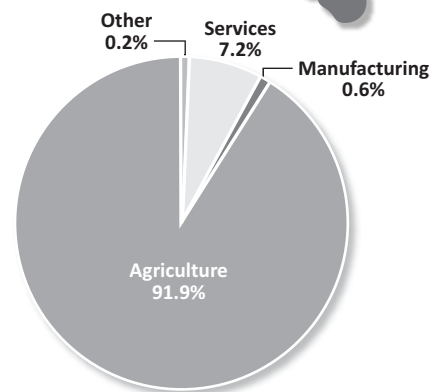
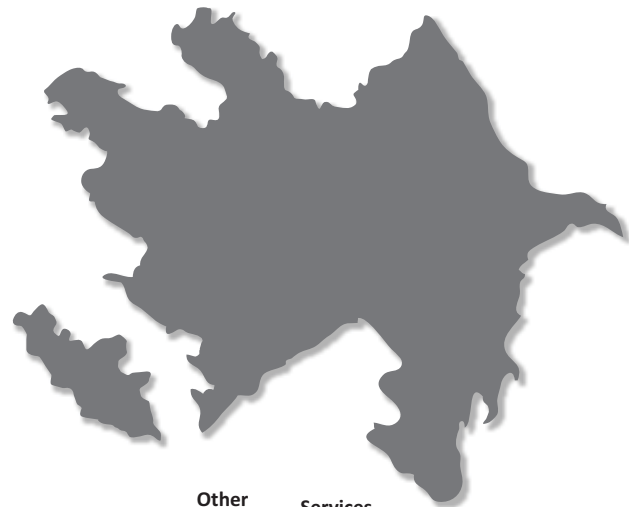


Azerbaijan

The Government of Azerbaijan has improved its legal and policy framework to address child trafficking. Trafficking continues, as does the risk of exploitive child labor in agriculture. The country's Poverty Reduction Strategy and Decent Work Country Program both have cited the need for a national action plan specifically for child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	4.5
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Azerbaijan are engaged in the worst forms of child labor,³¹² including in agriculture and as victims vulnerable to trafficking for forced labor, street work, begging and prostitution.³¹³ Cotton production has drastically declined over the past decade,³¹⁴ and although children can be found in the sector, reports suggest the number of child laborers in cotton has also declined.³¹⁵ Children are reportedly working in the production of tea and tobacco.³¹⁶ Tobacco production has, however, also declined significantly.³¹⁷ Those children still working in agriculture may work long hours, in extreme temperatures and with dangerous tools and pesticides. Children working in these agricultural sectors carry heavy loads and risk injury, illnesses, animal attacks and insect bites.³¹⁸

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

begging.³¹⁹ Street children work long hours and are exposed to violence, humiliation and abuse, extreme temperatures and drug use. They are also vulnerable to prostitution and trafficking.³²⁰

Azerbaijan is a source country for children trafficked for forced labor and prostitution internationally. Children are also trafficked internally for prostitution and forced labor, including forced begging.³²¹

A 2005 survey found that approximately 67.6 percent of working children ages 5 to 17 are engaged in hazardous labor.³²² More recent data is unavailable.

Laws and Regulations on the Worst Forms of Child Labor

Article 249 of the Labor Code prohibits the employment of children under age 15; at this age, a

child may enter into an employment contract with parental approval.³²³

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	17
	Free Public Education	Yes

The Labor Code prohibits children under 18 from working in hazardous conditions and identifies specific work and industries barred for children. These include working with toxic substances, underground, at night, in mines, in night clubs, bars, casinos or other businesses that serve alcohol.³²⁴ Article 91 of the Labor Code prohibits children under age 16 from working more than 24 hours per week. Children ages 16 and 17 may not work more than 36 hours per week.³²⁵

The Family Code also prohibits children’s work, making it illegal to enter into an employment contract with children under age 15.³²⁶ It also provides additional workplace health and safety regulations for children.³²⁷

The Law of the Republic of Azerbaijan on the Rights of the Child (Article 28) ensures the social protection of children from all kinds of child exploitation and hazardous labor. It states that all the various social, legal, economic, medical and educational means available should be used for this purpose.³²⁸

Article 35 of the Constitution prohibits forced labor but provides for exceptions during terms of armed service, states of emergency and martial law.³²⁹ Article 106 of the Criminal Code prohibits slavery and provides stricter minimum penalties for cases involving child slavery and human trafficking.³³⁰

Article 171 of the Criminal Code establishes penalties for involving a child in prostitution. Articles 243 and 244, respectively, prohibit the coercion of a person into prostitution and the maintenance of a brothel.³³¹

Azerbaijan has a law specifically prohibiting trafficking in persons, which establishes prevention and protection mechanisms, including special measures for children under age 18.³³² In addition, Article 173 of the Criminal Code establishes penalties for the sale or purchase of a child.³³³

By law, education is compulsory, free and universal until age 17. However, families with limited resources sometimes prioritize education for male children and keep girls home working in household chores.³³⁴

The age of conscription to the military is 18. However, children who are 17 may volunteer for active military service or enter a cadet military school with parental approval.³³⁵

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor and Social Protection, Ministry of Internal Affairs, and the State Committee on Families, Children and Women’s Issues work separately in their individual areas of expertise, namely, enforcing workplace standards, prosecuting illicit activities and trafficking and protecting children’s rights.³³⁶ Research found no evidence of a mechanism for coordinating efforts to combat the worst forms of child labor.

The State Labor Inspectorate within the Ministry of Labor and Social Protection is responsible

for enforcing the country's child labor laws.³³⁷ The Ministry reports employing 230 labor inspectors.³³⁸ In 2009 inspectors found 62 cases of violations involving the employment of children between ages 15 and 18 but no instances of children employed under age 15. In 2010, the Ministry improved labor inspection quality by providing multiple training and consultation opportunities to its staff with international organizations like the World Bank.³³⁹

The 2005 Law on Trafficking in Persons establishes responsibility for the coordination of trafficking efforts. This is handled by the National Coordinator in the Ministry of Internal Affairs within the auspices of the National Action Plan to Combat Trafficking.³⁴⁰

The Ministry of Internal Affairs is responsible for enforcing trafficking laws and investigating trafficking violations.³⁴¹ According to the Ministry of Internal Affairs, 80 trafficking investigations and four investigations of child trafficking were conducted in 2009.³⁴² The Government prosecuted 76 trafficking cases during 2009 and convicted 62 trafficking offenders as of February 2010.³⁴³ No information is available on how many of these cases or convictions involved the trafficking of children.

Government Policies on the Worst Forms of Child Labor

The National Action Plan for Combating Human Trafficking aims to improve the coordination of activities, the effectiveness of the prosecution and the protection and rehabilitation of victims.³⁴⁴ In addition, the Government has established a National Action Plan on the Protection of Human Rights. The plan addresses commitments made by the Government as a signatory to the UN Convention on the Rights of the Child and includes efforts to combat trafficking.³⁴⁵

The United Nations Development Assistance Framework (UNDAF) (2011-2015) includes efforts to improve identification, referral and legal support services for victims of trafficking as well as building capacity judiciary and law enforcement personnel. However, unlike the previous UNDAF, it does not address other worst forms of child labor.³⁴⁶

The Poverty Reduction Strategy (PRS), adopted in September 2008, includes child labor efforts to improve social protection for the most vulnerable populations. While programs may not have been implemented yet, the strategy calls for researching, preparing and implementing a national action plan on child labor.³⁴⁷ The strategy also calls for developing a national action plan on abandoned and street children.³⁴⁸ In addition, the PRS includes a plan to improve efforts to make schools better and more accessible.³⁴⁹ However, the question of what impact these efforts have on reducing the worst forms of child labor has not been addressed.

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

Following the National Action Plan on Combating Human Trafficking, government authorities have undertaken a number of programs, sometimes in cooperation with international organizations. These programs investigate, prosecute and prevent trafficking. They include public awareness campaigns in 58 cities and regions throughout the country.³⁵⁰ They also make provisions for protection and rehabilitation of trafficking victims, including providing shelters.³⁵¹ Programs to prevent the worst forms of child labor primarily address human trafficking. Research has found limited evidence of government funding programs to address child labor in agriculture or other sectors. However, the Government supports and finances a campaign to increase public awareness of child labor issues via the National Confederation of Entrepreneurs.³⁵²

Finally, the Government has implemented social protection and education programs, including a cash transfer program for very poor households. As of early 2008, the program had reached more

than 80,000 families.³⁵³ The question of whether these programs have an impact on the worst forms of child labor does not appear to have been addressed.

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish coordination and monitoring mechanisms to combat the worst forms of child labor.
- Increase inspections to identify child labor violations in sectors in which children commonly work.
- Report data on child-specific trafficking cases.

IN THE AREA OF GOVERNMENT POLICIES:

- Assess the impact that policies, such as the Poverty Reduction Strategy and the Decent Work Country Program, may have on addressing the worst forms of child labor.
- Implement the recommendations of the Poverty Reduction Strategy to conduct research and develop and implement a national plan of action to combat child labor.
- Address UNDAF recommendations concerning coordination and monitoring of street children, child labor and trafficking.

IN THE AREA OF SOCIAL PROGRAMS TO COMBAT CHILD LABOR:

- Consider targeting programs specifically to children in the worst forms of child labor and their families.
- Assess the impact that social protection and education programs may have on addressing the worst forms of child labor.

³¹² Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data on working children are from 2005. Data on recent trends in school attendance are unavailable. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children's work are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

³¹³ ILO-IPEC and State Statistical Committee of Azerbaijan, *Working children in Azerbaijan: The analysis of child labour and laboring children surveys 2005*, September 2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=8152>. See also UNICEF, *UNICEF Azerbaijan overview: Key challenges for children*, [online] [cited August

25, 2011]; available from http://www.unicef.org/azerbaijan/overview_2206.html. See also U.S. Embassy- Baku, *reporting, January 27, 2011*.

³¹⁴ State Statistical Committee of the Republic of Azerbaijan, *Crop Production*, 1.20, 2011; available from <http://azstat.org/statinfo/agriculture/en/1.20.xls>.

³¹⁵ U.S. Embassy- Baku, *reporting, July 28, 2011*. See also U.S. Embassy- Baku official, E-mail communication to USDOL official, November 15, 2010.

³¹⁶ National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic, *Report on Fact Finding Mission to the Tea and Tobacco Producing Regions of Azerbaijan Republic, 2007*; available from https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_tea_en.pdf. See also National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic and ILO, *Study on child labor on cotton plantations in 8 regions of Azerbaijan, 2005*; available from https://www.ilo.org/public/english/dialogue/actemp/downloads/projects/azerbaijan_rapidass_study_cotton_en.pdf. See also U.S. Embassy- Baku, *reporting, March 28, 2010*.

³¹⁷ Azerbaijan, *Crop Production*.

- ³¹⁸ National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic, *Report on Fact Finding Mission to the Tea and Tobacco Producing Regions*. See also National Confederation of Entrepreneurs' Organizations of Azerbaijan Republic and ILO, *Study on child labor on cotton plantations*. See also U.S. Embassy- Baku, *reporting, March 28, 2010*.
- ³¹⁹ UNICEF, *UNICEF Azerbaijan overview*. See also UNICEF, *The Child Protection System in Azerbaijan: Situation Analysis*, 2005; available from http://ceecis.org/child_protection/PDF/Azesyst05.pdf.
- ³²⁰ UNICEF, *UNICEF Azerbaijan overview*. See also UNICEF, *The Child Protection System in Azerbaijan*.
- ³²¹ U.S. Department of State, "Azerbaijan," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/>.
- ³²² ILO-IPEC and State Statistical Committee of Azerbaijan, *Working children in Azerbaijan*.
- ³²³ Embassy of the Republic of Azerbaijan, *Information of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan*, submitted in response to U.S. Department of Labor request for information on "Child labor, forced labor, and forced or indentured child labor in the production of goods in foreign countries and efforts by certain countries to eliminate the worst forms of child labor", Washington, DC, April 21, 2009; available from <http://www.dol.gov/ilab/programs/ocft/FR20100224/Azerbaijan/Azerbaijan.pdf>.
- ³²⁴ Ibid.
- ³²⁵ Ibid.
- ³²⁶ Radio Free Europe, "Azerbaijani Lawmakers Tighten Child Labor Law", Radio Free Europe, [online], December 6, 2009 [cited April 26, 2011]; available from http://www.rferl.org/content/Azerbaijani_Parliament_Passes_Child_Labor_Law/1896514.html. See also U.S. Embassy- Baku, *reporting, January 27, 2011*.
- ³²⁷ U.S. Embassy- Baku, *reporting, January 27, 2011*.
- ³²⁸ Government of Azerbaijan, *Response to the Relevant Questions of U.S. Department of Labor Request for Information*, June 15, 2011.
- ³²⁹ Government of Azerbaijan, *Constitution of the Azerbaijan Republic*, (November 12, 1995); available from http://www.servat.unibe.ch/icl/aj00000_.html.
- ³³⁰ Government of Azerbaijan, *Criminal Code of the Azerbaijan Republic*, (September 1, 2000); available from <http://www.unhcr.org/refworld/docid/4417f82d4.html>.
- ³³¹ Ibid. See also Government of Azerbaijan, *Response to the Relevant Questions of U.S. Department of Labor Request for Information*.
- ³³² Government of Azerbaijan, *Law of the Republic of Azerbaijan on Trafficking in Persons*, (August 5, 2005); available from <http://www.unhcr.org/refworld/docid/4417f1214.html>.
- ³³³ Government of Azerbaijan, *Criminal Code*.
- ³³⁴ U.S. Department of State, "Azerbaijan," in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/index.htm>.
- ³³⁵ Government of Azerbaijan, *Criminal Code*.
- ³³⁶ U.S. Embassy- Baku, *reporting, January 27, 2011*.
- ³³⁷ Embassy of the Republic of Azerbaijan, *Information of the Ministry of Labor and Social Protection of Population*.
- ³³⁸ U.S. Embassy- Baku, *reporting, January 27, 2011*.
- ³³⁹ U.S. Embassy- Baku, *reporting, July 28, 2011*.
- ³⁴⁰ Government of Azerbaijan, *Law on Trafficking in Persons*.
- ³⁴¹ Ibid.
- ³⁴² U.S. Embassy- Baku, *reporting, March 28, 2010*.
- ³⁴³ U.S. Department of State, "Trafficking in Persons Report- 2010: Azerbaijan."
- ³⁴⁴ United Nations Committee Against Torture, *Consideration of reports submitted by the States parties under article 19 of the Convention*, 43rd Session, Geneva, 2010; available from http://www.bayefsky.com/summary/azerbaijan_cat_c_sr909_2009.pdf.
- ³⁴⁵ Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *The role of the ombudsman in combating trafficking in human beings (pursuant to the 2009 Human Dimension Implementation Meeting)*, Warsaw, September 28 to October 9, 2009; available from <http://www.osce.org/odih/39068>.
- ³⁴⁶ UN Country Team in Azerbaijan, *United Nations Development Assistance Framework- Azerbaijan 2011-2015*, Baku, December 16, 2009; available from http://planipolis.iiep.unesco.org/upload/Azerbaijan_UNDAF_2011-2015.pdf. See also UN Country Team in Azerbaijan, *United Nations Development Assistance Framework- Azerbaijan 2005-2009*, UNDAF, May 2004; available from <http://planipolis.iiep.unesco.org/upload/Azerbaijan/Azerbaijan%20UNDAF%202005-2009.pdf>.
- ³⁴⁷ Government of Azerbaijan, *State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015*, Baku, September 15, 2008; available from <http://www.cled.az/pdf/others/Azerbaijan%20Poverty%20Program%20for%202008-2015.pdf>.
- ³⁴⁸ Ibid.
- ³⁴⁹ Ibid.

³⁵⁰ U.S. Department of State, “Trafficking in Persons Report-2010: Azerbaijan.”

³⁵¹ Rashad Huseynov, “Sheltering victims: Azerbaijan searches for solutions,” *OSCE Magazine*, no. 4 (December 2008); available from <http://www.osce.org/files/documents/c/0/35067.pdf>. See also Sonya Yee, “Eva Biaudet: Rights of victims are paramount in fight against human trafficking (Interview with the special representative and co-ordinator for combating trafficking in human beings),” *OSCE Magazine*, no. 4 (December 2008); available from <http://www.osce.org/files/documents/c/0/35067.pdf>.

³⁵² U.S. Embassy- Baku, *reporting*, July 28, 2011.

³⁵³ World Bank, *Project Information Document Appraisal Stage: Social Protection Development*, Washington, DC, April 29, 2008; available from http://www-wds.worldbank.org/external/default/main?pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64187510&searchMenuPK=64187283&siteName=WDS&entityID=000333037_20080508035604.