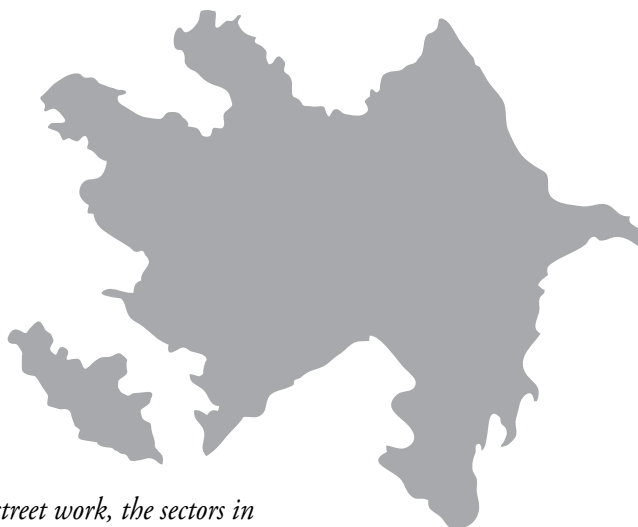


In 2015, Azerbaijan made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government expanded social services available for migrants considered vulnerable to human trafficking and provided training to law enforcement officials on human trafficking. However, children in Azerbaijan are engaged in child labor, including in agriculture, and in the worst forms of child labor, including in commercial sexual exploitation. Legal protections for workers only apply to workers with written employment contracts, leaving self-employed children and children working outside of formal employment relationships vulnerable to exploitation. There are gaps in Azerbaijan's labor inspection system and in the training of its law enforcement officials. In addition, research found limited evidence of government programs to address child labor in agriculture and street work, the sectors in which it is most prevalent.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Azerbaijan are engaged in child labor, including in agriculture.(1-8) Children are also engaged in the worst forms of child labor, including in commercial sexual exploitation.(5, 6, 9-12) Table 1 provides key indicators on children's work and education in Azerbaijan.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	4.5 (70,034)
Attending School (%)	6-14 yrs.	94.3
Combining Work and School (%)	7-14 yrs.	4.9
Primary Completion Rate (%)		98.1

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2015.(13)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Child Labor Survey (SIMPOC) Survey, 2005.(14)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

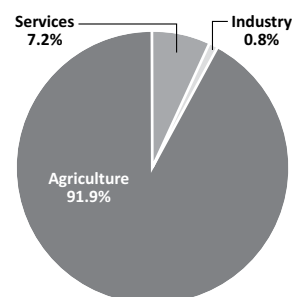
Sector/Industry	Activity
Agriculture	Production of cotton, tea,* and tobacco*† (1-4, 6-8)
Industry	Construction,* activities unknown (2, 4, 15)
Services	Street work, including begging, washing cars, and vending (1-4, 6, 8, 9, 16)
	Washing cars at commercial car washes* (15)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation sometimes as a result of human trafficking (6, 9, 11, 12, 16)
	Forced begging (12, 16, 17)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor per se under Article 3(a)-(c) of ILO C. 182.

Figure 1. Working Children by Sector, Ages 7-14



The majority of child labor in Azerbaijan occurs in the agriculture sector. Evidence suggests that the number of child laborers involved in the production of cotton, tea, and tobacco has considerably declined in the last decade, although the significance of the decline is unknown.(2-4)

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Children in Azerbaijan are trafficked for the purpose of commercial sexual exploitation both domestically and transnationally. Street children, many of whom become homeless after they are released from government-run orphanages and correctional facilities, are particularly vulnerable to human trafficking.(11) Children living in border towns and economically depressed rural communities have also been identified as being vulnerable to human trafficking.(18)

Children with disabilities also face difficulty accessing mainstream education due to the inaccessibility of the physical infrastructure of schools, and a general social stigma against individuals with disabilities. As a result of these barriers, a source estimated that only 10 to 17 percent of children with disabilities are able to attend school, while the remaining children are either educated at home or do not receive an education.(16)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Azerbaijan has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	15	Article 42 of the Labor Code (19)
Minimum Age for Hazardous Work	Yes	18	Article 250 of the Labor Code (19)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Articles 98 and 250–254 of the Labor Code; Decision 58 of the Cabinet of Ministers in 2000; Article 9 of the Law on the Rights of the Child (19-21)
Prohibition of Forced Labor	Yes		Article 35 of the Constitution; Article 144-2 of the Criminal Code (22, 23)
Prohibition of Child Trafficking	Yes		The Law on Trafficking in Persons; Articles 106, 144-1, 144-3, and 173 of the Criminal Code (23-26)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 108, 151, 152, 171, 171-1, and 242–244 of the Criminal Code (24, 27)
Prohibition of Using Children in Illicit Activities	Yes		Article 28 of the Law on the Rights of the Child; Article 170 of the Criminal Code (21, 24)
Minimum Age for Compulsory Military Recruitment	Yes	18	Articles 2, 3, and 12 of the Law on Military Obligation and Military Service (28)
Minimum Age for Voluntary Military Service	Yes	19	Article 36 of the Law on Military Obligation and Military Service (28, 29)
Compulsory Education Age	Yes	15	Articles 5 and 19 of the Education Law (30, 31)
Free Public Education	Yes		Article 5 of the Education Law; Article 22 of the Law on the Rights of the Child (21, 30)

According to Articles 2 and 3 of the Labor Code, the Labor Code only applies to workers with written employment contracts.⁽¹⁹⁾ As a result, the law's minimum age protections do not apply to children working outside formal employment relationships or children who are self-employed.⁽³²⁾ The Government introduced both administrative and criminal penalties in 2014 for employing people without an effective employment agreement. Although this has strengthened protections for working children by attempting to ensure that all working children work under a contract, self-employed children and children working outside formal employment relationships remain unprotected.

In October 2015, the Cabinet of Ministers issued a decision expanding social services for migrants who are vulnerable to human trafficking; the decision also requires continual training of migration, customs, and border officials on identifying migrants as potential victims of human trafficking.⁽³³⁾

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
The Ministry of Labor and Social Protection of Population (MLSPP)	Enforce labor laws related to the worst forms of child labor. ⁽³⁴⁾
State Labor Inspection Service (SLIS) within the MLSPP	Enforce the Labor Code, including provisions related to child labor. ⁽²⁾ Investigate child labor complaints and ensure that violations of child labor law receive attention from the proper agencies. ⁽³⁴⁾
Ministry of Internal Affairs (MIA)	Function as the central executive agency responsible for public security and prevention and exposure of criminal offences, including child trafficking and begging. ⁽²⁾ Through the Anti-Trafficking Division (ATD), enforce human trafficking laws, investigate human trafficking violations, and enforce criminal laws related to the use of children in illicit activities. Refer children who are victims of human trafficking to social services for assistance with school enrollment, participation in recreational activities, and obtaining proper documentation. ⁽⁵⁾
The Commission on Juvenile Issues and Protection of Minors' Rights	Coordinate the enforcement of laws related to the worst forms of child labor. Located within the Cabinet of Ministers. ⁽³⁴⁾
The National Referral Mechanism for Trafficking in Persons (NRM)	Refer victims of human trafficking to the relevant authorities, ensuring the protection of their rights. ⁽³⁵⁾ Refer human trafficking cases to the ATD for prosecution. Led by the National Coordinator and the Deputy-Minister of the MIA and counts a large number of government agencies as members, including the MLSPP and the State Committee on Family, Women and Children's Affairs (SCFWCA). ⁽¹²⁾

Labor Law Enforcement

In 2015, labor law enforcement agencies in Azerbaijan took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2014	2015
Labor Inspectorate Funding	Unknown	Unknown (33)
Number of Labor Inspectors	214 (33)	214 (33)
Inspectorate Authorized to Assess Penalties	Yes (15)	Yes (15)
Training for Labor Inspectors		
■ Initial Training for New Employees	Yes (18)	Yes (18)
■ Training on New Laws Related to Child Labor	N/A	Yes (33)
■ Refresher Courses Provided	Yes (36)	Yes (33)
Number of Labor Inspections	11,345 (33)	11,189 (33)
■ Number Conducted at Worksites	1,214 (33)	1,218 (33)
■ Number Conducted by Desk Reviews	10,131 (33)	9,971 (33)
Number of Child Labor Violations Found	6 (18)	5 (33)
Number of Child Labor Violations for Which Penalties Were Imposed	5 (18)	4 (33)
■ Number of Penalties Imposed That Were Collected	Unknown	4 (33)

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Table 6. Labor Law Enforcement Efforts Related to Child Labor (cont)

Overview of Labor Law Enforcement	2014	2015
Routine Inspections Conducted	Yes (33)	Yes (33)
▪ Routine Inspections Targeted	No (33)	No (33)
Unannounced Inspections Permitted	Yes (15)	Yes (33)
Unannounced Inspections Conducted	Yes (15)	Yes (33)
Complaint Mechanism Exists	Yes (33)	Yes (33)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (33)	No (33)

The State Labor Inspection Service (SLIS) reports that all inspectors receive training on identification of trafficking victims and situations of labor exploitation.(18) However, research did not find information on whether inspectors received training on laws and the enforcement of laws pertaining specifically to hazardous child labor. Limited evidence suggests that inspectors may not be adequately trained on child labor issues, including hazardous child labor.(6) In addition, the SLIS noted that it uses a different definition of forced labor than is prescribed in other aspects of Azerbaijani law. This may impact the severity of the penalties imposed by the SLIS for forced labor violations.(33)

While the SLIS does conduct unannounced inspections, the Ministry of Labor and Social Protection of Population reports that subjects of unannounced child labor investigations are often warned of the investigation in advance through unofficial channels, which indicates a lack of integrity within the SLIS.(15)

Criminal Law Enforcement

In 2015, criminal law enforcement agencies in Azerbaijan took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2014	2015
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Yes (18, 37)	Yes (33)
Number of Investigations	Unknown	Unknown
Number of Violations Found	1 (18)	1 (33)
Number of Prosecutions Initiated	Unknown	Unknown
Number of Convictions	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (18)	Yes (18)

Although the National Referral Mechanism for Trafficking in Persons (NRM) exists to refer victims of human trafficking, including child trafficking, to the relevant government agencies, research found that the NRM's efficacy suffers from a lack of interagency cooperation and an absence of standard operating procedures for referral of victims. In addition, NGOs report that human trafficking victims referred to the NRM by NGOs were not officially recognized as victims by the Government and did not receive government services.(33)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Steering Committee on Child Labor	Identify government priorities in the sphere of child labor prevention to facilitate efficient mobilization of resources. Established through the Global Action Program on Child Labor Issues Project and comprising representatives from the MLSPP, the SCFWCA, the Ministry of Education, the Employers' Confederation, the Trade Unions' Confederation, the OSCE, UNICEF, and the ILO.(38)

Table 8. Mechanisms to Coordinate Government Efforts on Child Labor (cont)

Coordinating Body	Role & Description
State Committee on Family, Women and Children's Affairs (SCFWCA)	Serve as the primary central executive body responsible for implementing child-related policies.(2) Create and maintain an interagency case management database on child rights.(39)
Control-Coordination Group	Work with the Ministry of Education and the SCFWCA to develop a national database for local agencies to identify children who are not in school, and to track absentees over time and across districts.(34, 40) Established from the State Program on Poverty Reduction and Sustainable Development in 2008–2015. Membership includes representatives from the SCFWCA; the Ministry of Education, the Ministry of Health, and the MLSPP.(34)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Azerbaijan has established policies related to child labor, including its worst forms (Table 9).

Table 9. Policies Related to Child Labor

Policy	Description
Joint Action Plan on Elimination of Child Labor Exploitation (2013–2015)	Joint action plan outlining coordination between the MLSPP and the SCFWCA. Planned activities include preparing social awareness campaigns on the negative consequences of child labor exploitation; organizing seminars and roundtables for state agencies involved in the fight against child labor; conducting research on child labor throughout the country; and training labor inspectors on the worst forms of child labor.(34)
National Action Plan on the Protection of Human Rights (2012–2015)	Sought to ensure that the Criminal Code is compatible with international standards on preventing the sexual exploitation of children and to strengthen efforts to fulfill the ILO child labor conventions. Addressed human trafficking and called for rehabilitation centers for victims.(41)
National Action Plan on Combating Trafficking in Human Beings (NAP) (2014–2018)	Aims to identify and combat the causes of vulnerability to human trafficking in Azerbaijan, through improved coordination among the government agencies, NGOs, and intergovernmental organizations involved in combating human trafficking. Also seeks to improve the identification, protection, and provision of services to victims, and to ameliorate the social conditions that make victims vulnerable to human trafficking.(42) Places special emphasis on protecting the rights of child victims and preventing trafficking of vulnerable children and youth.(18, 42)
UNDAF (2011–2015)	Sought to improve identification, referral, and legal support services for victims of trafficking, as well as to build the capacity of judiciary and law enforcement personnel.(43)
State Program on Poverty Reduction and Sustainable Development (2008–2015)	Sought to improve social protection for the most vulnerable populations, including child laborers. Called for developing a national action plan to address the issues of abandoned and street children.(44) Included a plan to improve efforts to make schools better and more accessible, and to decrease educational costs by providing free textbooks and hot meals for children.(44)

The National Action Plan on Combating Trafficking in Human Beings (NAP) addresses many prior international recommendations, but lacks clear indicators of the source and amount of funding. As a result, the NAP is lacking the funding necessary for full implementation of associated programs.(18)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, the Government of Azerbaijan funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Social Programs to Address Child Labor

Program	Description
Global Action Program on Child Labor Issues Project	USDOL-funded project implemented by the ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016 established by the Hague Global Child Labor Conference in 2010. Aims to build the capacity of the Government and develop strategic policies to address the elimination of child labor and forced labor in Azerbaijan. (45) In 2015, conducted four training sessions to build the capacity of union representatives to identify and prevent child labor.(45)

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Table 10. Social Programs to Address Child Labor (cont)

Program	Description
Global Research on Child Labor Measurement and Policy Development (MAP)	USDOL-funded research project implemented by the ILO in 10 countries, including Azerbaijan, to increase the knowledge base around child labor by collecting new data, analyzing existing data, and building capacity of the Government to conduct research in this area.(46) In Azerbaijan, the MAP project is funding a rapid assessment of child labor among children in the Roma community. In 2015, the project conducted a training workshop for staff from the NGO partner that will conduct the rapid assessment.(47)
Statistical Analysis on Child Labor and Street Children in Azerbaijan	SCFWCA and UNICEF collaboration to create a comprehensive report on the situation of street children in 11 cities and districts of Azerbaijan.(18)
Centers for Vulnerable Children†	Government-funded program comprising 13 centers that provide social services to vulnerable children, including street children and orphans.(48) NGOs reported that the centers are effective in providing services and may contribute to a reduction in child labor.(6) The centers were originally established in 2013, but ran out of funds and closed by the end of 2013.(6) In August 2014, funding for the shelters was restored; however it is not clear if the funding was permanently secured.(48)
The Program of Social Rehabilitation and Social Reintegration of Child Victims of Trafficking (2014–2016)†	Government program implemented by the MLSPP, the SCFWCA, and the Ministry of Education. Assists children who are victims of human trafficking and their families by establishing a system of monitoring social reintegration of child victims of trafficking and by providing for the professional development of psychologists and medical professionals.(49, 50)
Victim Assistance Center for Victims of Human Trafficking†	MLSPP-supported program that provides medical, psychological, and social rehabilitation and reintegration assistance to victims of trafficking, including children.(12, 18) In 2015, had a budget of \$27,320, which the director reported was inadequate to hire sufficient staff.(33)
Baku Shelter for Victims of Human Trafficking†	MIA-run shelter for victims of human trafficking that can accommodate up to 50 victims.(33)
Reception Center†	State Migration Service-run shelter for victims of human trafficking.(33)
Targeted Social Assistance Program†	MLSPP-run program that provides cash transfers to low-income families.(51, 52)
MIA Identification Document Program†	Provides identification documents to undocumented minors who may be street children or victims of human trafficking.(6)
USAID Anti-Trafficking in Persons Project	\$610,000, USAID-funded, OSCE-implemented program to provide technical assistance and financial support to civil society organizations operating shelters for victims of human trafficking, including children.(37, 53)

† Program is funded by the Government of Azerbaijan.

Although the Government of Azerbaijan has implemented programs to address child trafficking, research found little evidence to indicate it has carried out programs to assist children working in agriculture or on the street.

NGO-run shelters that are tasked by the NAP with providing victim services do not receive consistent funding from the Government. Directors of these shelters note that the unpredictable nature of funding prevents long-term planning and capacity building of shelters.(33) Child victims are usually referred to the Azerbaijan Children’s Union shelter, where they have access to specialized care, including art therapy. This shelter does not receive consistent government funding and noted that most of its staff worked on a voluntary basis due to lack of government funding and an inability to receive foreign assistance caused by the restrictions imposed on NGOs over the last two years.(33)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Azerbaijan (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that all children are protected by law, including children working without a written employment agreement or outside of a formal employment relationship and children who are self-employed.	2011 – 2015
Enforcement	Ensure that labor inspectors receive adequate training on the enforcement of laws pertaining to child labor.	2014 – 2015

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Enforcement	Make complete data on the funding of the inspectorate publicly available.	2015
	Ensure that the State Labor Inspection Service uses a definition of forced labor that corresponds with Azerbaijani law.	2015
	Make publicly available complete data on the number of investigations, prosecutions, and convictions related to criminal laws on the worst forms of child labor.	2014 – 2015
	Improve interagency cooperation to ensure that the NRM functions adequately and provides needed services to all victims of child trafficking, including to victims identified and referred by NGOs.	2014 – 2015
Government Policies	Ensure the National Action Plan on Combating Trafficking in Human Beings receives the funding necessary for full implementation of associated programs.	2014 – 2015
Social Programs	Conduct research to determine the extent of children's continued involvement in the production of commercial agricultural goods, and to determine specific activities related to children's work in construction in order to inform policies and programs.	2013 – 2015
	Institute programs to address child labor in agriculture and on the streets	2009 – 2015
	Ensure that NGO-run shelters for victims of human trafficking are sufficiently and consistently funded to provide services to victims effectively, as dictated by the NAP and NRM.	2015

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