

**Committee of the Parties  
to the Council of Europe Convention  
on Action against Trafficking in Human Beings**



**Recommendation CP/Rec(2023)03  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Azerbaijan**

*adopted at the 32nd meeting of the Committee of the Parties  
on 16 June 2023*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Azerbaijan on 23 June 2010;

Recalling Committee of the Parties' Recommendation CP(2018)24 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Azerbaijan and the report of the Azerbaijani authorities on measures taken to comply with this recommendation, submitted on 9 November 2019;

Having examined the third report concerning the implementation of the Convention by Azerbaijan, adopted by GRETA at its 47th meeting (27-31 March 2023);

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Azerbaijan;

Welcoming the measures taken and progress achieved by the Azerbaijani authorities in implementing the Convention, and in particular:

- the further development of the legislative framework relevant to action against trafficking in human beings, including amendments to the Migration Code which clarify the conditions under which foreign and stateless victims of trafficking can stay and work in Azerbaijan;

- the adoption of a new National Action Plan on Combating Trafficking in Human Beings for the period 2020-2024;
- the amendments to the Rules on the National Referral Mechanism (NRM) which include specialised NGOs in the composition of the Inter-agency Commission implementing the NRM;
- the training on human trafficking provided to a range of relevant professionals;
- the development of specific procedures for the identification of child victims of human trafficking and the steps taken to raise awareness of child trafficking and improve the registration of children at birth;
- the engagement in international co-operation in the fight against trafficking in human beings.

A. Recommends that the Government of Azerbaijan take measures to address the following issues for immediate action<sup>1</sup> identified in GRETA's report:

1. Review the legislation in order to guarantee access to justice for victims of human trafficking by ensuring that they have access to a lawyer as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not to co-operate with the authorities and/or make an official statement (paragraph 46);
2. Adopt measures to guarantee effective access to compensation for victims of human trafficking, including by:
  - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
  - 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;
  - amending Article 9 of the Law on State Duty to provide the possibility for victims of human trafficking to be exempted from state fees required for filing a compensation claim;
  - ensuring that state compensation is effectively accessible to victims of human trafficking, by applying in practice Article 191 of the Criminal Procedure Code;
  - further increasing the amount of one-off payment from the State Assistance Fund for Victims of Human Trafficking;
  - further strengthening awareness on compensation among lawyers representing victims of human trafficking, prosecutors and judges, including by introducing this topic in the training programmes provided to them, and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of trafficking in human beings (paragraph 71);

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<sup>1</sup> The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

3. Strengthen efforts to ensure that human trafficking offences 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 investigation of human trafficking cases, regardless of whether a complaint about the reported crime has been submitted or not, making use of all possible evidence, including evidence gathered through special investigative measures, financial evidence, documents and digital evidence, so that there is less reliance on testimony by victims;
- strengthening efforts to investigate and prosecute cases of human trafficking for the purpose of labour exploitation, including by increasing 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 93);

4. Take measures to:

- make full use of all measures available to protect victims and witnesses of human trafficking and to prevent retaliation, intimidation or re-traumatisation during the investigation and during and after the court proceedings, including through the use of audio-video equipment and other suitable means to avoid face-to-face cross-examination of victims and alleged perpetrators;
- ensure the protection of the private life and identity of victims of trafficking, in line with Article 11 of the Convention, through the issuance of appropriate instructions to all relevant professionals. This should include sending all judicial acts regarding victims of human trafficking to the address indicated by them (paragraph 108);

5. Take measures to effectively prevent, detect and combat trafficking for the purpose of labour exploitation, taking into account Recommendation CM/Rec(2022)21 of the Committee of Ministers and GRETA's Guidance Note on combating trafficking for labour exploitation. This should include:

- reintroducing workplace inspections by labour inspectors, reviewing their mandate to also cover non-registered companies, and ensuring that adequate human and financial resources are made available to them to fulfil their mandate;
- training labour inspectors throughout the country as well as law enforcement officers and prosecutors, including through joint training, on human trafficking for the purpose of labour exploitation and the rights of victims;
- reviewing the employment framework on migrant workers, including foreign workers seconded by foreign companies abroad to work in Azerbaijan, to reduce their vulnerability to human trafficking, exploitation and abuse;
- regulating and monitoring the functioning of recruitment and temporary work agencies to strengthen prevention of human trafficking and labour exploitation;
- reviewing the regulatory system concerning migrants working as domestic workers to prevent and detect cases of domestic servitude (paragraph 151);

6. Further improve the identification of victims of human trafficking, and in particular to:

- guarantee that the identification of victims of human trafficking is dissociated from the presumed victim's co-operation in the investigation or the launch of an investigation;
- reinforce the multi-agency involvement in victim identification by formalising the role of specialised NGOs and involving other relevant actors, such as labour inspectors, social workers, educational staff and medical staff;
- increase efforts to proactively identify victims of internal trafficking;

- improve the detection and identification of victims of trafficking among migrant workers, irregular migrants and asylum seekers through a proactive approach (paragraph 162);

7. Step up efforts to prevent and combat the trafficking of children, identify child victims of trafficking, and provide appropriate assistance to them, and in particular to:

- strengthen the role and capacity of the child protection systems to prevent trafficking in children and detect and identify child victims of human trafficking. Particular attention should be paid to children in street situations, children forced to beg, children from rural areas at risk of child labour and, children placed in or leaving childcare institutions;
- ensure that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child (paragraph 178);

8. Build strategic partnerships with civil society actors with the aim of achieving the purpose of the Convention (Article 35), and ensure that NGOs engaged in anti-trafficking action have effective access to registration and adequate funding, including from foreign donors, and are enabled to participate in the prevention of trafficking and victim protection and assistance (paragraph 195).

B. Recommends that the Azerbaijani authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Azerbaijan to report to the Committee of the Parties on the measures taken to comply with this recommendation by **16 June 2025**.

D. Invites the Government of Azerbaijan to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.