgia, Belarus, Iran and the Russian Federation.

187. Further, as a member of the Commonwealth of Independent States, Azerbaijan is bound by the Agreement on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, the 2005 Agreement on Co-operation of States-members of the Commonwealth of Independent States in combating trafficking in human beings, human organs and tissues and the 2010 Agreement on Co-operation on Combating Trafficking in Human Beings between the Ministries of Interior of the members states of the Commonwealth of Independent States.

188. GRETA notes that according to the previously mentioned IOM 2016 needs assessment report, the knowledge and understanding amongst relevant Azerbaijani stakeholders of the relevance of the international agreements is rather weak.<sup>62</sup>

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<sup>61</sup> At the time of its ratification of the Convention, Azerbaijan formally declared that that it is unable to guarantee the implementation of the provisions of the Convention in its territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region), until the liberation of these territories from the occupation and complete elimination of the consequences of that occupation.

<sup>62</sup> IOM, Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan, 2016, page 28.

189. GRETA was informed that Azerbaijan often uses Interpol when searching for people accused of THB or convicted of THB in their absence. However, GRETA notes that Azerbaijan has not concluded agreements with Eurojust and Europol, which could assist in the investigation and prosecution of transnational THB cases.

190. Azerbaijan not being a member of the European Union, the harmonised European phone number for reporting missing children is not in use. There are no early warning systems for missing children as such, but missing children are the responsibility of the Ministry of Internal Affairs, and specifically that of the Main Department in Combating THB. International searches for missing children can be carried out with the support of Interpol.

**191. While welcoming the participation of Azerbaijan in international agreements related to action against trafficking in human beings, GRETA considers that the Azerbaijani authorities should further develop international co-operation in the investigation and prosecution of trafficking cases and proactively seek co-operation with countries of destination and origin of victims of trafficking. Further, GRETA considers that the Azerbaijani authorities should ensure that relevant officials are informed about Azerbaijan's international commitments in the area of combatting trafficking.**

**b. Co-operation with civil society (Article 35)**

192. In its first report, GRETA urged the Azerbaijani authorities to further involve NGOs, trade unions and other members of civil society in the development and implementation of anti-trafficking policy, including evaluation of anti-trafficking efforts. GRETA stressed the importance of ensuring that NGOs which assist victims of trafficking and defend their rights are protected from any forms of retaliation and are given the effective possibility to work, including when they are critical of the Government's work.

193. Article 10 of the Law on Combatting THB foresees co-operation between State bodies and NGOs in the fight against THB. The National Action Plan foresees NGO involvement in many of its actions, including in the conduct of surveys, preventive activities and the provision of assistance to victims. NGOs are active in awareness-raising about THB, the provision of legal assistance to victims and the social rehabilitation of victims.

194. The NGO coalition for combating THB<sup>63</sup> set up in 2007 has signed a memorandum of understanding with the Ministry of Internal Affairs for the period 2013-2018 concerning NGO involvement in the provision of services to victims of THB, including shelters and medical care. Some of the members of this NGOs coalition are involved in joint activities with the Working Group on Combating THB (see paragraph 19). For example, the Public Health and Reforms Centre of the Ministry of Health has since 2015 co-operated with the NGO "Hopeful Future" in the training of health-care staff in identifying victims of violence, including victims of trafficking, and in the provision of medical and psychological support to victims.

<sup>63</sup> See paragraph 27 of GRETA's first report on Azerbaijan.

195. The 2000 Law of the Republic of Azerbaijan on Non-Governmental Organisations<sup>64</sup> (Public Associations and Funds) regulates the activities and funding of NGOs. In 2015, the Cabinet of Ministers adopted rules which restrict the funding possibilities for NGOs. These rules concern grant registration, donation registration, registration of service contracts and registration of donors. The rules in practice restrict the possibilities for NGOs to receive foreign funding for their activities in the form of grants. In addition, the Law on Grants, the Law on State Registration of Legal Entities and the State Registry, as well as to the Code of Administrative Offences, were amended in 2014, effectively preventing NGOs from obtaining grants from foreign donors and putting NGOs at risk of being penalised for violating administrative procedures.<sup>65</sup> Foreign donors must maintain an office in Azerbaijan and reach an agreement with the Ministry of Justice about any grant scheme.

196. The Azerbaijani authorities have stated that the above-mentioned legal amendments were made in order to eliminate gaps in the legislation regulating NGO activities, bring transparency to the use of funds received from external sources, and enhance financial discipline in the activities of NGOs. The authorities deny that there are barriers to NGOs receiving foreign funding and note that the amount of grants, donations and other non-commercial financial resources made available to NGOs, including from foreign sources, has increased two and a half times compared to 2013. Thus some 10 million Euros were reportedly donated by foreign sources in the three first months of 2018. According to information provided by the Azerbaijani authorities, in the period 2014-2017, 35 NGO projects relating to combating THB were funded for a total of 276,000 Manat (about 140,000 Euros)<sup>66</sup> by the Council for State Support for Non-Governmental Organisations under the President of the Republic of Azerbaijan; these projects dealt primarily with awareness-raising.<sup>67</sup> Some NGOs also receive funding by means of rewards for good performance in anti-THB work, by decision of the National Co-ordinator. The rewards typically amounted to 5,000 Manat (about 2,400 Euros). From 2015 to 2017, some 15 NGOs were awarded 500-1,000 Manat (about 500-1,000 Euros) each for the work carried out in the previous year. Another public funding possibility for NGOs working against trafficking is through the Ministry of Sports, amounting to some 5,000-7,000 Manat (240-480 Euros) per NGO and year. NGOs can also apply for funding from the Reserve Fund of the President of the Republic.

197. In the absence of Government funding for NGOs running shelters for victims of THB, IOM and USAID have provided financial support in the form of reimbursing various expenses related to the running of the shelters. At the time of GRETA's visit, IOM was financially supporting the staff of the shelters through consultancy contracts to ensure continuity of services to victims of THB. Despite donor funding, many NGOs lack sufficient funding, forcing them to either terminate operations or their staff to work without remuneration.

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<sup>64</sup> Law No. 894-IQ of 13 June 2000.

<sup>65</sup> IOM, Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan, 2016, page 18.

<sup>66</sup> In 2014: four projects (28,000 Manat); in 2015: eight projects (73,000 Manat); in 2016: seven projects (71,000 Manat); in 2017: 16 projects (104,000 Manat).

<sup>67</sup> IOM, Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan, 2016, page 19.

198. GRETA is concerned that the legislation regulating the activities and funding of NGOs may unduly impede their ability to engage in preventing human trafficking and assisting victims of trafficking, and consequently inhibit the building of strategic partnerships between the authorities and civil society with the aim of achieving the purpose of the Convention, as envisaged in paragraph 35 of the Convention. Resolution 2226 (2018) of the Parliamentary Assembly of the Council of Europe on "New restrictions on NGO activities in Council of Europe member States" which condemns the lack of a conducive environment for the activities of NGOs and reprisals against civil society activists in Azerbaijan, and calls on Azerbaijan to amend its legislation on NGOs in accordance with the case law of the ECHR and the recommendations of the European Commission for Democracy through Law (Venice Commission). In this resolution, the Assembly calls on all member States to, *inter alia*, review and repeal or amend legislation that impedes the free and independent work of NGOs and ensure that this legislation is in conformity with international human rights instruments regarding the rights to freedom of association, assembly and expression, and ensure that NGOs can seek, receive and use transparent funding and other resources, whether domestic or foreign, without discrimination or undue impediments.<sup>68</sup>

**199. Recalling the recommendations made in its first report, GRETA urges the Azerbaijani authorities to build strategic partnerships with civil society actors and the private sector with the aim of achieving the purpose of the Convention, and to ensure that NGOs engaged in anti-trafficking action have effective access to adequate funding and are enabled to participate in the prevention of THB and victim protection and assistance, as envisaged in Articles 5, 12 and 27 of the Convention.**

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<sup>68</sup>Available at: <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=24943&lang=en>

## IV. Conclusions

200. Since the adoption of GRETA's first report on Azerbaijan in March 2014, progress has been made in some areas.
201. A new National Action Plan on Combating Trafficking in Human Beings, covering the period 2014-2018, has been adopted, containing a range of measures in the areas of awareness raising, legislation, prevention, prosecution, assistance to victims and international co-operation.
202. The Criminal Procedure Code (CPC) was amended to include a reference to the 30-day recovery and reflection period to which victims of trafficking are entitled in the context of criminal proceedings, in addition to the already existing provision concerning this period in the Law on Combating Trafficking in Human Beings.
203. Moreover, the Rules on the National Referral Mechanism and the Rules (Indicators) on the Identification of Victims of Trafficking in Human Beings were amended in June 2015.
204. The Azerbaijani authorities have updated the "Programme on Elimination of Social Problems Creating Conditions for Human Trafficking", which pays particular attention to persons and groups vulnerable to human trafficking, such as children deprived of parental care, young persons leaving institutional care, and unemployed or homeless persons.
205. Particular attention is paid in the National Action Plan to preventing child trafficking, through awareness raising in schools and information on safe migration.
206. Training on human trafficking has been provided to relevant professionals, with the involvement and funding of international organisations, in particular IOM and UNHCR.
207. Efforts have been made by Azerbaijani court officials to better protect the private lives of victims of THB by having made communications sent to victims of THB from courts more discreet, thus decreasing the risk that victims' family members or other persons might learn about the person's victimisation.
208. GRETA welcomes the fact that the non-punishment provision is explicitly stipulated in Azerbaijani law and has been applied in practice.
209. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the Azerbaijani authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.



**Issues for immediate action**

- **GRETA urges the Azerbaijani authorities to develop a comprehensive statistical system on trafficking in human beings by compiling reliable statistical data on presumed and formally identified victims of THB from all main actors, including specialised NGOs and international organisations, as well as on the investigation, prosecution and adjudication of human trafficking cases, allowing disaggregation concerning sex, age, type of exploitation, and country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 42);**
- **GRETA urges the Azerbaijani authorities to take measures to prevent trafficking for the purpose of labour exploitation by:**
  - **raising awareness amongst the general public and migrant workers regarding the risks of THB for the purpose of labour exploitation;**
  - **training labour inspectors as well as law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation, identifying victims of trafficking for labour exploitation, including among irregular migrants, and the rights of victims;**
  - **reintroducing work place inspections by labour inspectors and strengthening the mandate of labour inspectors with a view to preventing THB;**
  - **regulating and monitoring the functioning of recruitment and temporary work agencies to prevent THB;**
  - **reviewing the regulatory system concerning migrants working as domestic workers and ensuring that inspections can take place in private households with a view to preventing abuse of domestic workers and detecting cases of human trafficking (paragraph 61);**
- **GRETA urges the Azerbaijani authorities to take additional measures to:**
  - **improve the protection of children in vulnerable situations by paying particular attention to children in street situations, children from rural areas at risk of child labour and, children placed in or leaving child care institutions;**
  - **strengthen the prevention of child, early and forced marriages;**
  - **strengthen the role and capacity of the child protection systems to prevent trafficking in children and alert other relevant stakeholders to possible cases of trafficking;**
  - **ensure that all children are registered at birth (paragraph 70);**
- **GRETA once again urges the Azerbaijani authorities to ensure that victims of THB are identified as such, in compliance with Article 10 of the Convention, and in particular to:**
  - **reinforce the National Referral Mechanism and the multi-agency involvement in victim identification by formalising the role and input of specialised NGOs and involving other relevant actors, such as labour inspectors, social workers, educational staff and medical staff, in victim identification;**
  - **guarantee that, in practice, identification is dissociated from the presumed victim's co-operation in the investigation;**

- ensure that the application of the Rules (Indicators) on Identification of Victims of THB and the Rules on the National Referral Mechanism is duly monitored and evaluated;
- increase efforts to proactively identify victims of THB for the purpose of labour exploitation in the sectors most at risk, such as construction, agriculture and domestic work, by involving labour inspectors and trade unions;
- review the mandate of labour inspectorate so that they can inspect other workplaces than those of registered companies (e.g. premises where domestic workers are employed) and effectively identify victims of THB;
- improve the detection and identification of victims of trafficking among irregular migrants and asylum seekers through a proactive approach which requires regular training on THB and the rights of victims for immigration and asylum officials, including staff working in the detention centre for irregular migrants, and by allowing specialised NGOs to access facilities where such persons are held (paragraph 102);
- GRETA once again urges the Azerbaijani authorities to improve the identification and referral to assistance of child victims of trafficking, including by:
  - setting up a specific identification mechanism based on inter-agency co-operation and accompanied by standard operation procedures, which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration;
  - ensuring that relevant actors (police, child protection authorities, social workers, health care staff, teachers, NGOs,) are adequately trained and provided with guidance for the identification of child victims so that they can take a proactive approach and increase their outreach work to identify child victims of THB (paragraph 123);
- GRETA once again urges the Azerbaijani authorities to ensure effective access to compensation for victims of THB, including by:
  - reviewing current criminal and civil procedures regarding compensation with a view to improving their effectiveness and making State compensation effectively accessible to victims of THB;
  - ensuring that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation in criminal and civil proceedings, and the procedures to be followed;
  - enabling victims of THB to exercise their right to compensation by guaranteeing their effective access to legal aid, building the capacity of legal practitioners to support victims to claim compensation and including compensation in existing training programmes for law enforcement officials and the judiciary;
  - removing the restrictions as regards which lawyers can provide legal assistance to victims of THB (paragraph 144);
- GRETA once again urges the Azerbaijani authorities to strengthen their efforts to ensure that crimes related to THB for all types of exploitation are proactively investigated, prosecuted promptly and effectively, and lead to proportionate and dissuasive sanctions, in particular by:
  - stepping up proactive intelligence-based investigations and engaging in international co-operation to uncover trafficking networks;
  - making effective use of special investigation techniques and financial investigations;

- **providing training and encouraging prosecutors and judges to develop expertise in dealing with cases of THB;**
- **strengthening efforts to investigate and prosecute cases of THB for the purpose of labour exploitation, including of children;**
- **increasing the co-operation between labour inspectors and the police;**
- **systematically carrying out financial investigations in human trafficking cases with a view to seizing and confiscating criminal assets (paragraph 176);**
- **GRETA once again urges the Azerbaijani authorities to make full use of all measures available to protect victims of THB, witnesses and NGOs supporting victims and to prevent retaliation and intimidation during investigation, as well as during and after the court proceedings (paragraph 181);**
- **Recalling the recommendations made in its first report, GRETA urges the Azerbaijani authorities to build strategic partnerships with civil society actors and the private sector with the aim of achieving the purpose of the Convention, and to ensure that NGOs engaged in anti-trafficking action have effective access to adequate funding and are enabled to participate in the prevention of THB and victim protection and assistance, as envisaged in Articles 5, 12 and 27 of the Convention (paragraph 198).**

#### Further conclusions

- GRETA considers that the Azerbaijani authorities should conduct an independent evaluation of the implementation of the current National Action Plan against THB upon its expiry, as a tool for assessing the impact of the activities and for planning the next National Action Plan. Further, GRETA considers that the Azerbaijani authorities should allocate appropriate funds in the State budget to action against THB, in consultation with all relevant actors, and reflecting the actual requirements of a co-ordinated and effective human rights-based approach to combating human trafficking (paragraph 27);
- GRETA considers that the Azerbaijani authorities should ensure that all relevant professionals are trained periodically, throughout their careers, in the identification of victims of trafficking, including with a view to improving the identification of victims of THB for labour exploitation. Such training should be embedded in the core training curricula of relevant professionals and be provided to law enforcement officers, prosecutors, judges, border guards, immigration officials, staff working in refugee reception centres and detention centres for irregular migrants, staff working in establishments for children, social workers, labour inspectors and diplomatic and consular staff (paragraph 39);
- GRETA considers that the Azerbaijani authorities should make further efforts to conduct and support research on THB-related issues as an evidence base for future policy measures. Areas where research is needed in order to shed more light on the extent and nature of the problem of THB include trafficking of foreign nationals to Azerbaijan, trafficking for the purpose of labour exploitation, including domestic servitude, and child trafficking. Further, GRETA invites the Azerbaijani authorities to research the issue of organised online streaming of sexual abuse of children and its possible linkages to human trafficking (paragraph 45);
- GRETA considers that the Azerbaijani authorities should continue their efforts to raise awareness of THB for different forms of exploitation among the general public and design future actions in the area of awareness-raising in the light of the assessment of previous measures (paragraph 54);

- GRETA considers that the Azerbaijani authorities should increase their efforts to prevent THB through social, economic and other measures for groups vulnerable to THB, such as Roma communities and asylum seekers. Further efforts should also be made to promote gender equality, combat gender-based violence and stereotypes, and support specific policies for the empowerment of women as a means of combating the root causes of THB (paragraph 75);
- GRETA considers that the Azerbaijani authorities should strengthen the training and awareness-raising measures aimed at medical professionals involved in organ transplantations and other relevant professionals, as well as the co-ordination and interaction between health-care professionals and law enforcement agencies in relation to preventing and combating THB (paragraph 80);
- GRETA encourages the Azerbaijani authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal (paragraph 81);
- GRETA considers that the Azerbaijani authorities should adopt legislative, administrative, educational, social, cultural and other measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by:
  - raising awareness of the important role of the media and advertising in tackling demand which leads to human trafficking;
  - promoting awareness among businesses, strengthening corporate social responsibility and preventing trafficking in supply chains (paragraph 86);
- GRETA considers that the Azerbaijani authorities should strengthen their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration. This should include:
  - steps to build the capacity of staff to detect indicators of THB;
  - the provision of information to foreign nationals arriving irregularly or seeking asylum, in a language that they can understand, about the risks of THB, their rights and where to turn for advice and assistance. In this context, GRETA refers to the United Nations Office of the High Commissioner for Human Rights (OHCHR) 2014 Recommended Principles and Guidelines on Human Rights at International Borders (paragraph 92);
- GRETA considers that the Azerbaijani authorities should strengthen their efforts to provide assistance to all victims and presumed victims of THB, including by ensuring access to shelter and services across the territory of the country (paragraph 113);
- GRETA considers that the authorities should provide adequate funding to the Assistance Centre for Victims of THB, as well as to specialised NGO running shelters and providing services to victims, including by removing any barriers to accessing external funding (paragraph 114);
- GRETA invites the Azerbaijani authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child (paragraph 124);
- GRETA invites the Azerbaijani authorities to continue efforts to safeguard the privacy of victims of trafficking (paragraph 127);
- GRETA considers that the Azerbaijani authorities should keep under review the practical application of the recovery and reflection period and ensure that it is systematically proposed and effectively granted to all presumed foreign victims of THB (paragraph 133);
- GRETA invites the Azerbaijani authorities to continue to ensure that victims of trafficking can fully benefit from the right to obtain a residence permit, including owing to their personal situation (paragraph 137);

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- GRETA considers that the Azerbaijani authorities should make full use of the legislation allowing the seizure and confiscation of offenders' assets and their transfer to the Assistance Fund for Victims of THB, ensure the adequate financing of the Assistance Fund and increase the amount of the one-off compensation payment with a view to meeting the reintegration needs of victims (paragraph 145);
  - GRETA considers that the Azerbaijani authorities should ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity, including the right to *non-refoulement* (Article 40(4) of the Convention). This means informing victims about existing repatriation and voluntary return programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked people (paragraph 150);
  - GRETA invites the Azerbaijani authorities to keep under review the application of the legal provisions concerning corporate liability for THB with a view to ensuring effective investigation and prosecution of any suspected offences related to THB committed by legal entities (paragraph 162);
  - While welcoming the fact that the non-punishment provision is explicitly stipulated in Azerbaijani law, GRETA considers that the Azerbaijani authorities should ensure its effective application in practice. While the identification procedure is on-going, possible victims of trafficking should not be punished for immigration-related offences (paragraph 166);
  - GRETA considers that the Azerbaijani authorities should further develop international co-operation in the investigation and prosecution of trafficking cases and proactively seek co-operation with countries of destination and origin of victims of trafficking. Further, GRETA considers that the Azerbaijani authorities should ensure that relevant officials are informed about Azerbaijan's international commitments in the area of combatting trafficking (paragraph 188).

## **Appendix**

### **List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations**

#### **Public bodies**

- Ministry of Internal Affairs
  - National Co-ordinator on Combatting Trafficking in Human Beings
  - Main Department on Combatting Trafficking in Human Beings
  - Main Department on Combatting Organised Crime
  - Main Department on Public Security
  - Main Department on Passports Registration and Migration
  - Policy Academy
  - National Central Bureau of Interpol
- Ministry of Justice
- Ministry of Labour and Social Protection
- Ministry of Health
- Ministry of Transport Communication and High Technologies
- Ministry of Education
- Ministry of Culture and Tourism
- Ministry of Youth and Sport
- Ministry of Foreign Affairs
- State Migration Service
- State Security Service
- State Border Service
- Prosecutor General's Office
- Supreme Court
- Grave Crimes Courts
- State Committee on for Family, Women and Children Affairs
- Guardian and Trusteeship Body
- Commission on Protection of Affairs and Rights of Children
- Council of Support to Non-Governmental Organisations under the Auspices of the President of the Republic of Azerbaijan
- Office of Commissioner for Human Rights
- Parliament (Committees on Human Rights and Committee on Legal Policy and State Building)

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**Intergovernmental organisations**

- European Union
- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)

**NGOs and other civil society organisations**

- Azerbaijani Trade Union Federation
- Bar Association of Azerbaijan
- "Clean World" Aid to Women Public Union
- "Family World"
- "XXI century Women"

## **Government's comments**

### **The following comments do not form part of GRETA's analysis concerning the situation in Azerbaijan**

GRETA engaged in a dialogue with the national authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the authorities on 27 July 2018 and invited them to submit any final comments. The comments of the authorities, submitted on 13 October 2018, are reproduced hereafter.



## Comments of the authorities of Azerbaijan on GRETA's final second round evaluation report

**Response to paragraph 1** - It would be more properly to show precise sources of the "selected" or "submitted" data used in preparation of the report and the evidence substantiating the verification of the relevant data. As, the general reference made in the report would lead to "error juric" in the determining the actual situation relate to THB and the development of the national struggle plan. It appears from the report that the information referred has also been obtained from other sources along with those reported by the authorities involved in THB. The evidence substantiating the information provided by these sources has not been reported. Inclusion of such an unsubstantiated data in the statistics and preparation thereupon of the struggle plan would not reflect the reality, and consequently, cause diminishing the struggle efficiency. So, given the recommendatory nature of the report, it would be expedient to disclose the references made in the report.

**Response to paragraph 2** - GRETA stressed that there is a need to involve civil societies and trade unions in the development and implementation of anti-trafficking policies, their accreditation, however, remains unascertained. Therefore, more precise information about involvement of civil societies (which one and why namely this one) and trade unions (which one, general and specific) in the process, and determination of their roles and tasks, the empowering body, and the legal basis upon which the tasks will be set, as well as introduction of practices of other countries in the relevant field would avail to set forth the relevance of the matter and the reliability of the approach.

**Response to paragraph 22** – The National Action Plan envisages the key responsibilities (activities) to achieve these goals, the participation of various organizations (executive powers, non-governmental organizations, international partners and other agencies) in their execution, coordination of the activities of these organizations by the National Coordinator for Combating Trafficking in Human Beings (hereinafter referred to as the National Coordinator) and other anti-trafficking measures.

All the organizations involved in combating THB implement the measures defined in the National Action Plan by following the below principles:

- to prevent discrimination against the victims of human trafficking in the society;
- to ensure security of the victims of human trafficking and polite behaviour towards them;
- inevitability of the punishment for the human trafficking;
- implementation of preventive measures of legal, political, socio-economic and organizational nature;
- involvement of non-governmental organizations in anti-trafficking activities;
- development of international cooperation in the field of combating trafficking in human beings;
- execution of the duties only by being based on the "principle of having necessary information".

Inter-agency Commission which involves representatives from the Ministry of Internal Affairs, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Foreign Affairs, Ministry of Labour and Social Protection of Population, Ministry of Youth and Sport, Ministry of Culture and Tourism, General Prosecutor's Office, State Customs Committee, State Committee for Family, Women and Children Affairs, State Security Service, State Border Service and State Migration Service was established for the implementation of the National Referral Mechanism and it operates purposefully. No less than once a year, a meeting of the Inter-agency Commission is held at the National Coordinator, where works done are analysed and discussed, and forthcoming tasks are defined.

As for the reconsideration of the issue of designation of an independent National Rapporteur on THB in Azerbaijan, it's irrelevant to the content of the fight against trafficking described in the report, and the reason for this proposal is unclear. As the report notes that there is a lacunae and shortcomings in the

fight against human trafficking in relation to the current National Rapporteur, which is also not reflected in this report. Combating human trafficking is one of the key responsibility of the Internal Affairs Bodies (IABs) to which the National Rapporteur subordinates. In this area, investigating bodies under the IABs, including the Main Department on Combating Trafficking in Human Beings and the Main Organized Crime Department, in conformity with the law, deal with fight against THB on a day-to-day basis, and when necessary, direct the activities of organizations are involved in anti-trafficking activities or involves the other state and local self-governing bodies in anti-trafficking activities.

In our view, the current situation, dynamics and prospects of human trafficking are fully and thoroughly handled by the internal affairs bodies and prevention of THB is one of the main goals of the Republic of Azerbaijan to combat THB. To this end, the state has adopted domestic laws governing the activities in this area, acceded to international conventions and has signed, as reported in the report, numerous bilateral agreements and has entrusted this duties to the state body, the IABs. Therefore, designation of an independent National Rapporteur would be improper in legal terms. Since, the replacement of the state body, one of the key and immediate tasks of which is to combat trafficking in human beings and to which the struggle against THB was entrusted, with an another "independent person" would result in unfounded and illegal withdrawal of statutory powers of the state body and nihilism.

The concept of "presumed victims" referred to in the report has generally no legal significance. An actual person who has injured as a result of criminal acts should be perceived as a victim. It is hypothetical to contain other victims along with actual ones. Therefore, it is advisable to remove this concept and the relevant part from the report.

**Response to paragraph 23** - Under the Law of the Republic of Azerbaijan "On Social Service", since 2013 a series of social projects are being carried out by the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan by entering into public contracts on social services with non-governmental and non-profit organizations with a view of ensuring the social protection of children with disabilities which are in difficult life situation, neglected children and their families which are in socially dangerous situation in the regions where children from these categories are concentrated mostly. The projects implemented in 2013-2017 covered over 15,000 children and their families. The aim of the projects was to provide social services to vulnerable children, to provide support services to their families, to refer them to the relevant institutions for the solution of their problems, to prevent children from finding themselves in state childcare facilities, to provide social rehabilitation of children with disabilities, to support them to integrate into society, and to provide their treatment within and abroad the country and to organize their leisure time, to render sheltering, social reintegration, legal, social, medical and psychological assistance services for underage children which are in dangerous situations, to provide their attraction in education, to prevent them to become a victim of child trafficking and forced labour by preventing them to deviate from education. During 2013-2017, totally 203 projects on 47 focal areas have been implemented.

**Response to paragraph 24** – According to the "National Action Plan for the years 2014-2018 on Combating trafficking in human beings in Azerbaijan Republic", approved by the Decree of the President of the Republic of Azerbaijan dated July 24, 2014, the Center for Assistance to Human Trafficking Victims at the State Social Protection Fund under the Ministry of Labour and Social Protection of Population has organized awareness raising events at 31 city (regional) vocational lyceums, colleges and schools and boarding schools under the subordination of the Ministry of Education of the Republic of Azerbaijan.

Within the Cooperation Program for the years of 2016-2020 between the Ministry of Labour and Social Protection of Population and the UN Children's Fund (UNICEF) in Azerbaijan, 120 employees of the State Social Protection Fund under the Ministry of Labour and Social Protection of Population have been involved in trainings on "Basics of Social Work" held in Baku, Gabala, Tovuz and Masalli regions in order to improve the social services in the country. One of the priorities of the trainings was examination of international practices on provision of medical, psychological, social and legal rehabilitation of child victims of human trafficking.

**Response to paragraph 27** – The two National Action Plans on Combating trafficking in human beings in Azerbaijan Republic covering the periods of 2004-2008 and 2009-2013 have already been implemented, and the implementation of the third NAP covering 2014-2018 is coming to an end. Assessment of NAPs implementation is carried out by the Administration of the President of the Republic of Azerbaijan. Assessment is qualitative rather than quantitative, as the measures left unimplemented at the end of the time period covered by the previous NAPs are reconsidered in the next NAP.

The expenditures required for the implementation of the measures specified in National Action Plan are financed by the budget of the Republic of Azerbaijan, extra-budgetary funds, grants, as well as other sources not contradicting the legislation of the Republic of Azerbaijan.

As for the proposal on allocation of a specific fund for the implementation of anti-trafficking measures in the state budget, it would be purposeful to settle it through the funds of international organizations by considering the efficiency in the current period and its transnational purpose.

**Response to paragraph 39** – The topics on classification problems of THB crimes are regularly embedded in the training curricula of the courses for raising qualifications, organized in the Prosecutor General's Office and the initial training courses for practitioners enrolled in prosecuting authorities.

All the relevant professionals of the organizations involved in anti-trafficking measures should be trained on a regular basis and it will be advisable to conduct additional training, without postponement, when new THB methods are identified. It would be expedient to ensure that the trainings are carried out by the representatives of the international organizations and the Member States of the Convention in Azerbaijan and the THB experts of Azerbaijan Republic in the Member States.

It would be expedient that the teachers in schools and staff members in prisons are also included in the paragraph.

According to the "National Action Plan for the years 2014-2018 on Combating trafficking in human beings in Azerbaijan Republic", approved by the Decree of the President of the Republic of Azerbaijan dated July 24, 2014, during 2014-2017, public awareness events for the staff of the Center for Assistance to Human Trafficking Victims at the State Social Protection Fund under the Ministry of Labour and Social Protection of Population and the public representatives were organized in 42 regions and cities of the country (Khizi, Siyazan, Shabran, Agdash, Mingachevir, Yevlakh, Goranboy, Kelbajar, Ganja, Goygol, Shamkir, Tovuz, Dashkesen, Naftalan, Masalli, Lerik Yardimli, Jabrayil, Imishli, Beylagan, Lachin, Tartar, Agdam, Agjabadi, Zardab, Gabala, Oghuz, Sheki, Gakh, Zagatala, Balakan, etc.). During the events, involved mostly young people, the participants were informed about the concepts of THB, its types, circumstances causing people to become a victim of human trafficking, counter-trafficking methods, after what the relevant questions of participants were answered and the brochures, booklets and disks on the mentioned topic were distributed among them.

The Twinning project on "Development of social services in Azerbaijan" was implemented within the joint cooperation between the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan and related institutions of the Republic of Austria with the support of the European Union.

In order to ensure the integration of people who are in difficult living conditions into the society, a series of trainings on prevention of domestic violence and human trafficking have been carried out by foreign experts for the staff of the structural divisions of the Ministry of Labour and Social Protection of Population, state bodies, civil society institutions and teachers and students of higher education institutions in Baku, Ganja and Sumgait on April 24-26, 2017.

Under the "Periodic Action Plan for the years of 2018-2019 on Child Protection and Social Protection" signed between the Republic of Azerbaijan and UNICEF within the Cooperation Program for 2016-2020, it is intended to hold a series of trainings entitled "Fundamentals of Social Work" in September and October 2018 with participation of the staff of the Social Service Sectors of city and region divisions of

the State Social Protection Fund under the Ministry of Labour and Social Protection of Population. One of the priorities of the training is examination of international practices in provision of medical, psychological, social and legal rehabilitation services to victims of human trafficking.

**Response to paragraph 42** – Under the Law of the Republic of Azerbaijan “On trafficking in persons”, a special police unit (Main Department on Combating Trafficking in Human Beings under the Ministry of Internal Affairs) was established on August 01, 2016 in order to effectively execute the tasks indicated in the National Action Plan, ensure the security of victims of human trafficking, provide them with professional aid, summarize and store THB related information in a single centre and to ensure that anti-trafficking measures are carried out by experienced and specially trained police officers and specially equipped police units.

Along with the identification and protection of the victims of human trafficking, the Main Department on Combating Trafficking in Human Beings under the Ministry of Internal Affairs also carries out investigative measures and criminal prosecution of THB crimes within the scope of their powers.

A single database was created in order to register and effectively use all the information collected during criminal investigations of THB crimes.

The "Rules for the Transfer of Victims of Trafficking in Human Trafficking to the Special Police Unit" approved by the Decree No 21 of the Cabinet of Ministers of the Republic of Azerbaijan dated February 1, 2008, regulates the transfer, by the state and non-governmental organizations, of the victims or presumed victims of human trafficking to a special police unit on combating trafficking in human beings (hereinafter referred to as the special police unit).

According to Rules, institutions that identify victims of trafficking in human beings should, first of all, ensure their safety, identity anonymity, and the confidentiality of the information obtained; institutions that identify victims of trafficking in human beings, register their applications and appeals in a special journal, subject to confidentiality.

According to Articles 17 and 18, Law of the Republic of Azerbaijan “On trafficking in persons” the following issues regarding the protection of confidentiality of THB victims are monitored:

- Access to information about THB victims stored in information services and databases shall be terminated in accordance with a relevant decision.
- Pseudo (false) names shall be used in an effort to provide the anonymity of THB victims.
- Disclosure of the information, which is a secret of personal and family life of THB victims is prohibited.
- Information threatening the life or health of THB victims, their close relatives and persons who contribute to the fight against trafficking in persons shall be deemed as confidential, and any disclosure of such information is prohibited.
- According to Article 316-1 of the Criminal Code, the illegal collection or deliberate dissemination of confidential information about victims of THB or security measures applied to them is punishable by up to five years of imprisonment.

The State Committee on Family, Women and Children Affairs intends, together with the relevant government agencies, to conduct a survey, under the sub-paragraph 5.1.1.5 of the State Program on Improvement of the Official Statistics in the Republic of Azerbaijan in 2008-2012", covering 2018-2019 on "Preparation of methodology for selective statistical examination on the study of the situation concerning the use of child labour and conduction of the examination".

**Response to paragraph 45** – Paragraph 13.2.3 of the NAP foresees “Conducting scientific and social researches on combating trafficking in human beings, implementation of public polling and other measures for studying public opinion”. Since November 2016, MIA MDCHT has organized online survey through its Website in order to study public opinion the results of which have been taken into account.

The Ministry of Education has included the topic on study of struggle against human trafficking to the list of proposed topics for graduate and master's theses of BSU. In the chairs of the BSU, various aspects of combating trafficking in human beings are being studied by doctoral and degree candidates in accordance with scientific directions. Inquiries on trafficking in human beings among youth and adolescents were conducted at state-run children's institutions under the Ministry of Education.

Under the "Charter of the Police Academy of the Ministry of Internal Affairs of the Republic of Azerbaijan" approved by the Decree of the President of the Republic of Azerbaijan No 1007, dated August 4, 2016, initiative report of the MIA MDCHT No 017-3579-1216, dated 11.11.2016 was provided and conduction of scientific researches on combating THB were envisaged in the academy.

According to the Article 11 of the Law of the Republic of Azerbaijan on “Combating trafficking in human beings”, a system of measures on prevention of human trafficking includes reinforcement of legal and social protection of children; establishment and efficient use of system on social, legal, pedagogic and other measures oriented to the identification and elimination of reasons and cases creating condition for the neglect and orphanage of children; detection of children deviated from education, taking measures for upbringing and education of them; establishment and implementation of special programs in other organizations and enterprises fulfilling the prevention of neglect of state institutions, children's homes, boarding schools and the neglect of minors and violation of law.

"Testing of Modern Child Mental Health Services for Juvenile Justice Reform in Azerbaijan" project could be mentioned as an example of cooperation with NGOs. The purpose of this cooperation is to prevent law violations by adolescents with mental disorders. Numerous studies revealing the causes of minors and adolescents with mental disorders are at risk and why can they be involved in criminal acts, including trafficking in human beings gave impetus to the matter. Works on this issue is being carried out within the European Union project.

Reinforcement of relevant efforts for identification of victims of human trafficking and forced labour, as well as children, foreigner and stateless persons became victim of human trafficking within the Republic is envisaged within the NAP system of measures related to children.

When preparing a national fight plan, it would be expedient to take into consideration the actual circumstances relate to THB cases, the final judgments of the court, the dynamics and directions of the relevant actions.

**Response to paragraph 48** - The “Programme on social rehabilitation and reintegration into society of children who are victims of human trafficking” was approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No. 37 dated by February 06, 2017. The Committee regularly takes measures on implementation of the program. Awareness-raising activities on how to protect children from the threats of human trafficking and child labour exploitation are being carried out in educational institutions. In particular, propaganda and awareness raising activities are being carried out in private institutions in order to prevent child labour exploitation.

These measures are carried out within the project on "Awareness-raising of children at educational and training institutions on threats of human trafficking and child labour exploitation" under the “National Action Plan for the years 2014-2018 on Combating trafficking in human beings in the Republic of Azerbaijan” approved by the Decree of the President of the Republic of Azerbaijan No 667, dated July 24, 2014. Within the above measures, awareness-raising exercises with the participation of 8-11th graders of secondary schools are being conducted by the State Committee for Family, Women and Children Affairs in Baku and regions since 2016.

In addition, social survey questionnaires on suicides and THB have been prepared and a survey have been conducted.

**Response to paragraph 54** – See the response to paragraph 18 of the report on Council of Europe's second evaluation round of the implementation of the Convention against Trafficking in Human Beings by Parties.

**Response to paragraph 57** – In order to regulate the inspections in the field of entrepreneurship and protect the interests of entrepreneurs, inspections carried out in business entities located in the territory of the Republic of Azerbaijan, has been suspended, except for the cases that threaten the health and life of people, national security and economic interests, up to January 01, 2021 by the Law of the Republic of Azerbaijan "On Suspension of Inspections carried out in the field of Entrepreneurship" # 1410-IVQ, dated October 20, 2015. Under the Law, the State Labour Inspectorate Service under the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan does not hold inspections in business entities except for the cases mentioned above. The State Labour Inspectorate Service implements the state oversight for the execution of Labour legislation of the Republic of Azerbaijan and the requirements of other normative legal acts (Art. 15, LC).

Under the Article 17 of the Labour Code, it shall be prohibited to oblige an employee to perform a job (service) not included in his/her job description through any kind of duress or under the threat of termination of the employment contract. Under the Code of Administrative Offenses of the Republic of Azerbaijan, administrative liability is imposed on the violation of the requirements of this Article. Under the Article 193 of Administrative Offenses of the Republic of Azerbaijan (Art. 193 – To force an employee to fulfil any works (services) not included in his/her job description ), forcing an employee to fulfil the any works (services) by employers not included in his/her job description with the threat of termination of labour contract or deprivation of privileges established in the collective agreement, shall involve penalization on employers at the rate of one thousand to two thousand manats.

In accordance with the requirements of the Law of the Republic of Azerbaijan "On Citizens' Appeals", during consideration of citizens' applications submitted to the Service during 2017, 1 (one) case of forced attraction of employee to work (service) not included in his/her job description was identified and the employer was brought to administrative responsibility.

In 2017, the State Labour Inspectorate Service conducted awareness-raising activities in 7 regions (covering 4 cities and 8 regions) toward prevention of child labour exploitation. The events were attended by the representatives of the local divisions of the State Labour Inspectorate Service, representatives of the Regional Centres of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, inspectors of Division of Preventive Measures for Adolescents under the Public Security Departments of District Police Offices, representatives of employers in the region, directors, teachers and pupils of several schools operating in the region. Participants of the event were informed about the international conventions and legislation in the fight against child labour and the international practices of addressing the problem, afterwards the discussions on the relevant issue were held. During the events, booklets on raising awareness on child labour, explanation of child labour, legislation requirements for child labour have been distributed among participants and a survey aimed at study of the situation of child labour in the regions was conducted among the participants. In accordance with the requirements of the Law of the Republic of Azerbaijan "On Citizens' Appeals", during consideration of citizens' applications submitted to the Service and materials sent by the relevant bodies of the Ministry of Internal Affairs in 2017, administrative fine at the amount of 2,000 (two thousand) manats were imposed on 2 employers under the Article 192.8 of the Code of Administrative Offenses.

Presently, under the "Decent Work Country Program for 2016-2020 in Azerbaijan" adopted within the cooperation with International Labour Organization, the activity of the State Labour Inspectorate is being improved based on the principles of legality, fairness, objectivity, transparency and accountability, presumption of innocence of the entrepreneur, non-interference to entrepreneurial activity that is not related to inspection, preference of non-punishment in prevention of violations, preventive and prophylactic nature of inspection, assistance to entrepreneurs in complying with mandatory requirements for entrepreneurial activity, drafting electronic protocols via electronic information systems and other principles.

**Response to paragraph 58** – Most of the illegal migrants identified in 2014 (27,683) voluntarily left the country within 48 hours for violating the rules of stay and residence (residence without registration). Also, in 2014, 3,306 foreigners were granted residence permits and extended stay permits by basing on grounds for legalization of their stay in the country, and 6,431 foreigners were expelled from the country on an administrative order.

In accordance with the Law of the Republic of Azerbaijan "On State Duty", the amount of the state duty paid by employers for issuance and extension of work permits which are proportionate with the duration of the issued permits to ensure foreigners and stateless persons are engaged in paid labour activity is defined as follows - up to 3 months - 350 manats, up to 6 months 600 manats, up to 1 year – 1,000 manats.

**Response to paragraph 60** - In 2017, the protection of rights and interests of citizens of the Republic of Azerbaijan was one of the main goals of activity of diplomatic missions and consulates of the Republic of Azerbaijan abroad. The activities on implementation of the relevant items of the National Action Plan were continued throughout the reporting period on the basis of directing and detailed guidance given to all diplomatic missions and consulates accredited by the Ministry of Foreign Affairs.

In addition, the perspective consulate work plans of the diplomatic missions and consulates of the Republic of Azerbaijan submitted by the Foreign Ministry for 2017 adds a new chapter on the implementation of "National Action Plan for the years 2014-2018 on Combating trafficking in human beings in the Republic of Azerbaijan" approved by the Decree of the President of the Republic of Azerbaijan No 667, dated July 24, 2014. The relevant chapter provides guidance on the three main areas:

- Implementation of protection of rights and interests of the victims of human trafficking who are the citizens of Azerbaijan Republic by the diplomatic representations and consulate offices of Azerbaijan Republic in foreign countries.
- Distribution and posting the booklets on trafficking in human beings sent by the Ministry of Foreign Affairs, regulatory legal acts and information on combating human trafficking in the admission office of the consulate, the embassy's internet information resources (in Azerbaijani and the relevant foreign language), as well as conducting relevant awareness-raising campaigns during mobile consulate receptions.
- Strengthening cooperation with the relevant authorities of the host State to increase the effectiveness of struggle against human trafficking and strengthen the data exchange between them; ensuring coordination between host State and relevant state agencies of the Republic of Azerbaijan for the conduct of operational-search activity and criminal prosecution of human trafficking offenses.

**Response to paragraph 61** – *Point 1- Response* - See the response to paragraph 18 and point b, paragraph 8 of the report on Council of Europe's second evaluation round of the implementation of the Convention against Trafficking in Human Beings by Parties.

Within the project on "Enhancing Co-operation Measures to Effectively Combat Trafficking in Persons through Capacity Building and Technical Assistance in Azerbaijan – Phase IV", implemented by International Organization for Migration (IOM), together with civil society organizations, the works on the organization of awareness raising events on the threats of human trafficking and the risks of illegal migration among local people and migrants, as well as the provision of legal, medical, voluntary return, reintegration and other forms of assistance to migrants will be continued. Within the project, works on enhancement of capacities of health care providers to identify victims of human trafficking and to provide them with medical aid will be continued as well. Training program for trainers, psychologists and social workers will be organized. The trainers and other relevant professionals will be provided with specific training funds on providing psychosocial support to victims of human trafficking.

In 2016, within the framework of cooperation with IOM, the staff of the relevant structural subdivisions participated in workshops covering the topics such as legal aspects of the return of migrants, illegal transfer of trafficking victims and illegal migrants, victims of human trafficking and forced labour, methods for identification of victims, problems of human trafficking: definition, major causes and complications, international and European legislation on combating human trafficking, national legislation on combating human trafficking, national referral mechanism: tasks of participant organizations, forced labour: global trends, identification of trafficking victims: difficulties, international standards and best practices, protection of human trafficking victims, rights of human trafficking victims and assistance in line with international standards, interviews with victims, rules of conduction of interviews have been held in the Training Center of the State Migration Service.

In addition, within the "Children's Rights Month", which was announced on 20 October - 20 November in connection with the "20 November - the World Day of Children's Rights" there was organized an event at Baku city Detention Center for Illegal Migrants under the State Migration Service. The issues related to the rights of children growing up in foreign families who have received refugee status is always in the focus of attention of the State Migration Service.

In order to provide detailed awareness of the foreigners and stateless persons a special place has been devoted to the publication of the Service's activities, the articles reflecting migration procedures, their publishing in news agencies, and screening of the programs, video materials and films on TV channels. Thus, preparation of 11 video-guides on electronic services of SMS was provided. The operation of "919" State Migration Call Center in 3 languages were organized also in 2016.

The staff members of the State Customs Committee met with the staff members of the Centre for Assistance to Victims of Human Trafficking established under the Ministry of Labour and Social Protection of Population, and educative booklets and brochures prepared by the mentioned Centre were sent to the State Customs Committee's General Custom Department of Air Transport for distribution, with a view of strengthening the fight against traffickers (natural or legal entities) recruiting the migrants to forced labour, taking measures to raise awareness of population about the threats of human trafficking, raising awareness among trafficked persons, especially women and children, and preventing forced labour.

*Points 2,3,4.5 - Responses:*

The Rules (indicators) of identification of victims of trafficking in human beings" which define mechanisms that enable to determine whether a person is a victim of THB or not, was approved by the Decree # 131 of the Cabinet of Ministers of the Republic of Azerbaijan, dated September 3, 2009. The Rules entails legal aspects of victim identification, indicators of victims, victim identification methods, identification methodology and survey, assessment survey, and additional confirmation materials.

The signs characterizing the indicators of victims are taken into consideration during the identification of victims. Proactive and reactive methods (measures) are used to identify the victims.

It should be noted that, with a view of preventing human trafficking crimes, within the training courses taking place at Detention Centres for Illegal Migrants under the State Migration Service, mention is made of the importance of propaganda amongst foreigners and stateless persons, especially women and children, kept in the centres, as well as awareness raising on threats awaiting human trafficking victims, protection methods taking into consideration the fact that illegal migrants are a group of population more exposed to trafficking in human beings.

Paragraph 13.2.5 of "National Action Plan for the years 2014-2018 on Combating trafficking in human beings in Azerbaijan Republic" envisages "to take joint measures for prevention of illegal migration, forced labour and human trafficking, to strengthen activities on identification of its victims and potential victims and implementation of monitoring by the participation of the related state authorities in respect thereof, identification of the cases enabling human trafficking and prevention of such cases", Paragraph



13.2.6 "to take measures for strengthening the control over labour migration", Paragraph 13.3.7 "to strengthen the activities of combating human traffickers (natural or legal entities) attracting the migrants to the forced labour", and the relevant measures are taken toward their implementation.

The Letters of the International Organization for Migration (IOM), Azerbaijan Office, No IOM/178/17, dated 31 March 2017 and IOM/182/17 dated 31 March 2017 state that a project on "Capacity building on Migration and Border Management in Azerbaijan" is being realized in cooperation with MFA, SMS, ASBS, MIA, MLSPP of the Republic of Azerbaijan and financial support of European Union (EU) since 1 September, 2014.

Under the project, reports on "Standard Operational Procedures: Preventing and Monitoring of Unlawful Employment and Labour Exploitation of Labour Migrants, Combating such cases and Conducting Joint Inspections for the Protection of rights of labour migrants", "Comparative Analysis of Visa Regime of the Republic of Azerbaijan with the European Union and International Standards", "Analysis of Mechanisms for Combating Trafficking in Human Beings in the Republic of Azerbaijan", "Comparative Analysis of Current Institutional and Operational Framework of Migration Management in the Republic of Azerbaijan with European Practice", "Analysis of Gaps in Legislation and Institutional Framework for Unlawful Employment and Unfair Labour Migrants in Azerbaijan" were prepared.

Regular works are being carried out to implement the state policy in the field of migration in the Republic of Azerbaijan, improvement of legislation in accordance with international standards and modern requirements, elimination of negative effects of illegal migration, prevention of illegal migration, including human trafficking. Since illegal migrants are more likely subjected to human trafficking, combat against illegal migration is always under constant attention. Alongside with protection of legitimate interests of migrants by strengthening migration control system, measures against foreigners and stateless persons violating the legislation of the Republic of Azerbaijan, effective combat against illegal migration, as well as signing readmission agreements to facilitate return of persons safely to their country of origin and cooperation in this field are being continued.

The Integrated Migration Information System that includes the number of foreigners and stateless persons, their place and type of employment, and other information, was developed via which the migrants are kept under control.

In order to exercise the state control over the labour migration and regulation of the use of foreign labour, the State Migration Service conducted inspections in the workplaces (entrepreneurship subjects) where the labour migrant are employed to check existence of appropriate status and work permits, as a result of the inspections unlawful involvement cases of foreigners and stateless persons in labour activity without a work permit were determined and responsible persons were brought to justice and relevant decisions were made in accordance with the requirements of the law.

In addition, the State Migration Service conducts monitoring on registration of foreigners and stateless persons in a group and by the same person or at the same place of residence, on compliance of places of employment and residence to the standards set out in that area during the relevant inspections in accordance with the " Rules (indicators) on identification of the victims of human trafficking " approved by the Decree of the Cabinet of Ministers of the Republic of Azerbaijan No 131 dated September 3, 2009 to prevent risk of human trafficking against illegal migrants every moment and to exercise the state control over observance of regulations on use of foreign labour force.

Inspections in places where foreigners and stateless persons are possibly exploited, particularly in construction, industry, service, entertainment, markets, stationary and other facilities of this category, raids on "black labour exchanges", monitoring of advertising in mass media, on the internet and in other places are being carried out.

At the same time, jointly implementation of actions provided for "Action Plan for the Prevention of Trafficking in Human Beings, Forced Labour and Elimination of such Incidents and their Consequences" (2013-2018) jointly prepared by the State Migration Service, the Ministry of Internal Affairs and the Ministry of Labour and Social Protection of Population is ensured as well.

In cooperation with the International Organization for Migration, numerous trainings were organized about different aspects of struggle against trafficking in persons for the Ministry of Internal Affairs, Labour and Social Protection, Justice and Health, as well as State Migration and Border Services, State Customs Committee, State Committee for Family, Women and Child's Affairs, Office of the Commissioner for Human Rights, judges and prosecutors. The exercises were organized in the format of training of cascades and trainers. At the same time, with the support of the International Organization for Migration, the work was done to prepare training materials and curriculums in the field of combating trafficking in human beings for relevant government agencies in our country, and this process is still in progress.

Within the project "Strengthening the capacity of struggle against human trafficking in Azerbaijan", implemented by International Organization for Migration, the following activities are planned to be implemented to increase the potential of law enforcement officials, prosecutors and judges:

- Preparation of Training Programs for Heavy Crimes Courts of regions, Supreme Court and General Prosecutor's Office, and for this purpose the establishment of a Working Group consisting of the Justice Academy, Prosecutor's Office, Ministry of Internal Affairs, Ombudsman Office, IOM representatives, Judges of Heavy Crimes Courts and national and international experts; the training program and the curriculum structure will include the purpose of the training on each subject, the duration and sequence of the training, the training materials, the additional course materials, and the training materials for the trainers;
- Training of trainers and organization of series of trainings; within the training program of trainers, it is envisaged to prepare 20 trainers consisting of judges of the Heavy Crimes Court and the Prosecutor General's Office staff. The four-series training will be organized for 90 judges, prosecutors and lawyers of the regional criminal courts. Trainings will be organized by the 20 trainers, who participated at the trainings of trainers, on European and international legal basis, investigation and prosecution of offenses, access to justice for victims and protection of their rights, national referral mechanism and European case law;
- Organization of two training trips to EU member states for advanced training in combating trafficking in human beings for judges, prosecutors and lawyers (30 people, in general) involved in trainers' training program and series of trainings. The representatives of the tour, will get to know the application of the court rulings, the protection of human trafficking victims, the analysis of the legal basis of the hosted countries, and the decisions of the upper courts in combating trafficking in human beings in selected countries;
- Organizing a workshop for 30 lawyers and lawyers to simplify the access to the court for trafficked persons. The workshop will focus on providing legal advice, providing legal assistance, protecting victims' rights, and promoting networking among lawyers;
- There will be the focus on training for law enforcement officials, prosecutors and judges on sensitive behaviour with trafficked persons that suffered psychological trauma, including methodology of behaviour with victims of human trafficking, suffered psychological trauma;

It is known that the State Labour Inspectorate Service implements the state oversight for the execution of Labour legislation of the Republic of Azerbaijan and the requirements of other normative legal acts (Art. 15, LC). Under the Article 17 of the Labour Code, it shall be prohibited to oblige an employee to perform a job (service) not included in his/her job description through any kind of duress or under the threat of termination of the employment contract. Under the Code of Administrative Offenses of the Republic of Azerbaijan, administrative liability is imposed on the violation of the requirements of this Article. Under the Article 193 of Administrative Offenses of the Republic of Azerbaijan (Art. 193 – To

force an employee to fulfil any works (services) not included in his/her job description ), forcing an employee to fulfil the any works (services) by employers not included in his/her job description with the threat of termination of labour contract or deprivation of privileges established in the collective agreement, shall involve penalization on employers at the rate of one thousand to two thousand manats.

Although inspection of business entities aimed at detection of forced labour facts is suspended under the Law of the Republic of Azerbaijan "On Suspension of Inspections carried out in the field of Entrepreneurship" # 1410-IVQ, dated October 20, 2015, investigation of cases of presumed involvement of foreigners into labour exploitation for the purpose of human trafficking was undertaken upon received calls and relevant decisions were taken.

It would be expedient to provide the suggestions referred to in paragraph 61 on identifying by labour inspectors the victims of trafficking for labour exploitation, informing the victims thoroughly about their rights, reviewing the regulatory system concerning migrants working as domestic workers and ensuring that inspections can take place in private households, involvement of health professionals in training to strengthen the fight against human trafficking and ensuring their cooperation with law enforcement officials.

In the report, it would be expedient to clarify which legislation and practice in relation to "urge", "consider" and "invite" is brought into line with convention.

Response to subparagraph c – Trafficking in persons – recruitment, obtaining, keeping, harbouring, transporting, giving or receipt of a person by means of threat or use of force, intimidation or other means of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or by giving or receiving payments or benefits, privileges or concessions to achieve the consent of a person having control over another person, for purposes of exploitation; Recruitment, obtaining, keeping, harbouring, transporting, giving or receipt of a minor for purposes of exploitation shall be considered trafficking in persons even if the means set forth in this provision are not used.

The measures on prevention of human trafficking are applicable to child trafficking measures.

The signs for identification of the children became victim of human trafficking were concretized in paragraph 3.1.2 of "Rules (indicators) on identification of the victims of human trafficking" approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan dated September 3, 2009 and No 131.

While combating human trafficking, authorized state bodies (executive bodies of NAP) combat also against the child trafficking.

According to the article 11 of the Law of the Republic of Azerbaijan on "Combating trafficking in human beings", system of measures on prevention of human trafficking includes reinforcement of legal and social protection of children; establishment and efficient use of system on social, legal, pedagogic and other measures oriented to the identification and elimination of reasons and cases creating condition for the neglect and orphanage of children; detection of children deviated from education, taking measures for upbringing and education of them; establishment and implementation of special programs in other organizations and enterprises fulfilling the prevention of neglect of state institutions, children's homes, boarding schools and the neglect of minors and violation of law. According to the law, the people who are vagrant or begging, miserable, prostitute, orphan, neglected, children deviated deliberately from education, persons who are addicted to narcotic drugs and psychotropic substances are the potential victims of human trafficking. Age, sex, demands, as well as its necessary need for shelter, education and care are taken into consideration during the implementation of social rehabilitation of children became the victim of human trafficking. During the help to the children became victim of human trafficking, children's interests are preferred, and all measures are taken for protection of rights and legal interests of children in accordance with the Law of the Republic of Azerbaijan "Rights of a Child", UN Convention "On the Rights of a Child", as well as other laws of the Republic of Azerbaijan and international contracts supported by Azerbaijan. Shelters and support centres inform immediately guardianship and trusteeship body and commission on protection of affairs and rights of minors, about the child became victim of

human trafficking. Guardianship and trusteeship body and commission on protection of affairs and rights of minors take measures for protection of rights and interests of child according to the legislation of the Republic of Azerbaijan. While adopting the person to the shelter, if it is impossible to determine the age of person, but it is supposed that he/she is under 18, then that person will be considered a child. The period for the children to live at shelters is 60 days. Period allocated for living in shelter can be extended by the application of special police office, guardianship and trusteeship body and commission on protection of affairs and rights of minors. During the settlement of children at shelters and extension of period allocated for their living at these shelters, opinion of children over 10 years old are learned and considered. Usually, children are settled separately in shelters. Taking into consideration the best interests of a child, he/she can be settled together with parents or other persons affecting positively to the psychological state of a child (excluding the cases, where the parents are the reason of child to become victim of human trafficking).

Children settled in shelters get an opportunity to continue their education, contact and communicate with their parents (excluding the cases, where the parents are the reason of child to become victim of human trafficking). If the child who is the victim of human trafficking doesn't know the place of these parents or has deprived from parental care, state organizations combating trafficking in human beings take measure to seek for his family, or definition of guardianship and trusteeship about this child. Social protection of such children is carried out in accordance with the Law of the Republic of Azerbaijan on "Social protection of children lost their family and deprived of parental care"

Social rehabilitation of children became the victim of human trafficking is carried out based on the special organized programs and by taking principle the provisions of legislation.

Administrative deportation from the borders of the Republic of Azerbaijan is not applied to foreign or stateless children who are victims of human trafficking, as well as law on deportation from the Republic of Azerbaijan is not adopted. Repatriation of children who are the victims of human trafficking to their country or family is allowed only if there is probability of children to become victim of human trafficking, again. During the repatriation of children who are the victims of human trafficking, opinion of children over 10 years old is learned and considered.

According to the "National Action Plan on Combating trafficking in human beings in the Republic of Azerbaijan for 2014-2018" approved by the Decree dated July 24, 2014 and No 667 of the President of the Republic of Azerbaijan, following measures on children were envisaged:

1. Taking measures for ratification of Convention of European Council "On the protection of children against sexual exploitation and sexual abuse;
2. Preparation of proposal in the direction of reinforcement of legal and social protection of women and children included vulnerable group, in order to mitigate the risk of becoming human trafficking victim;
3. Preparation of proposal with the aim of provision of secure use of internet and mobile telephone by children;
4. Reinforcement of measures on implementation of obligations arising out of the international conventions on child labour, as well documents of International Labour Organization;
5. Reinforcement of relevant efforts for identification of victims of human trafficking and forced labour, as well as children, foreigner and stateless persons became victim of human trafficking within the Republic;
6. Protection of the rights and interests of children who are the victim or potential victim of human trafficking, and implementation of social rehabilitation of them by the guardianship and trusteeship bodies, and commissions on protection of affairs and rights of minors, in accordance with the legislation.
7. Ensuring opportunities for the children became the victims of human trafficking to continue their education, reinforcement of measures for adoption of them to the general secondary schools in a temporary place of residence;

8. Provision of social-legal and social-psychological services and social-consultation support in order to prevent the children under the protection of State to enter to the group of human trafficking risk after adulthood period.
9. Depending on the psychological-social state, organize the children living in temporary shelters to continue their education in close places, if they are rehabilitated or their security should be ensured;
10. Taking measures for prevention of discrimination against the victims of human trafficking at schools during the education period;
11. Conduction of monitoring on deviation of children from education or dilapidation, implementation of measures on rehabilitation of children deviated from education and vulnerable socially.
12. Conduction of monitoring in families of children adopted, provided with foster-care, and establishment of monitoring groups for this purpose;
13. Implementation of measures for provision of relevant documents to the children who don't have document certifying identity;
14. Implementation of relevant measures in the direction of formation of social work institution working with children;
15. Reinforcement of cooperation with relevant non-governmental organizations and international organizations on combat against negligence of minors and social rehabilitation of them;
16. Distribution of educative materials, prepared for prevention of human trafficking, especially women and children trafficking, as well prevention of forced labour, on border and custom checkpoints;
17. Continuation of awareness measures on protection of children from the threats related to the human trafficking and exploitation of child labour, at education and training institutions;
18. Conduction of relevant advocacy and awareness works in private organizations in order to avoid exploitations of child labour;

**Response to paragraph 63** – In paragraph 63, page 22, of the draft report of Group of Experts on Action against Trafficking in Human Beings - GRETA to replace "1 boarding school" with "33 boarding schools".

To add the following information to paragraph 63:

- In order to ensure the convenience of citizens and the fairness of enrolment in vocational training, within "ASAN Vocational Training" project, the admission of documents to educational institutions is carried out by "ASAN service" starting from the 2016/2017 academic year. Citizens of the Republic of Azerbaijan, as well as foreigners and stateless persons, who wish to get vocational education, can register at ASAN service centres and admission commissions created at relevant educational institutions by submitting the relevant documents.
- Girls graduated from boarding schools and boarding-type educational institutions under the Ministry of Education who are not enrolled at higher and secondary specialized educational institutions are attracted in vocational educational institutions.
- Awareness-raising seminars and workshops on THB and its victims are regularly organized in vocational institutions.
- Local education management authorities regularly carry out prophylactic measures to attract in general education the children who are deviated from education to avoid their victimization. Regular monitoring on attendance in schools is carried out by special working groups created at the local education management authorities.

**Response to paragraph 66** – The report states: "GRETA was informed that some children end up homeless in street situations after leaving government-run orphanages, which makes them particularly vulnerable to THB". In this regard, we would like to note that under the "Charter of "Graduates Home"

Social Institution for graduates of MLSPP state-run orphanages who are deprived of parental care" approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No 320, dated October 7, 2015, the graduates of state-run orphanages who are deprived of parental care and have no place of residence are provided with housing in the Graduates Home.

In 2011-2017, return of 154 children to their families from social service institutions for children with disabilities under the Ministry of Labour and Social Protection of Population was provided as a result of awareness raising activities among the parents, as part of the implementation of the "State Programme for the placement of children living in state-owned child institutions in families (deinstitutionalization) and alternative care in the Republic of Azerbaijan in 2006-2015".

In Paragraph 66, page 22, to replace " has gone down to approximately 3,000" with "has decreased to 5,062 people".

In Paragraph 66, to exclude the last sentence: "GRETA was informed that some children end up homeless in street situations after leaving government-run orphanages, which makes them particularly vulnerable to THB". In this regard, we note that in order to provide employment opportunities and accommodate the graduates of orphanages who have lost their parents and are deprived of parental care and have no place of residence, upon the request of the Ministry of Education a building of 120 single-roomed apartments was constructed. When the first building was commissioned, the information about 124 graduates of state-owned child institutions (2006-2013) who have lost their parents and are deprived of parental care and have no place of residence was collected and the list was submitted to the Ministry of Labour and Social Protection of Population. On the basis of the stated list, they were provided with apartments in "Graduates Home". Totally, 178 graduates who are deprived of parental care were placed in three "Graduates Home" Social Institutions so far. In 2017/2018 academic year, the information about 28 graduates who have lost their parents and are deprived of parental care and have no place of residence was collected and submitted to the Ministry of Labour and Social Protection to provide them with place of residence.

**Response to paragraph 67** – In order to regulate the inspections in the field of entrepreneurship and protect the interests of entrepreneurs, inspections carried out in business entities located in the territory of the Republic of Azerbaijan, has been suspended, except for the cases that threaten the health and life of people, national security and economic interests, up to January 01, 2021 by the Law of the Republic of Azerbaijan "On Suspension of Inspections carried out in the field of Entrepreneurship" # 1410-IVQ, dated October 20, 2015. Under the Law, the State Labour Inspectorate Service under the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan does not hold inspections in business entities except for the cases mentioned above. The State Labour Inspectorate Service implements the state oversight for the execution of Labour legislation of the Republic of Azerbaijan and the requirements of other normative legal acts (Art. 15, LC).

Under the Article 17 of the Labour Code, it shall be prohibited to oblige an employee to perform a job (service) not included in his/her job description through any kind of duress or under the threat of termination of the employment contract. Under the Code of Administrative Offenses of the Republic of Azerbaijan, administrative liability is imposed on the violation of the requirements of this Article. Under the Article 193 of Administrative Offenses of the Republic of Azerbaijan (Art. 193 – To force an employee to fulfil any works (services) not included in his/her job description ), forcing an employee to fulfil the any works (services) by employers not included in his/her job description with the threat of termination of labour contract or deprivation of privileges established in the collective agreement, shall involve penalization on employers at the rate of one thousand to two thousand manats.

In accordance with the requirements of the Law of the Republic of Azerbaijan "On Citizens' Appeals", during consideration of citizens' applications submitted to the Service during 2017, 1 (one) case of forced attraction of employee to work (services) not included in his/her job description was identified and the employer was brought to administrative responsibility.

In 2017, the State Labour Inspectorate Service conducted awareness-raising activities in 7 regions (covering 4 cities and 8 regions) toward prevention of child labour exploitation. The events were attended by the representatives of the local divisions of the State Labour Inspectorate Service, representatives of the Regional Centres of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, inspectors of Division of Preventive Measures for Adolescents under the Public Security Departments of District Police Offices, representatives of employers in the region, directors, teachers and pupils of several schools operating in the region. Participants of the event were informed about the international conventions and legislation in the fight against child labour and the international practices of addressing the problem, afterwards the discussions on the relevant issue were held. During the events, booklets on raising awareness on child labour, explanation of child labour, legislation requirements for child labour have been distributed among participants and a survey aimed at study of the situation of child labour in the regions was conducted among the participants. In accordance with the requirements of the Law of the Republic of Azerbaijan "On Citizens' Appeals", during consideration of citizens' applications submitted to the Service and materials sent by the relevant bodies of the Ministry of Internal Affairs in 2017, administrative fine at the amount of 2,000 (two thousand) manats were imposed on 2 employers under the Article 192.8 of the Code of Administrative Offenses.

Presently, under the "Decent Work Country Program for 2016-2020 in Azerbaijan" adopted within the cooperation with International Labour Organization, the activity of the State Labour Inspectorate is being improved based on the principles of legality, fairness, objectivity, transparency and accountability, presumption of innocence of the entrepreneur, non-interference to entrepreneurial activity that is not related to inspection, preference of non-punishment in prevention of violations, preventive and prophylactic nature of inspection, assistance to entrepreneurs in complying with mandatory requirements for entrepreneurial activity, drafting electronic protocols via electronic information systems and other principles.

**Response to paragraph 68** - The report states: "According to data for 2016, 11% of girls in Azerbaijan are married before their 18th birthday." We note that, the number of marriages concluded by persons before 17th birthday cannot be clearly defined since only marriages of persons over the age of 17 are registered in the country. For this reason, the number of early marriages is determined by the number of children born to women between the ages of 15 and 17. In 2017, the number of children born to women between the ages of 15 and 17 in urban areas was 740, and 1,681 in rural areas, which means 1.1 and 2.3 persons per 100 live births respectively. Hence, the number of official marriages concluded by persons under the age of 18 was 317. Taking into account that the total number of marriages was 62,923 in 2017, the total number of children born to women between the ages of 15 and 17 accounts for 3% of the total marriages, whereas the total number of formal marriages under the age of 18 accounts for 0.5% of the total marriages. In this respect, the point mentioned in the paragraph does not reflect the reality.

**Response to paragraph 70 – Point 1** - Information about the place of children and families are at risk of human trafficking is obtained from the other competent authorities, afterwards awareness-raising activities are organized for them. Along with Baku city, these is more commonly the areas where people with poor social status are mostly concentrated which may be in regions of the country, boarding schools, secondary, vocational and higher education institutions etc.

There is one non-state and one state shelter for a child victims of human trafficking. The first one operates under the shelter for human trafficking victims, whereas another is under "Azerbaijan Child Association".

Under the "Rules on State Control over Exercise of Minors Rights", approved by the Decree of the President of the Republic of Azerbaijan dated May 8, 2012, the Commission on Minors' Affairs and Protection of their Rights under the Cabinet of Ministers carries out monitoring in the state child institutions to control execution of the rights of minors. In accordance with subparagraph 6.3 of the Rules, the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan shall

annually submit a list and control procedure of the enterprises and organizations to be monitored in the next year to the Commission for consideration and approval. The Commission makes a relevant decision and approves the composition of the panel of experts to conduct monitoring. The experts group includes the experts from the Ministry of Internal Affairs, Education, Health, Labour and Social Protection, Youth and Sports, and Baku City Executive Power.

During the control over the health and education, upbringing and rehabilitation status of the children in the state-run childcare institutions which are included in above mentioned list, the group of experts conducts assessment of minor's maintenance, their upbringing, nutrition, integration and rehabilitation status, as well as the existing status of the childcare institution, after what the deficiencies identified, as well as the recommendations for the development of the institution are submitted to the Commission on Minors' Affairs and Protection of their Rights under the Cabinet of Ministers for the appropriate measures to be taken.

The Commission reviews, once a year, the situation of children's rights in the country, as well as analyses the results of conducted monitoring, and submits proposals on addressing the existing problems in this area to the head of the state.

The measures on social rehabilitation and reintegration into society of children who are victims of human trafficking include Preparation of proposals on improvement of the legislation in social rehabilitation and reintegration into society of children who are victims of human trafficking, Study of international best practice in social rehabilitation and reintegration into society of children who are victims of human trafficking, Organizing training programs for improving the professionalism of social workers, psychologists and medical staff working with children who are victims of human trafficking, Strengthening of coordination and cooperation between organizations dealing with social rehabilitation and reintegration into society of children who are victims of human trafficking, Elaboration of monitoring criteria for assessment of the situation of children who are in the process of reintegration, Study of problems of children who are victims human trafficking and their families, and provision of necessary support, Implementing activities towards involvement of children who are victims human trafficking in free of charge education in primary vocational education institutions and voluntary employment of children who have reached the age of 15 in order to ensure their social protection and employment, Provision of necessary psychological aid to the parents of children who are victims human trafficking and delivery of training on rules of conduct with children, involvement of parents in special psychological programs, Investigation of reasons that cause children to become victims of human trafficking, and taking relevant security and preventive measures to prevent re-violation of their rights, Dissemination of information on mass media regarding the conditions created for rehabilitation and reintegration children who are victims of human trafficking, Preparing awareness campaigns and social reels to draw public attention to children who are victims of human trafficking and to prevent them from repeated exposure to exploitation or violence.

Under the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No 147, dated April 12, 2017 "On the issues related to establishment and operation of social service institutions under the State Social Protection Fund at the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan", social institutions - "Social Shelter and Rehabilitation Center for neglected, homeless and socially disadvantaged minors" and "Social Shelter for persons over the age of 18 who have no place of residence" were established under the State Social Protection Fund at the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan. The purpose of the establishment of these institutions is to provide social rehabilitation of persons from the stated category within the period determined by the legislation, to ensure their survival, to provide them social-welfare, social-legal and other services, including acquisition of certain occupational and labour skills which will also contribute, in the future, to the prevention of victimization of these persons who are considered to be of vulnerable category for the purposes of forced labour, sexual violence and other similar types of human trafficking. To include the following information on the work done to prevent early marriage in paragraph 70, page 24 of the draft report:



- According to the Law of the Republic of Azerbaijan "On Education", general secondary education is compulsory in Azerbaijan. In recent years, significant quality changes in completion of the general secondary education by girls attracted in compulsory education have been encountered, and the indicators on girls' school attendance were high. Local education authorities, law enforcement agencies and local executive authorities regularly conduct public awareness campaigns among the parents and take certain measures to ensure that girls are attracted in education and to prevent the cases of early marriages. At the same time, relevant government agencies and NGOs regularly carry out awareness-raising activities in general education schools to prevent early marriages. Students and parents are provided with detailed information on reproductive health and consequences of early marriages.
- Regular conversations, debates, discussions, workshops, lectures, "round tables" and other events on the topics "Family values development", "Say No to Early Marriage", "The reasons for the expansion of trafficking in human beings and the ways in which the society supports the prevention of this process", "What to know to avoid being trafficked" were held in secondary schools, boarding schools and out-of-school educational institutions, screening of video and documentary films dedicated to the stated issues was organized.
- The Ministry of Education and the State Committee for Family, Women and Children Affairs jointly organized awareness events on the topic "I choose life" in secondary schools where speeches on the preservation and propagation of national and moral values inherent to Azerbaijani family, the ways of solving the actual problems arising in the parent-child-school triangle, the consequences of early marriages and the Internet security were made. A movie dedicated to human trafficking - "Sinners or Innocent" which was presented in the film festival "Azerbaijani Family" was screened in the event."

See paragraph 61, subparagraph c.

**Response to paragraph 71** – The Centre for Assistance to Victims of Trafficking in Human Beings under the State Social Protection Fund at the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan was established in connection with the execution of the Decree of the President of the Republic of Azerbaijan No 272, dated 4 August, 2014 "On implementation of the Law of the Republic of Azerbaijan on trafficking in persons" in accordance with the "Rules on Establishment, Financing, Activity, and Inspection of Activity of Special Institutions for Victims of Trafficking" approved by the Decree of the Cabinet of Ministers of the Republic of Azerbaijan No 203, dated November 9, 2005 and the "Rules for Implementation of Social Rehabilitation of Human Trafficking Victims" approved by the Decree of the Cabinet of Ministers of the Republic of Azerbaijan No 62, dated March 6, 2006.

The purpose of the Centre for Assistance is to inform the trafficking victims about the existing administrative and legal procedures for the protection of their rights and interests, to provide them medical, psychological and other assistance, and the social rehabilitation of victims of human trafficking, their reintegration into society and their return to normal lifestyles.

In order to provide the graduates of state-run child institutions who have lost their parents and are deprived of parental care with a place of residence, under the Decree of the Cabinet of Ministers of the Republic of Azerbaijan No 90, dated March 30, 2015, the Social Institution "Graduates Home" under the Ministry of Labour and Social Protection of Population was established. Each graduate is offered an apartment at the Graduates Home. According to its Charter, young people living here have the right to transfer their family members (husband, wife, children) to the place of residence. The graduates are provided with living space, necessary home appliances and inventory in the provided apartment. The utility costs of graduates admitted are paid by the institution within the first 6 (six) months. The utility costs of persons under the age of 23 who are studying at the state, municipal and private secondary and higher education institutions are paid by the institution during their education. The institute also provides legal and psychological assistance to the graduates.

At present, involvement of young people living in the Graduates Home to active employment measures, including their attachment to vocational training courses in accordance with the labour market requirements is on agenda.

The public catering facilities operating under the Graduates Home provide employment opportunities for the graduates. Currently, 41 graduates are employed at these facilities.

To include the following information in paragraph 71, page 24, of the draft report.

- According to Article 5 of the Law of the Republic of Azerbaijan "On Social Protection of Orphans and Children Deprived of Parental Care" (Education guarantees), "orphans and children deprived of parental care, as well as persons from among them who study at state educational institutions of all types, at master level of scientific organization defined by the relevant executive authority, as well as municipal and private higher and secondary vocational education institutions are fully taken to state social security until the end of their education at the stated educational institutions.
- The educational fees of orphans and children deprived of parental care, as well as persons from among them who study at state educational institutions of all types, at master level of the scientific organization defined by the relevant executive authority, as well as municipal and private higher and secondary vocational education institutions are paid at the expense of the state budget during they study on a paid basis.
- In addition to full state social security, orphans and children deprived of parental care, as well as persons from among them are granted scholarship at least two times the scholarship stipulated in the educational institution and the scientific institution defined by the relevant executive authority, as well as are provided a hundred per cent salary during the production training and production experience.
- The orphans and children deprived of parental care, as well as persons from among them who study at higher and secondary vocational education institutions and at master level of the scientific organization defined by the relevant executive authority, are granted benefits for purchasing textbooks and training aids in accordance with the procedure and amount determined by the relevant executive authority.
- The orphans and children deprived of parental care, as well as persons from among them who take an academic leave for the medical reasons during study at higher and secondary vocational education institutions and at master level of the scientific organization defined by the relevant executive authority are fully kept in state social security and receive full scholarships. These institutions and the scientific institution defined by the relevant executive authority provide assistance in their treatment.
- The orphans and children deprived of parental care are granted benefits for the use of urban and suburban vehicles (except for taxis) in the manner and amount determined by the relevant executive authorities.
- The orphans and children deprived of parental care, as well as persons from among them are provided with seasonal clothes and shoes and lump-sum allowance not less than twice the average monthly wage in the order approved by the relevant executive authority after they graduated from general, vocational, higher education institutions and master level of scientific organization defined by the relevant executive authority.

**Response to paragraph 72** – To include the following information in paragraph 72 about the works done toward prevention of victimization of the members of the Roma community, page 24, of the draft report.

The local education authorities and local executive authorities constantly take the necessary steps to attract all school-age children from Roma families in education, elimination of school deviations, and to strengthen the awareness raising among Roma citizens. This issue is regularly monitored by the Ministry of Education and the relevant monitoring is being carried out.

**Response to paragraph 73** – As of March 2018, the total number of persons under the auspices of the UNHCR in Azerbaijan was 874 (1,783 persons together with family members), while the number of refugees registered in the State Migration Service was 47 (76 persons together with family members). At the same time, along with the refugee status the works on enrolment of the "additional auspice" mechanism in the legislation is being carried out.

According to Article 64, Migration Code, persons submitted application for obtaining refugee status, obtained refugee status or granted political asylum are not required to obtain a work permit. Also, the State Migration Service has created favourable conditions for persons under the auspices of the UNHCR to engage in labour activity without a work permit. They are mainly employed in the construction sector, and also deal with small commercial and entrepreneurial activities.

According to current legislation, refugees use the same rights and freedoms with the citizens of the Republic of Azerbaijan and have the same responsibilities. The persons under the auspices of UNHCR and their children have a right to get free general education and to study at higher education institutions of the Republic as provided for by domestic legislation, to be registered in outpatient clinics on their territory of residence, to undergo medical examination and inpatient treatment if needed and to be provided with other social needs. Favourable conditions have been created for residence of the persons under the auspices of UNHCR in Azerbaijan on the basis of temporary and permanent residence permits and their right to obtain the citizenship of the Republic of Azerbaijan is ensured.

At the beginning of 2017, a working group was established with the participation of 12 government agencies in relation to access of refugees to the labour market and the social security system. The regular meetings of the working group are also attended by representatives of non-governmental organizations and international organizations to discuss the problems faced by refugees and their family members and, as a result, appropriate work is being carried out by the relevant authorities.

Under the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan No 147, dated April 12, 2017 "On the issues related to establishment and operation of social service institutions under the State Social Protection Fund at the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan", social institutions - "Social Shelter and Rehabilitation Center for neglected, homeless and socially disadvantaged minors" and "Social Shelter for persons over the age of 18 who have no place of residence" were established under the State Social Protection Fund at the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan. The purpose of the establishment of these institutions is to provide social rehabilitation of persons from the stated category within the period determined by the legislation, to ensure their survival, to provide them social-welfare, social-legal and other services, including acquisition of certain occupational and labour skills which will also contribute, in the future, to the prevention of victimization of these persons who are considered to be of vulnerable category for the purposes of forced labour, sexual violence and other similar types of human trafficking.

**Response to paragraph 75** – The State Migration Service has created necessary conditions for foreigners and stateless persons, as well as children to apply for shelter taking into account the provisions specified in the Convention on the Rights of the Child, the 1951 Convention on the Status of Refugees and the Law on the "Rights of the Child".

Applications of all persons who are willing to obtain the status of "a refugee" are registered and each of them is informed of whether they are granted the status of refugee or not after relevant procedures. In review of applications, children over 15 years (as well as minors, if necessary) are separately interviewed in an absolute manner during individual interviews with parents. Gender issues are focused in interviews and female employees of the Service are interviewing female applicants. Interviews with children are conducted by more experienced and properly trained staff who should take into account the age limit, psychological and health state, needs and desires of the child.

According to the legislation, persons who apply for the refugee status (asylum seekers) are provided the right to temporary residence in the Republic of Azerbaijan, use of free translation services, free accommodation in the place of temporary residence until issuance of the refugee status, but no more than three months, temporary employment, benefiting medical support, practicing their own religion freely and contacting the UNHCR Office in Azerbaijan.

In case a person under 18 years is detected to enter the country unattended or to be left unattended after entering the country, the guardianship and foster care agencies are applied regarding that person in accordance with the "Rules on the review of litigations on issuance of the "Refugee" status" approved by the Decree of the President of the Republic of Azerbaijan dated by 13 November 2000. The guardianship and foster care agencies verify if the child entered the country unattended and/or left unattended after entry to the country or not. Then, the child applies to the State Migration Service in accordance with the Rules, if he is willing to get the status of "a refugee". The unattended child is placed in the social service institutions of the guardianship and foster care agencies until the issuance of the status of "a refugee". Unattended children are considered as equal to children who have lost their parents and were deprived of parental care in the country, and social protection of such children is ensured by the government and their rights and best interest are protected in accordance with the law.

"Right to equality" was defined in Article 25 of the Constitution of the Republic of Azerbaijan. So that, according to the provisions of that article, everyone is equal before the law and court. Both the male and female has the same rights and freedoms.

According to the Article 11 of the Law of AR on "Combating trafficking in Persons", prevention of human trafficking is organized on the basis of special measures system within different state programs. So that, prevention of human trafficking, especially conduction of researches on gender aspects, development and implementation of programs oriented to the solution of social problems providing conditions for the human trafficking, reinforcement of legal and social protection of women and children, involvement of potential victims of human trafficking to the socially useful labour, provision of their employment, promotion of entrepreneurs for employment of individuals suffered from human trafficking include to the measures system on prevention of human trafficking.

Paragraph 13.1.3 of NAP – In 2015, draft laws and draft decisions were developed by the State Committee for Family, Women and Children Affairs with regard to the implementation of action on reinforcement of legal and social protection of women and children belonging to the vulnerable group in order to mitigate the risk of becoming the victim of human trafficking, and they were submitted to the Cabinet of Ministers.

The results of the survey, conducted in 2014 by the Ombudsman in cooperation with the Representative of UNICEF in Azerbaijan, which aimed at study of violence against children, were analysed in 2015. Within the project, surveys were conducted totally in 26 secondary schools, 1 child's home and 3 boarding schools. For the survey, 30 children representing different ages were chosen from each enterprise by random case. The results of the survey were analysed and submitted to UNICEF. Furthermore, monitoring was conducted in shelters of law-enforcement agencies, as well as in shelter of "Clean World" Aid to Women Public Union.

The Law of the Republic of Azerbaijan on "Provision of gender (men and women) parity" was adopted in October 10, 2016 with the aim of providing gender parity by elimination of all forms of discrimination for the sex, and ensuring equal opportunities for men and women in political, economic, social, cultural and other fields of social life.

As the other fields, legislation of the country doesn't consider any limitation for the women in the field of entrepreneurship, and they are entitled to engage in this activity on equal basis with the men. Increase of the economic initiatives of the women in Azerbaijan play an important role in terms of the social-economic development and provision of employment in our country. Women entrepreneurs operating in Azerbaijan are mainly engaged in the fields of light industry, textile industry, carpet weaving, applied arts, folk art, science and education, food industry, agriculture, forestry and fishing, trade and service. According to the statistical indicators, 164 296 out of 756 318 entrepreneurs or 21, 7% of whole country entrepreneurs were women in the first quarter of 2017.

142 training, workshop, roundtable meeting and other events (55 events in Baku and 87 events in regions) was held in 2016, and 25 training, workshop, roundtable meeting and other events (4 events in Baku, and 21 events in regions) was held in the first quarter of 2017 on the topics such as "Development of business plans and investment projects", "Corporate management", "Establishment and development of "Made in Azerbaijan" brand", "Insurance of entrepreneurship activity in agriculture", "Opportunities for the access to current and new export markets", "Logistics in agriculture", "Development of ecologically clean agriculture", "Create your business idea", "Start your business", "Marketing", "Management". Trainings, workshops, roundtable meetings and other events were held in Baku and regions by the Baku Business Education Centre of the Ministry of Economy and its representatives, together with the participation of foreign and local experts with the aim of improving the knowledge and skills of vulnerable group of people, as well women in business, supporting them to be involved to the entrepreneurship activities, involving the potential victims of human trafficking to the socially useful labour, providing employment of them. More than 3200 audiences participated in events held in 2016 (more than 900 women), and more than 600 audience participated in events held in the first half of 2017 (more than 200 women). Presentations on topics were shown and questions asked by participants were answered within the events.

Besides, Baku Business Education Centre continued its action within the "Germany-Azerbaijan joint Program on improvement of qualification of managers in Azerbaijan business society" in 2016 for acquisition of international experience and skills by the vulnerable group of people, as well women. The afore-mentioned Program is carried out by the Baku Business Education Centre together with German Society for International Cooperation (GIZ) in accordance with the Memorandum of Understanding on cooperation signed between the Ministry of Economy of the Republic of Azerbaijan and Federal Ministry of Economic Affairs and Energy of Germany in October 12, 2009 and February 28, 2013. Within the program, entrepreneurs and managers operating in different fields of Azerbaijan economy participate in professional development course on "Economic cooperation" held for a month in Germany. The necessary expenditures on professional development course (excluding the travel expenses) are paid by the state budget of Germany. The purpose of the program is to reinforce the state support for the development of small and middle entrepreneurship in Azerbaijan, increase of theoretical knowledge of entrepreneurs and managers operating in different fields of country economy, getting acquaintance with the innovative technologies and management methods in German enterprises, study of the action mechanism of enterprises, increase of the vocational training, and establishment of economic cooperation relations with German enterprises. During 2009-2016, 299 entrepreneurs and managers participated in "Economic cooperation" professional development course for a month, in Germany, within the Program. 43 of them (also, 9 of them were women entrepreneurs and managers) were sent in 2016.

The Centre for Assistance to Victims of Trafficking in Human Beings under the State Social Protection Fund at the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan was established in connection with the execution of the Decree of the President of the Republic of Azerbaijan No 272, dated 4 August, 2014 "On implementation of the Law of the Republic of Azerbaijan on trafficking in persons" in accordance with the "Rules on Establishment, Financing, Activity, and Inspection of Activity of Special Institutions for Victims of Trafficking" approved by the Decree of the Cabinet of Ministers of the Republic of Azerbaijan No 203, dated November 9, 2005 and the "Rules for Implementation of Social Rehabilitation of Human Trafficking Victims" approved by the Decree of the Cabinet of Ministers of the Republic of Azerbaijan No 62, dated March 6, 2006.

The purpose of the Centre for Assistance is to inform the trafficking victims about the existing administrative and legal procedures for the protection of their rights and interests, to provide them medical, psychological and other assistance, and the social rehabilitation of victims of human trafficking, their reintegration into society and their return to normal lifestyles.

In order to provide the graduates of state-run child institutions who have lost their parents and are deprived of parental care with a place of residence, under the Decree of the Cabinet of Ministers of the

Republic of Azerbaijan No 90, dated March 30, 2015, the Social Institution "Graduates Home" under the Ministry of Labour and Social Protection of Population was established.

Each graduate is offered an apartment at the Graduates Home. According to its Charter, young people living here have the right to transfer their family members (husband, wife, children) to the place of residence. The graduates are provided with living space, necessary home appliances and inventory in the provided apartment. The utility costs of graduates admitted are paid by the institution within the first 6 (six) months. The utility costs of persons under the age of 23 who are studying at the state, municipal and private secondary and higher education institutions are paid by the institution during their education. The institute also provides legal and psychological assistance to the graduates.

At present, involvement of young people living in the Graduates Home to active employment measures, including their attachment to vocational training courses in accordance with the labour market requirements is on agenda.

The public catering facilities operating under the Graduates Home provide employment opportunities for the graduates. Currently, 41 graduates are employed at these facilities.

**Response to paragraph 80** - The Law No 726-IQ, dated October 28, 1999 On "Transplantation of human Organs and (or) Tissue" has been adopted, in furtherance of the law the Decree No. 251, dated January 15, 2000 has been signed by the President of the Republic of Azerbaijan.

Under the Decree of the Cabinet of Ministers of the Republic of Azerbaijan No 168, dated September 13, 2000 the "List of Organs and (or) Tissues of Transplant Objects" has been approved.

Decision of the Cabinet of Ministers of the Republic of Azerbaijan No. 187, dated November 17, 2011 on approval of certain normative legal acts for application of the Law of the Republic of Azerbaijan on "Transplantation of Human Organs and (or) Tissues" has been approved:

- "Terms and Conditions of Human Organ and (or) Tissue Transplantation" (Annex # 1);
- "List of Specialized Healthcare Facilities Realizing Human Organ and (or) Tissue Transplantation" (Annex # 2);
- "Rules on Removal, Preparation (conservation) and Storage of Human Organs and (or) Tissues for Transplantation" (Annex # 3);
- "Procedures of Medical Decision-making on Necessity of Transplantation of Human Organs and (or) Tissues" (Annex # 4).

In case when medical institutions realizing transplantation are aware of sale and purchase, as well as forced removal of human organs and (or) tissues, the relevant law enforcement authorities are immediately informed about.

According to Article 137, CC of the Republic of Azerbaijan, purchase and sale of human organs or tissues and forced removal for transplantation is punished by imprisonment for the term from three up to five years with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 144-1 of the CC specifies illegal removal of human organs and tissues as one of the forms of exploitation.

**Response to paragraph 81** – According to Article 137, CC of the Republic of Azerbaijan, purchase and sale of human organs or tissues and forced removal for transplantation is punished by imprisonment for the term from three up to five years with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 144-1 of the CC specifies illegal removal of human organs and tissues as one of the forms of exploitation.

According to Articles 4 and 26 of the Law of the Republic of Azerbaijan "On trafficking in persons" one of the principles of struggle against human trafficking in our country is the development of international cooperation in this field.

The Republic of Azerbaijan cooperates with other states, their law enforcement agencies in the field of combating human trafficking in accordance with international treaties to which it is a Party.

**Response to paragraph 86** – Propaganda and awareness-raising activities on human trafficking have been strengthened with the participation of non-governmental organizations and for that end, works on production of various social advertisements, movies, short films, preparation and demonstration of programs, preparation and distribution of booklets have been carried out.

In accordance with the Joint Action Plan of the Ministry of Internal Affairs and the Ministry of Education, awareness workshops were held in various educational institutions which were attended by representatives of law enforcement agencies, youth, media, executive authorities, juvenile affairs commission, as well as medical workers, local entrepreneurs, staff of transportation, education, social protection, employment agencies, community members and NGOs of the Republic.

In order to protect children from trafficking in human beings and child labour in education and training institutions, within the "National Action Plan for Combating Trafficking in Persons in the Republic of Azerbaijan for 2014-2018", awareness campaigns and awareness-raising activities, particularly on prevention of child labour exploitation risks in private institutions, organization of courses for mass media with participation of field experts on the topics of nature of trafficking in human beings and illegal migration, and various forms of its manifestation, features of coverage of such information in mass media have been carried out so far.

The seminar on human trafficking and illegal migration issues organized for mass media by the Ministry of Internal Affairs on 23 May 2016 at Hyatt Regency Hotel in Baku was attended by the representatives of the Ministry of Internal Affairs, Ministry of Labour and Social Protection of Population, State Committee for Family, Women and Children Issues, State Migration Service, as well as field experts from the Press Council.

Under the requirements of Article 4.4, Law of the Republic of Azerbaijan "On Advertising" dated 15 May 2015 advertising shall not provoke people to violence, aggression, acts that may harm life and health, honour and dignity of people. Furthermore, under article 4.6 of the law, pornographic advertising is not permitted.

142 training, workshop, roundtable meeting and other events (55 events in Baku and 87 events in regions) was held in 2016, and 25 training, workshop, roundtable meeting and other events (4 events in Baku, and 21 events in regions) was held in the first quarter of 2017 on the topics such as "Development of business plans and investment projects", "Corporate management", "Establishment and development of "Made in Azerbaijan" brand", "Insurance of entrepreneurship activity in agriculture", "Opportunities for the access to current and new export markets", "Logistics in agriculture", "Development of ecologically clean agriculture", "Create your business idea", "Start your business", "Marketing", "Management". Trainings, workshops, roundtable meetings and other events were held in Baku and regions by the Baku Business Education Centre of the Ministry of Economy and its representatives, together with the participation of foreign and local experts with the aim of improving the knowledge and skills of vulnerable group of people, as well women in business, supporting them to be involved to the entrepreneurship activities, involving the potential victims of human trafficking to the socially useful labour, providing employment of them. More than 3200 audiences participated in events held in 2016 (more than 900 women), and more than 600 audience participated in events held in the first half of 2017 (more than 200 women). Presentations on topics were shown and questions asked by participants were answered within the events.

**Response to paragraph 87** - In order to inform the persons who enter or travel to the country, particularly women and children about the ways of protection from human trafficking and protection of migrants from the threat of forced labour, the Centre for Assistance to Victims of Human Trafficking developed educational booklets and posters, in collaboration with the State Border Service, and provided dissemination of booklets and installation of posters at Bilasuvar, Astara, Balakan border crossing points. The brochures and posters at the same time reflected the contacts of the Center.

**Response to paragraph 89** - According to Article 28 of the Migration Code of the Republic of Azerbaijan, the period of stay in the country on entry visas for the purposes of labour is defined up to 90 days. Also, it is possible to obtain labour visas through ASAN visa system since 2018. At the same time, since 29 June 2018, the foreigners or stateless persons, temporarily staying in the country for more than 15 days, should be registered on the place of stay. According to Article 575 of the Code of Administrative Offenses of the Republic of Azerbaijan for violation of this rule, the amount of three hundred to four hundred manats penalty has been determined. According to the statistical data for 2016 and 2017, the first three countries the citizens of which are mostly expelled from the country are Russian Federation, the Republic of Turkey and Georgia.

**Response to paragraph 91** - See the response to paragraph 4 and 2 of the report on the Council of Europe's second evaluation round of the implementation of the Convention against Trafficking in Human Beings by Parties.

**Response to paragraph 92** - In order to inform the persons who enter or travel to the country, particularly women and children about the ways of protection from human trafficking and protection of migrants from the threat of forced labour, the Centre for Assistance to Victims of Human Trafficking developed educational booklets and posters, in collaboration with the State Border Service, and provided dissemination of booklets and installation of posters at Bilasuvar, Astara, Balakan border crossing points. The brochures and posters at the same time reflected the contacts of the Center.

**Response to paragraph 101** - The Detention Centres for Illegal Migrants under the State Migration Service which operate in Baku and Yevlakh provide all the necessary conditions for migrants who have been placed in the centres voluntarily to enjoy all their rights set forth in Article 87 of the Migration Code (including free meals, physical and medical services, conditions for religious ceremonies, sports, psychological assistance, leaving the Center and return, etc.). There are no restrictions for foreigners and stateless persons who have applied for voluntary placement in the centre, including those who have received refugee status to leave the centre or to return.

UNHCR, IOM, International Committee of the Red Cross, representatives of international and non-governmental organizations, including the Azerbaijani Committee against Torture, as well as representatives of separate embassies visit the centres freely.

**Response to paragraph 102 – Point 1** - According to Article 4 of the Law of the Republic of Azerbaijan on "Combating Trafficking in Persons" dated 28.06.2005, the activity against human trafficking is based on the principle of involving non-governmental organizations in this work and according to Article 10 of the same Law, state bodies are collaborating with non-governmental organizations in combating trafficking in human beings. Non-governmental organizations dealing with struggle against THB are involved in activities on awareness of victims of THB, organizing the activity of special institutions for them, providing legal assistance and social rehabilitation of victims of THB.

Representatives of 14 NGOs were awarded with 1,000 (thousand) AZN under the relevant order of MIA for active participation in action against THB during 2014 at the meeting held in 23.01.2015.

Representatives of 15 NGOs were awarded with money means under the relevant order of MIA for active participation in action against THB during 2015 at the meeting held in 24.04.2016.

Representatives of 15 NGOs were awarded with 500 (hundred) AZN under the relevant order of MIA for active participation in action against THB during 2016 at the meeting held in 29.03.2017.



Combating trafficking in human beings has always been under attention in our country. So far, the Ministry of Justice has registered 516 non-governmental organizations on human rights, legal education, legal studies and cooperation with activity direction covering THB issues.

Moreover, the NGO Coalition on combating trafficking in human beings was established in 28.02.2009. The main goal of the Coalition is to coordinate activity of NGOs operating in combating THB and to improve effectiveness of activities implemented in this field. There are 47 members of the Coalition.

The first Memorandum of Understanding (for 2009-2013) was signed between the Ministry of Internal Affairs of the Republic of Azerbaijan and the NGO Coalition on combating trafficking in human beings in 2009.

As the continuation of this document, a new Memorandum of Understanding that covers the years 2013-2018 was signed between the Ministry of Internal Affairs of the Republic of Azerbaijan and the NGO Coalition on combating trafficking in human beings in 27.07.2013. The key objective of the Memorandum of Understanding is to strengthen action against THB in the Republic of Azerbaijan and further improve cooperation with MIA in the provision of various services to victims of THB.

Strengthening the actions against trafficking in human beings, the activity of NGOs, civil society organizations and trade unions are implemented in coordination with state bodies. Extensive advocacy work is carried out to involve civil society representatives in combating trafficking in human beings.

Upon request of NGOs to the National Coordinator, NGOs dealing with action against THB continuously carries out cooperation with all ministries that are members of the working group, including the Ministry of Health. All victims and potential victims who apply to the NGO that maintains shelters are provided with medical aid without any obstacles.

"Testing of Modern Child Mental Health Services for Juvenile Justice Reform in Azerbaijan" project could be mentioned as an example of cooperation with NGOs. The purpose of this cooperation is to prevent law violations by adolescents with mental disorders. Numerous studies revealing the causes of minors and adolescents with mental disorders are at risk and why can they be involved in criminal acts, including trafficking in human beings gave impetus to the matter. Works on this issue is being carried out within the European Union project.

The key purpose of the "National Referral Mechanism for victims of human trafficking" approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No 123, dated August 11, 2009, which is a guiding document in the fight against human trafficking, is establishment of efficient system to ensure the protection of the rights of victims, their referral to the relevant bodies, provision of their security, repatriation and social rehabilitation, as well as formation of rules in this field.

A commission comprised of the representatives of the Ministry of Internal Affairs, Ministry of Education, Ministry of Health, Ministry of Justice, Ministry of Labour and Social Protection of Population, Ministry of Youth and Sport, Ministry of Culture and Tourism, General Prosecutor's Office, State Customs Committee, State Committee for Family, Women and Children Affairs, State Security Service, State Border Service and State Migration Service was established for the implementation of National Referral Mechanism which operates purposefully. A meeting of the commission is held under the National Coordinator at least once in a year, works done are analysed and discussed, and forthcoming tasks are defined.

Also, representatives of civil society institutes are invited to the relevant meetings. Trainings and workshops are organized regularly for enlargement of the level of professionalism, capacities and knowledge of representatives of state bodies and non-governmental organizations fulfilling National Referral Mechanism.

*Point 2* - Under Article 14-1 of the Law of the Republic of Azerbaijan "On Combating Trafficking in Persons", victim of human trafficking provided with 30 days of recovery and reflection period in order to

allow him/her to recover and escape the influence of the perpetrators and to take a considered decision on co-operating with the prosecution agencies.

During recovery and reflection period victim of human trafficking may use services of special institutes for provision of security and protection needs as well as for recovery of physical, psychological and social status, provision with shelter and rendering services of assistance centres. During recovery and reflection period victim of human trafficking shall not be enforced to any expulsion by administrative means from the territory of the Republic of Azerbaijan.

A shelter is provided to the victim of human trafficking on the basis of his/her request within 30 days regardless his/her behaviour, desire to collaborate with the bodies carrying out criminal prosecution and to testify against human traffickers. An assistance in assistance centres is provided to any individuals presenting themselves as a victim of human trafficking on the basis of their request regardless their behaviour, desire to collaborate with the bodies carrying out criminal prosecution and to testify against human traffickers.

A new Article 123-1 (Appointment of recovery and reflection period for the victims of trafficking in human beings) was added to the Criminal Procedure Code of the Republic of Azerbaijan under the Law of the Republic of Azerbaijan dated November 29, 2016.

When considering cases on crime committed or prepared to be committed, an officer of investigating body, investigator, or prosecuting attorney shall adopt a decision on granting victims of THB 30 days of recovery and reflection period to make a considered decision on restoring his/her position, avoiding the influence of criminals and cooperating with criminal prosecution authorities.

*Point 3* – "National Referral Mechanisms for victims of human trafficking" and "Rules for (indicators) for identification of victims of trafficking in human beings" were prepared according to the "National Action Plan of the Republic of Azerbaijan (2009-2013) on struggle against trafficking in human beings" ratified under the Order No. 133 of the President of the Republic of Azerbaijan dated to February 6, 2009 and defines mechanisms to identify victims of trafficking in human beings.

As noted above, the evaluation of the implementation of the National Action Plans is carried out by the State Control under the Presidential Administration of the Republic of Azerbaijan.

*Points 4, 5* - According to the National Action Plan, the State Migration Service, Ministry of Labour and Social Protection of Population, Ministry of Internal Affairs and other relevant authorities conducts monitoring for identification of illegal migration, forced labour and trafficking cases, and victims and potential victims of these crimes, as well as the identifies the circumstances that lead to human trafficking and take joint measures on elimination of them.

In addition, the State Security Service, the Ministry of Internal Affairs, the Ministry of Transport, Communication and High Technologies conduct regular monitoring of the media, websites, and examine the substance of suspicious proposals that may be related to human trafficking and take appropriate measures.

*Point 6* - The petitions of persons intending to obtain refugee status in the Republic of Azerbaijan are considered by the State Migration Service within the requirements of 1951 Convention on the Status of Refugees, 1967 Protocol and the Law of the Republic of Azerbaijan dated May 21, 1999 "On the Status of Refugees and Internally Displaced Persons (IDPs)" and the "Rules of Procedure for the Application for Refugee Status" approved by the Decree of the President of the Republic of Azerbaijan dated November 13, 2000.

Approval of petitions on granting refugee status by the Service, ensuring consideration process within the Law of the Republic of Azerbaijan "On the Status of Refugees and Internally Displaced Persons

(IDPs)" and the "Rules of Procedure for the Application for Refugee Status", ensuring the identification of trafficking victims among asylum-seekers by specially trained, qualified and competent men or women officers, conducting admission process and interviews as soon as possible, in accordance with relevant legal acts and recommendations of related institutions is envisaged.

Special attention is attached to the identification of THB victims among asylum-seekers and consideration of their petitions during the trainings for officers on the topic of refugee status determination. The State Migration Service has actively participated in the project on "Promotion of the quality of asylum systems in Eastern Europe and South Caucasus" co-funded by the European Commission and UN High Commissioner for Refugees, and has actively attended all events held within the project.

The project focused on protection of interests of vulnerable groups, including presumed THB victims during the registration and interview with asylum seekers, as well as decision-making processes, consideration of their psychological state during interviews and ensuring their interests in the decision-making process.

**Response to paragraph 104** - In order to ensure the social, psychological and legal rehabilitation of victims of violence and trafficking, as well as persons belonging to the human trafficking risk group, in upcoming years the Ministry intends to put in commission the assistance centres and shelters for victims of domestic violence, victims and potential victims of human trafficking in Ganja and Lankaran cities, and Goychay and Guba regions.

**Response to paragraph 105** - Social rehabilitation of victims of human trafficking is carried out by the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan and relevant non-governmental organizations.

**Response to paragraph 107** - In accordance with the Decree of the Cabinet of Ministers of the Republic of Azerbaijan No. 89, dated April 25, 2012, the "Rules of Operation of Assistance Centres for Victims of Domestic Violence" and the "Rules of Accreditation of Non-State Assistance Centres for Victims of Domestic Violence" have been approved in the context of execution of provisions defined by the Decree of the President of the Republic of Azerbaijan No. 537, dated November 24, 2011 on "Prevention of Domestic Violence". Under the Decree, upon the Order of the Ministry dated November 19, 2013, a Commission has been established to accredit the non-governmental assistance centres for victims of domestic violence. The Commission includes the responsible officials of the Ministry of Labour and Social Protection of Population, Internal Affairs, Justice, Health and Education, as well as the State Committee for Family, Women and Children Affairs. Additionally, criteria for accreditation of non-governmental assistance centres for victims of domestic violence have also been prepared. Over the past period, 10 organizations have been accredited.

**Response to paragraph 110** - The legal assistance to victims of trafficking in human beings is provided for by the Charter of the Centre for Assistance to Victims of Human Trafficking at the State Social Protection Fund under the Ministry of Labour and Social Protection of Population and this service is not funded by the International Organization for Migration.

**Response to paragraph 113** - According to Article 1.0.8 of the Law of the Republic of Azerbaijan "On Combating Trafficking in Persons," the victim of human trafficking is a person suffered from or is under the risk of trafficking.

- Institutions that have identified victims and presumed victims of trafficking in human beings should explain them their rights provided for by legislation, the authority to which they are to be referred, the powers of that body, and possible subsequent procedural actions.
- After identifying victims and presumed victims of trafficking in human beings, their applications are documented in the manner prescribed by the legislation, and immediate steps to transfer the

person to the special police unit are taken no later than 24 hours, and his/her relevant documents are submitted to the same institution and necessary assistance is rendered.

- In the process of identifying victims and presumed victims of trafficking in persons and transferring them to a special police unit, violation of their rights and freedoms, honour and dignity should not be allowed, and they should be treated with courtesy.
- Transfer of victims or presumed victims of human trafficking to another police or law enforcement agency is not allowed.
- The relevant authority which handed over victims and presumed victims of human trafficking to a special police unit to combat trafficking in human beings is informed about outcomes of investigations carried out.

Assistance to trafficking victims is organized under the Paragraph 13.4. of the National Action Plan (Rehabilitation and Reintegration of Victims Trafficking in Human Beings).

Continue to provide medical assistance to trafficking victims and potential victims in allotted stationary and outpatient healthcare facilities, and involve qualified specialists in these institutions if necessary. An alternative form of anonymous assistance is through Trusteeship telephone line of. The in-service phone specialists provide psychological support to any needy person within 24 hours. All these processes are aimed at providing psychological support to the population available for all.

Assistance to victims of human trafficking is carried out at state-owned enterprises. For example, granting a safe asylum is carried out by the Ministry of Internal Affairs, healthcare services by the Ministry of Health, education issues by the Ministry of Education and improvement of labour and professional skills by the Ministry of Labour and Social Protection of Population. Moreover, the protection of victims' rights is exercised by the Bar Association. Rehabilitation of trafficking victims in the Centre for Assistance to Victims of Human Trafficking created by the Ministry of Labour and Social Security should be noted as well. In addition, identification of victims and referral to the medical examination by nongovernmental organizations is allowable by law; NGOs involved in the rehabilitation process are guided throughout the year.

**Response to paragraph 114** - Non-governmental organizations involved in combating trafficking in human beings are engaged in awareness-raising trainings for potential victims of THB and organization of special services activity for victims of THB, providing legal assistance to victims of THB and their social rehabilitation. At the same time, the Cabinet of Ministers of the Republic of Azerbaijan may determine the needs of the above mentioned objectives together with the National Coordinator and allocate grants.

Only during 2014-2016, when the Third National Action Plan was implemented, 20 projects were funded by the Council for State Support to Non-Governmental Organizations and 182,000 AZN were allocated for these purposes.

In addition, by the relevant order of the Ministry of Internal Affairs, non-governmental organizations actively participating in anti-trafficking activities receive monetary awards annually.

**Response to paragraph 123** – The signs for identification of the children became victim of human trafficking were concretized in paragraph 3.1.2 of "Rules (indicators) on identification of the victims of human trafficking" approved by the Decision of the Cabinet of Ministers of the Republic of Azerbaijan dated September 3, 2009 and No 131.

While combating human trafficking, authorized state bodies (executive bodies of NAP) combat also against the child trafficking.

According to the Article 11 of the Law of the Republic of Azerbaijan on "Combating trafficking in Persons", a system of measures on prevention of human trafficking includes reinforcement of legal and

social protection of children; establishment and efficient use of system on social, legal, pedagogic and other measures oriented to the identification and elimination of reasons and cases creating condition for the neglect and orphanage of children; detection of children deviated from education, taking measures for upbringing and education of them; establishment and implementation of special programs in other organizations and enterprises fulfilling the prevention of neglect of state institutions, children's homes, boarding schools and the neglect of minors and violation of law.

According to the law, the people who are vagrant or begging, miserable, prostitute, orphan, neglected, children deviated deliberately from education, persons who are addicted to narcotic drugs and psychotropic substances are the potential victims of human trafficking. Age, sex, demands, as well as its necessary need for shelter, education and care are taken into consideration during the implementation of social rehabilitation of children became the victim of human trafficking.

During the assistance to the children became victim of human trafficking, children's interests are preferred, and all measures are taken for protection of rights and legal interests of children in accordance with the Law of the Republic of Azerbaijan "Rights of a Child", UN Convention "On the Rights of a Child", as well as other laws of the Republic of Azerbaijan and international contracts supported by Azerbaijan. Shelters and support centres inform immediately guardianship and trusteeship body and commission on protection of affairs and rights of minors, about the child became victim of human trafficking. Guardianship and trusteeship body and commission on protection of affairs and rights of minors take measures for protection of rights and interests of child according to the legislation of the Republic of Azerbaijan. While adopting the person to the shelter, if it is impossible to determine the age of person, but it is supposed that he/she is under 18, then that person will be considered a child. The period for the children to live at shelters is 60 days. Period allocated for living in shelter can be extended by the application of special police office, guardianship and trusteeship body and commission on protection of affairs and rights of minors. During the settlement of children at shelters and extension of period allocated for their living at these shelters, opinion of children over 10 years old are learned and considered. Usually, children are settled separately in shelters. Taking into consideration the best interests of a child, he/she can be settled together with parents or other persons affecting positively to the psychological state of a child (excluding the cases, where the parents are the reason of child to become victim of human trafficking).

Children settled in shelters get an opportunity to continue their education, contact and communicate with their parents (excluding the cases, where the parents are the reason of child to become victim of human trafficking). If the child who is the victim of human trafficking doesn't know the place of these parents or has deprived from parental care, state organizations combating trafficking in human beings take measure to seek for his family, or definition of guardianship and trusteeship about this child. Social protection of such children is carried out in accordance with the Law of the Republic of Azerbaijan on "Social protection of children lost their family and deprived of parental care".

Social rehabilitation of children became the victim of human trafficking is carried out based on the special organized programs and by taking principle the provisions of legislation.

Administrative deportation from the borders of the Republic of Azerbaijan is not applied to foreign or stateless children who are victims of human trafficking, as well as law on deportation from the Republic of Azerbaijan is not adopted. Repatriation of children (who are the victims of human trafficking) to their country or family is allowed only if there is probability of children to become victim of human trafficking, again. During the repatriation of children who are the victims of human trafficking, opinion of children over 10 years old is learned and considered.

According to the "National Action Plan on Combating trafficking in human beings in the Republic of Azerbaijan for 2014-2018" approved by the Decree dated July 24, 2014 and No 667 of the President of the Republic of Azerbaijan, following measures on children were envisaged:

1. Taking measures for ratification of Convention of European Council "On the protection of children against sexual exploitation and sexual abuse;
2. Preparation of proposal in the direction of reinforcement of legal and social protection of women and children included vulnerable group, in order to mitigate the risk of becoming human trafficking victim;
3. Preparation of proposal with the aim of provision of secure use of internet and mobile telephone by children;
4. Reinforcement of measures on implementation of obligations arising out of the international conventions on child labour, as well documents of International Labour Organization;
5. Reinforcement of relevant efforts for identification of victims of human trafficking and forced labour, as well as children, foreigner and stateless persons became victim of human trafficking within the Republic;
6. Protection of the rights and interests of children who are the victim or potential victim of human trafficking, and implementation of social rehabilitation of them by the guardianship and trusteeship bodies, and commissions on protection of affairs and rights of minors, in accordance with the legislation.
7. Ensuring opportunities for the children became the victims of human trafficking to continue their education, reinforcement of measures for adoption of them to the general secondary schools in a temporary place of residence;
8. Provision of social-legal and social-psychological services and social-consultation support in order to prevent the children under the protection of State to enter to the group of human trafficking risk after adulthood period.
9. Depending on the psychological-social state, organize the children living in temporary shelters to continue their education in close places, if they are rehabilitated or their security should be ensured;
10. Taking measures for prevention of discrimination against the victims of human trafficking at schools during the education period;
11. Conduction of monitoring on deviation of children from education or dilapidation, implementation of measures on rehabilitation of children deviated from education and vulnerable socially.
12. Conduction of monitoring in families of children adopted, provided with foster-care, and establishment of monitoring groups for this purpose;
13. Implementation of measures for provision of relevant documents to the children who don't have document certifying identity;
14. Implementation of relevant measures in the direction of formation of social work institution working with children;
15. Reinforcement of cooperation with relevant non-governmental organizations and international organizations on combat against negligence of minors and social rehabilitation of them;
16. Distribution of educative materials, prepared for prevention of human trafficking, especially women and children trafficking, as well prevention of forced labour, on border and custom checkpoints;
17. Continuation of awareness measures on protection of children from the threats related to the human trafficking and exploitation of child labour, at education and training institutions;
18. Conduction of relevant advocacy and awareness works in private organizations in order to avoid exploitations of child labour.

**Response to paragraph 127** - "Rules for the Transfer of Victims of Trafficking in Human Trafficking to the Special Police Unit" approved by the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan dated No 21, dated February 1, 2008, regulates the transfer of victims or presumed victims of human trafficking to a special police unit on combating trafficking in human beings by the state and non-governmental organizations.

According to Rules:

- Institutions that identify victims of trafficking in human beings should, first of all, ensure their safety, identity anonymity, and the confidentiality of the information obtained.
- Institutions that identify victims of trafficking in human beings, register their applications and appeals in a special journal, subject to confidentiality.
- Institutions that have identified victims and presumed victims of trafficking in human beings should explain them their rights provided for by legislation, the authority to which they are to be extradited, the powers of that body, and possible subsequent procedural actions.
- After identifying victims and presumed victims of trafficking in human beings, their applications are documented in the manner prescribed by the legislation, and immediate steps to transfer the person to the special police unit are taken no later than 24 hours, and his/her relevant documents are submitted to the same institution and necessary assistance is rendered.
- In the process of identifying victims and presumed victims of trafficking in persons and transferring them to a special police unit, violation of their rights and freedoms, honour and dignity should not be allowed, and they should be treated with courtesy.
- Transfer of victims or presumed victims of human trafficking to another police or law enforcement agency is not allowed.

**Response to paragraph 133** - Under Article 14-1 of the Law of the Republic of Azerbaijan "On Combating Trafficking in Persons", a victim of human trafficking provided with 30 days of recovery and reflection period in order to allow him/her to recover and escape the influence of the perpetrators and to take a considered decision on co-operating with the prosecution agencies. During recovery and reflection period victim of human trafficking may use services of special institutes for provision of security and protection needs as well as for recovery of physical, psychological and social status, provision with shelter and rendering services of assistance centres. During recovery and reflection period victim of human trafficking shall not be enforced to any expulsion by administrative means from the territory of the Republic of Azerbaijan.

Under Article 123-1 of the CPC, an officer of investigating body, investigator, or prosecuting attorney shall adopt a decision on granting victims of THB 30 days of recovery and reflection period to make a considered decision on restoring his/her position, avoiding the influence of criminals and cooperating with criminal prosecution authorities.

**Response to paragraph 137** - Based on the law "On Combating Trafficking in Persons" and "Rules of Repatriation of Trafficking Victims" approved by the Decision of the Cabinet of Ministers dated September 10, 2013, after recovery and reflection period expired the foreigners and stateless persons which are the victims of human trafficking can receive temporary residence permit for 1 (one) year at their own request.

At the same time, it should be stated that, if a foreigner or stateless person is considered as a person who suffered from human trafficking, deportation in administrative order from the territory of the Republic of Azerbaijan for a period of 1 year shall not be applied to them, as well as no decision on expulsion of them from the territory of the Republic of Azerbaijan is taken by the State Migration Service. When this period expires, but the foreigner or stateless person provides criminal proceedings against trafficking in persons for criminal trafficking, administrative deportation outside the Republic of Azerbaijan shall not be imposed until the end of the criminal proceedings against him, as well as by the State Migration Service The decision to set aside is not taken. When the provided period is over, but a foreigner or a stateless person assists the body of criminal persecution with criminal cases regarding human trafficking, deportation in administrative order from the territory of the Republic of Azerbaijan shall not be applied to them unless criminal persecution comes to an end.

According to Article 20.5 of the same Law, a foreigner or a stateless person who became victim of human trafficking in the order provided for by the relevant legislation of the Republic of Azerbaijan can address the relevant state bodies for obtaining the right to live in the Republic of Azerbaijan within the provided period. When dealing with such an address cooperation of the victim of human trafficking with the body of criminal persecution, physical and moral torments that the victim of human trafficking suffered, the period of being the victim of human trafficking as well as a risk of becoming again the victim of human trafficking once repatriated to his/her own country or persecution by human traffickers shall be taken into account.

Draft Law of the Republic of Azerbaijan on "Amendments to the Migration Code of the Republic of Azerbaijan" have been prepared regarding receive of temporary residence permit for foreigners and stateless persons who have been victims of THB or assisting prosecution agencies on criminal cases by taking into account the requirements of the Council of Europe Convention on Combating Trafficking in Human Beings.

**Response to paragraph 138** – As regards the provision of the compensation for victims, the compensation provided by the legislation was not fully considered and composition of the compensation the victims could receive was not identified. Although the compensation is evident in some areas of human trafficking, it creates uncertainty regard to some areas (although moral, material damages, loss of benefit is evident, no legal analysis of provision of compensation from the assets of traffickers obtained through sexual assault has been provided, if the state considers earning income by sex activity to be a labour in the legislation). It would therefore be appropriate to interpret compensation in the context of Article 6 of the European Convention on Human Rights and Freedoms and Article 91 of the CPC of the Republic of Azerbaijan.

**Response to paragraph 142** – The issue of enabling victims to have access to legal assistance by lawyers who are not members of Bar Association was resolved by law. Domestic laws in a democratic society are the primary and most important means of regulating public relations. The implementation of those laws is the responsibility of all legal and natural persons. The legislature may consider this issue when the enforcement of the law obstructs the development of the relationship. In the reviewed report, no precise situation has been identified, causing such suggestions to be made, and it related only with hypothetical considerations. Therefore, the adoption of this proposal may led to legal nihilism.

**Response to paragraph 144** – *Points 1,2,3,4* - The prosecuting authority shall submit the documents to the relevant persons in the language of criminal proceedings. Documents to be submitted to relevant persons who do not know the language of criminal proceedings shall be presented in their mother language or in another language they understand.

When dealing with cases in court, participation of victims of THB and persons recognized as a victim of THB during criminal prosecution in court hearings was provided and the opportunity to exercise all their right provided for by Article 87.6 of the CPC, including demanding compensation by raising civil claims was created.

During the cases, trafficking victims were not subjected to criminal prosecution and punishment; these persons have the right to demand compensation from the state budget for damages inflicted on them under article 191 of the CPC.

Assistance to trafficking victims is organized under the Paragraph 13.4 of the National Action Plan (Rehabilitation and Reintegration of Victims Trafficking in Human Beings).

Continue to provide medical assistance to trafficking victims and potential victims in allotted stationary and outpatient healthcare facilities, and involve qualified specialists in these institutions if necessary. An alternative form of anonymous assistance is through Trusteeship telephone line. The in-service phone



specialists provide psychological support to any needy person within 24 hours. All these processes are aimed at providing psychological support to the population available for all.

Assistance to victims of human trafficking is carried out at state-owned enterprises. For example, granting a safe asylum is carried out by the Ministry of Internal Affairs, healthcare services by the Ministry of Health, education issues by the Ministry of Education and improvement of labour and professional skills by the Ministry of Labour and Social Protection of Population. Moreover, the protection of victims' rights is exercised by the Bar Association. Rehabilitation of trafficking victims in the Centre for Assistance to Victims of Human Trafficking created by the Ministry of Labour and Social Security should be noted as well. In addition, identification of victims and referral to the medical examination by nongovernmental organizations is allowable by law; NGOs involved in the rehabilitation process are guided throughout the year.

At the same time, according to the Decree of the Cabinet of Ministers of the Republic of Azerbaijan No 172, dated August 2, 2012, the amount of benefits paid to victims of human trafficking during reintegration period was increased up to 400 AZN.

Non-governmental organizations involved in combating trafficking in human beings are engaged in awareness-raising trainings for potential victims of THB and organization of special services activity for victims of THB, providing legal assistance to victims of THB and their social rehabilitation. At the same time, the Cabinet of Ministers of the Republic of Azerbaijan may determine the needs of the above mentioned objectives together with the National Coordinator and allocate grants.

Members of the Bar Association of the Republic of Azerbaijan provide legal assistance to victims of trafficking on the basis of contracts concluded in accordance with the law.

Under the Decision of the Cabinet of Ministers of the Republic of Azerbaijan No 244, dated June 25, 2015 on "Amendments to the Rules on Establishment, Financing, Activity, and Inspection of Activity of Special Institutions for Victims of Trafficking" involvement of contract based freelancer for professional legal assistance to victims of trafficking have been continued.

The requirements of domestic law should be taken into account during confiscation of property. For this reason, it would be appropriate to provide for the confiscation of the property acquired through human trafficking, or if that property was consumed the confiscation of other property of the accused with equivalent value.

**Response to paragraph 145** – Under Article 22 of the Law on Combatting Trafficking in Persons, all the property obtained from human trafficking (real estate, financial means, securities and other property) shall be confiscated by the court decision in the order provided for by the legislation and shall be transferred to especially established assistance fund for the victims of human trafficking. Means collected at assistance fund for the victims of human trafficking shall be directed to paying out compensation for victims of human trafficking, their social rehabilitation, medical and other necessary expenses. Transparency shall be observed in administration of and spending means of assistance fund for the victims of human trafficking. Legal grounds of the activity of assistance fund for the victims of human trafficking shall be determined by the relevant body of executive power of the Republic of Azerbaijan.

Under Article 23 of the Law, courts shall decide on issues of paying compensation for material and moral damage to persons who suffered from human trafficking. Damage to persons who suffered from human trafficking shall be paid off from the property of human traffickers in accordance with the procedural legislation. If this property would not suffice, damage, by court decision, can be paid out from assistance fund for the victims of human trafficking.

The paragraph 13.3.9 of NAP considers the strengthening of measures of combating legalization of money or other property made from THB crimes. The Financial Markets Control Chamber did not record any suspicious transactions associated with THB crimes in 2016. Besides, the "National Action Plan on combat against for legalization of money or other properties made from crimes and financing of terrorism 2017-2019" approved by the Decree of the President of the Republic of Azerbaijan dated by 18.11.2016. This document was approved on the basis of the draft national risk assessment conducted on legalization of money and financing of terrorism.

As a sectoral outcome of the national risk assessment, trafficking in human beings is considered as one of the main categories of crime committed for making income.

**Response to paragraph 150** - According to the "Rules on repatriation of victims of trafficking in human beings" endorsed by the resolution No. 252 of the Cabinet of Ministers of the Republic of Azerbaijan dated September 10, 2013 (Rules are attached), assessments of the degree of risk and threat is carried out in terms of the risk of being exposed to human trafficking again and the danger of victimization by human traffickers after repatriation to their native countries, and outcomes of such assessments are taken into consideration in the process of repatriation. Degree of risk and threat is assessed by the following criteria:

- possibility of victims to be exposed to human trafficking repeatedly after repatriation;
- risk of victimization by traffickers after the repatriation of victims;
- status as an origin, transit or destination country of countries that victims will be repatriated to;
- availability of rehabilitation and reintegration programs for victims in countries that they will be repatriated to;
- capacities of state and non-governmental organizations that will provided social services to victims of human trafficking in countries they will be repatriated to;
- decisiveness in combating trafficking in human beings and capacities to provide necessary support of countries that victims will be repatriated to;
- other specific indicators for assessment of the degree of risk and threat.

Victims are provided recommendations on reduction of the risk of being exposed to trafficking in human beings in the country that will accept them, as well as if possible, contact details of law enforcement bodies, non-governmental organizations, human rights defenders and social security agencies that can help victims in countries that accept them.

Administrative deportation from the Republic of Azerbaijan is not applied to children exposed to trafficking in human beings and the State Migration Service of the Republic of Azerbaijan does not adopt a decision on their deportation from the Republic of Azerbaijan.

Return of children exposed to trafficking in human beings to their families or countries is allowed in cases that exclude the risk of becoming a victim of human trafficking once again. Relevant activities are implemented in identification of families or legal representatives of those children.

The attitude of children over 10 years who have been exposed to trafficking in human beings is learnt and considered when deciding on extradition to their countries or families.

If repatriation of children exposed to trafficking in human beings is considered contrary to their best interests as a result of assessment of the degree of risk and threat, those children are not returned to their countries and relevant measures are taken to ensure legal residence of those children in the country (formalization of their presence in the country, provision of necessary documents, social rehabilitation).

Implementation of activities on the provision of opportunities to benefit the right to education for and of necessary care to children exposed to human trafficking, and their acceptance by the families or relevant care agencies should be the focus of attention during repatriation.

Issue of accompanying children exposed to human trafficking in the process of repatriation is considered to ensure more effective and secure repatriation of those children.

Relevant measures are taken to protect the rights and legal interests of children exposed to trafficking in human beings in accordance with the Laws of the Republic of Azerbaijan on the "Rights of the Child" and "Prevention of negligence and violation of rights of minors", the UN Convention on the "Rights of the Child", as well as other laws of and international treaties joined by the Republic of Azerbaijan in the provision of all kinds of assistance, including their repatriation.

Safe repatriation of children exposed to trafficking in human beings is ensured through identification of the guardian in the origin country during their repatriation by the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan, the Ministry of Internal Affairs of the Republic of Azerbaijan, the Ministry of Foreign Affairs of the Republic of Azerbaijan, guardianship and foster care agencies and commissions on minors' affairs and protection of rights.

Under Subparagraph 1.3 of the Rules of Repatriation of Trafficked Persons, approved by the Cabinet of Ministers of the Republic of Azerbaijan No 252, dated September 10, 2013, the repatriation of victims is carried out on the basis of voluntarism principle.

**Response to paragraph 156** - If forcing to marriage has no motive for human trafficking, classification of such cases as human trafficking is illegal.

Both of these offenses are common in benefit, but the benefit of forced marriages is different from that in human trafficking. The first one is material, whereas the other is mental benefit.

**Response to paragraph 158** – The draft law submitted to the government for the criminalization of this act has not been accepted yet.

**Response to paragraph 159** – The draft law submitted to the government for the criminalization of this act has not been accepted yet.

**Response to paragraph 162** - Article 25 of the Law of the Republic of Azerbaijan on "Combating trafficking in Persons" defines liability for legal entities for crimes of trafficking in human beings. Moreover, the CC was amended by the Law dated by 7 March 2012 regarding the application of criminal and legal measures on legal entities. Thus, according to the Article 99-4 of the CC, criminal and legal measures apply to a legal entity for crimes committed by individuals for the benefit of the legal entity or the protection of its interests:

- a public official who is authorized to represent the legal entity;
- a public official who is authorized to make decisions on behalf of the legal entity;
- a public official who is authorized to control the activity of the legal entity;
- an employee of the legal entity as a result of non-fulfilment of control by the above-mentioned public officials.

The application of criminal and legal measures to a legal entity does not exclude criminal liability of an individual who has committed or has been involved in the commission of a crime.

Criminal and legal measures shall not apply to state, municipal and international organizations.

Criminal and legal measures apply to legal entities due to the commission of acts considered in the provisions 144-1 (THB), 144-2 (Forced labour), 144-3 (Illegal actions with documents for THB purposes), 316-1 (Dissemination of confidential information on a victims of THB) and other provisions of the CC.

In case a legal entity is restricted until the adoption of a court decision on the application of criminal and legal measures, the criminal and legal measures shall apply to the legal successor of the legal entity. It is prohibited to restructure or liquidate the legal entity by the decision of its founders (participants) or the body authorized by the charter of the legal entity until the complete execution or termination of a criminal and legal measure from the date a decision was made by the court on the application of the criminal and legal measure.

**Response to paragraph 166** - According to Article 17.7 of the Law of the Republic of Azerbaijan "On Combating trafficking in Persons", persons exposed to trafficking in human beings are exempt from civil, administrative and criminal responsibility in the manner and cases specified with the law of the Republic of Azerbaijan for acts committed under force or threat due to being in a position of victim of trafficking in human beings. Therefore, victims of trafficking in human beings were not subject to criminal prosecution and punishment.

**Response to paragraph 172** - The statistical data referred to in sentence 3 of paragraph 172 shall be given in the following edition:

As regards convictions by Courts for Serious Crimes in THB cases, there were 20 (regarding 22 persons) in 2014, 22 (regarding 25 persons) in 2015, 31 (regarding 37 persons) in 2016, and 27 (regarding 31 persons) in 2017.

**Response to paragraph 177 – Point 1** - For the purpose of improvement of combating against trafficking in human beings the international practices has been studied, reports and experiences of United Nations Office on Drugs and Crime, Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), Special Representative and Office of Organization for Security and Co-operation in Europe, International Migration and International Labour Organization, and other international and non-governmental organizations, particularly reports and practices of Europe countries in the field of combating human trafficking have been considered, and cooperation with these donor organizations to implement the National Action Plan have been strengthened.

*Point 2* - Financial transactions and the status of bank accounts can be realized in accordance with Articles 177.3.6, 177.4 and 259.3 of the CPC.

*Point 3* - Improving the knowledge and skills of experts in the field of combating the trafficking in human beings is maintained in the focus of the appropriate work with international partners and is distinguished by priority.

In this area, we actively cooperate with the International Organization for Migration and organize various trainings and seminars for the relevant government agencies and representatives of civil society organizations within the framework of the projects and programs implemented by the organization in our country. From September 2015, in cooperation with the International Organization for Migration, numerous trainings were organized about different aspects of struggle against trafficking in persons for the Ministry of Internal Affairs, Labour and Social Protection, Justice and Health, as well as State Migration and Border Services, State Customs Committee, State Committee for Family, Women and Child's Affairs, Office of the Commissioner for Human Rights, judges and prosecutors. The exercises were organized in the format of training of cascades and trainers. At the same time, with the support of the International Organization for Migration, the work was done to prepare training materials and curriculums in the field of combating trafficking in human beings for relevant government agencies in our country, and this process is still in progress.

Within the framework of the project "Strengthening the capacity of struggle against human trafficking in Azerbaijan", implemented by the International Organization for Migration, the following activities are planned to be implemented to increase the potential of law enforcement officials, prosecutors and judges:

- Preparation of Training Programs for Heavy Crimes Courts of regions, Supreme Court and General Prosecutor's Office, and for this purpose the establishment of a Working Group consisting of the Justice Academy, Prosecutor's Office, Ministry of Internal Affairs, Ombudsman Office, IOM representatives, Judges of Heavy Crimes Courts and national and international experts; the training program and the curriculum structure will include the purpose of the training on each subject, the duration and sequence of the training, the training materials, the additional course materials, and the training materials for the trainers;
- Training of trainers and organization of series of trainings; within the training program of trainers, it is envisaged to prepare 20 trainers consisting of judges of the Heavy Crimes Court and the Prosecutor General's Office staff. The four-series training will be organized for 90 judges, prosecutors and lawyers of the regional criminal courts. Trainings will be organized by the 20 trainers, who participated at the trainings of trainers, on European and international legal basis, investigation and prosecution of offenses, access to justice for victims and protection of their rights, national referral mechanism and European case law;
- Organization of two training trips to EU member states for advanced training in combating trafficking in human beings for judges, prosecutors and lawyers (30 people, in general) involved in trainers' training program and series of trainings. The representatives of the tour, will get to know the application of the court rulings, the protection of human trafficking victims, the analysis of the legal basis of the hosted countries, and the decisions of the upper courts in combating trafficking in human beings in selected countries;
- Organizing a workshop for 30 lawyers and lawyers to simplify the access to the court for trafficked persons. The workshop will focus on providing legal advice, providing legal assistance, protecting victims' rights, and promoting networking among lawyers;
- There will be the focus on training for law enforcement officials, prosecutors and judges on sensitive behaviour with trafficked persons that suffered psychological trauma, including methodology of behaviour with victims of human trafficking, suffered psychological trauma;
- For 20 employees of the Ministry of Internal Affairs there will be a seminar on the sensitivities existing in the prevention of human trafficking and the main reasons for it.

*Point 4* - In order to enlarge the capacities of the relevant state agencies to monitor and detect various forms of trafficking in persons (in particular, forced labour), as well as referral of human trafficking victims, 30 inspectors of the Ministry of Labour and Social Protection, the Ministry Internal Affairs and the State Migration Service have been involved in 2 workshops within the mentioned project.

*Point 5* - The paragraph 13.3.9 of NAP considers the strengthening of measures of combating legalization of money or other property made from THB crimes. The Financial Markets Control Chamber did not record any suspicious transactions associated with THB crimes in 2016. Besides, the "National Action Plan on combat against for legalization of money or other properties made from crimes and financing of terrorism 2017-2019" approved by the Decree of the President of the Republic of Azerbaijan dated by 18.11.2016. This document was approved on the basis of the draft national risk assessment conducted on legalization of money and financing of terrorism.

As a sectoral outcome of the national risk assessment, trafficking in human beings is considered as one of the main categories of crime committed for making income.

Taking into account that obtaining of information on financial transactions and the status of bank accounts can be realized only under the court decision in accordance with the provisions 177.3.6, 177.4

and 259.3 of the Code Criminal Procedure of the Republic of Azerbaijan and measures of combat against legalization of incomes from human trafficking crimes will ensure the strengthening of the evidence base of human trafficking crimes and the direction of such incomes to compensation of the damage caused as a result of the crime in accordance with the provisions 13.0.4 and 134.2.9 of the code, MOCD was applied in April and September of 2015 and October of 2016 for obtaining information on financial transactions and the status of bank accounts of persons accused of criminal offenses, however there was no positive feedback to the application.

**Response to paragraph 179** - In the fight against human trafficking, consideration should be given to applicability of the protection of the victim's, even if necessary.

**Response to paragraph 181** - State and local self-government bodies, officials, individuals and legal entities should provide assistance to government agencies combating trafficking in human beings. When a person is believed to suffer from trafficking in human beings, or if the preparation or commission of the crime of trafficking in human beings detected by other bodies, a special police unit should be informed promptly, relevant documents should be submitted to the same institution and assisted.

Information that is likely to endanger the lives and health of those who contribute to combating human trafficking is confidential and its distribution is prohibited. Illegal collecting or deliberate dissemination of confidential information about trafficked persons (victims of trafficking in human beings, their close relatives, and any information that endangers the lives and health of those who contribute to combating trafficking in human beings), and as these acts result in grave consequences, the punishment for it should be in a form of deprivation of freedom for a term of up to five years.

The types of security measures applied to the persons protected under Article 7 of the Law of the Azerbaijan Republic "On state protection of persons participating in the criminal proceedings" of December 11, 1998, are as following:

- 1) Protection of the protected person, his apartment and property;
- 2) To give the protected person personal protection and to warn him of the danger;
- 3) Temporary placement of a protected person in a safe place;
- 4) Protect the confidentiality of information about the protected person;
- 5) Transfer of the protected person to another job, change of his / her place of work or study, transfer him / her to another place of residence;
- 6) Changing the documents of the defendant and his / her external appearance;
- 7) Holding closed court hearings in cases where the defines attorney participates in the manner prescribed by law.

Paragraph 13.3.3 of the NAP provides for measures to improve protection of witnesses and persons cooperating with criminal prosecution in the combating THB, and to continue to encourage the issuance of information useful to investigation.

Implementation of this measure has always been kept under attention by the MDCTHB and MOCT at the Ministry of Internal Affairs.

Rights of witnesses and persons cooperating with criminal prosecution in the combating THB were guaranteed by the CPC of the Republic of Azerbaijan.

**Response to paragraph 190** – According to Articles 4 and 26 of the Law of the Republic of Azerbaijan "On Trafficking in Persons" one of the principles of struggle against human trafficking in our country is the development of international cooperation in this field.

The Republic of Azerbaijan cooperates with other states, their law enforcement agencies in the field of combating human trafficking in accordance with international treaties to which it is a Party.

In addition, according to "National Action Plan on Combating trafficking in human beings in the Republic of Azerbaijan for 2014-2018" approved by the Decree of the President of the Republic of Azerbaijan No 667, dated July 24, 2014, in order to strengthen international cooperation in the conduct of operational search activities and prosecution of THB crimes and to increase the effectiveness of combating human trafficking the measures to strengthen cooperation with other countries, in particular with the relevant authorities of destination and origin countries and with relevant international organizations are envisaged which are being executed by the relevant government agencies presently.

At present, the following international instruments regulating the fight against trafficking in human beings are in force.

- United Nations Convention against Transnational Organized Crime and its Comprehensive Protocols on the "Prevention, Elimination and Punishment of Trafficking in Persons, Especially Women and Children" and "Migrant's illegal crossing of land, sea and air" approved by the Law 435 – IIQ of the Republic of Azerbaijan dated to May 13, 2003 together with notifications and declarations (texts of notifications and declaration are attached) ;
- Agreement on "Cooperation of States-members of the Commonwealth of Independent States in combating trafficking in human beings, human organs and tissues" has been approved by the Law of the Republic of Azerbaijan No. 114-IIIQ, dated May 23, 2006.
- "Program on Cooperation in the Field of Combating Trafficking in Human Beings of States-members of the Commonwealth of Independent States for 2007-2010" has been approved by the Decree of the Republic of Azerbaijan No. 749-IIIQ, dated December 30, 2008.
- Council of Europe Convention on Human Trafficking has been ratified by the Law of the Republic of Azerbaijan on May 11, 2010.
- Council of Europe Convention on Human Trafficking has been ratified by the Law of the Republic of Azerbaijan on May 11, 2010.
- Memorandum of Understanding on Co-operation in Combating Trafficking in Human Beings between the Ministry of Internal Affairs of the Republic of Azerbaijan and the National Committee of the United Arab Emirates for Combating Trafficking in Human Beings was approved by the Decree No. 445 of the President of the Republic of Azerbaijan dated 7 June 2011.
- Agreement on Cooperation in the Field of Combating Trafficking in Human Beings of the States-members of the Commonwealth of Independent States (police) acceded by the Law of the Republic of Azerbaijan No 507-IVQ dated December 21, 2012.
- According to Article 2, paragraph 3, of the Agreement on "Cooperation of States-members of the Commonwealth of Independent States in combating trafficking in human beings, human organs and tissues" The Ministry of Internal Affairs of the Republic of Azerbaijan was appointed as a competent authority of the Republic of Azerbaijan by the Order No. 1506 of the President of the Republic of Azerbaijan dated June 13, 2006.

Directing to the item 32, Article 109 of the Constitution of Azerbaijan Republic, in order to ensure duration of measures taken in the field of combating trafficking in human beings, to improve normative legal base and institutional mechanisms, to increase the efficiency in mutual activities of the state authorities and to ensure execution of international obligations of Azerbaijan Republic in this field, "The National Action Plan for the years 2014-2018 on combatting trafficking in human beings in Azerbaijan Republic" was approved by the Order No. 667 of the President of the Republic of Azerbaijan dated July 24, 2014.

The Ministry of Internal Affairs of Azerbaijan Republic ensures implementation of the measures provided for in the National Action Plan approved by this order together with the relevant executive power authorities.

**Response to paragraph 198** – See point 1, response to paragraph 102.