

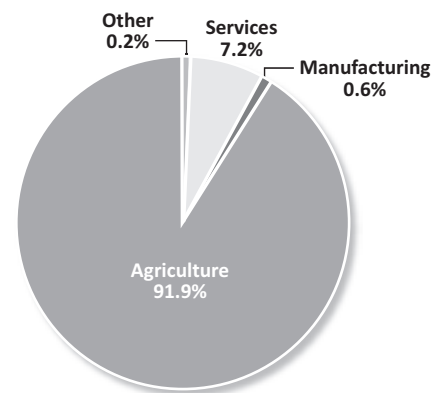
Azerbaijan

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.	94.3%
Combining Work and School	7-14 yrs.	Unavailable



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Azerbaijan are exploited in the worst forms of child labor,²⁷³ mostly in the agricultural sector.²⁷⁴ Children work in the cotton sector, where they may be exposed to long-working hours, extreme temperatures, dangerous tools, and pesticides. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of tea and tobacco. Children working in these sectors carry heavy loads and are also at risk of injury and illnesses, animal attacks, and insect bites.²⁷⁵ Reports suggest that as a result of declining agricultural production, particularly in the cotton sector, the prevalence of child labor in rural areas may have become less common. Further research in this area is needed.²⁷⁶

Children have also been reported to work in the construction industry.²⁷⁷

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

begging.²⁷⁸ Street children work long hours, and are exposed to violence, humiliation and abuse, extreme temperatures, drug use, and are vulnerable to prostitution and trafficking.²⁷⁹

Azerbaijan is a source country for children trafficked for forced labor and forced prostitution. Women and children are also trafficked internally for forced prostitution and forced labor including forced begging.²⁸⁰




Laws and Regulations on the Worst Forms of Child Labor

Article 249 of the Labor Code prohibits the employment of children under 15. At the age of 15, a child may enter into an employment contract with parental approval.²⁸¹

The Labor Code prohibits children under the age of 18 from working in hazardous conditions. It identifies specific conditions and industries barred for children including work underground; carrying heavy loads; in mines; at night; in night clubs, bars, or casinos, or

in businesses carrying alcohol; or working with toxic substances.²⁸² Article 91 of the Labor Code prohibits children less than 16 from working more than 24 hours per week. Children 16 and 17 may not work more than 36 hours per week.²⁸³

In 2009, the parliament passed an amendment to the Family Code making it illegal to enter into an employment contract with children who are less than age 15. The law established minimum penalties of 25,000 Manat (\$31,250) for violations.²⁸⁴ The amendment also strengthened workplace health and safety regulations for children.²⁸⁵

	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	16
	Free Public Education	Yes

Article 35 of the Constitution prohibits forced labor in Azerbaijan but provides exceptions for the military, during states of emergency and under martial law.²⁸⁶

Article 106 of the Criminal Code prohibits slavery and provides stricter minimum penalties for cases involving child slavery and human trafficking.²⁸⁷

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.²⁸⁸

In 2005, Azerbaijan passed a law specifically prohibiting trafficking in persons. The law establishes organizational, prevention, and protection mechanisms, including measures specifically for

children less than age 18.²⁸⁹ In addition, Article 173 of the Criminal Code establishes penalties for the sale or purchase of a child.²⁹⁰

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.²⁹¹

Institutional Mechanisms for Coordination and Enforcement

Although 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,²⁹² research found no evidence of a mechanism for coordinating government-wide efforts to combat the worst forms of child labor. The UN Development Assistance Framework (UNDAF) has called for better coordination and strengthened monitoring of issues related to street children, and combating child labor and trafficking.²⁹³

The State Labor Inspectorate within the Ministry of Labor and Social Protection is responsible for enforcing the country's child labor laws.²⁹⁴ In 2009, the Ministry employed 280 labor inspectors.²⁹⁵ While no instances of the employment of workers under age 15 were found, 62 cases of violations of labor laws were identified involving the employment of children between the ages of 15 and 18.²⁹⁶ Inspection activity may not be sufficient. A 2005 survey found that approximately 68 percent of working children 5 to 17 (or 106,000 children) are engaged in hazardous labor in contravention of current law.²⁹⁷

The 2005 Law on Trafficking in Persons establishes responsibility for the coordination of trafficking efforts with the National Coordinator in the Ministry of Internal Affairs within the auspices of the National Action Plan to Combat Trafficking.²⁹⁸ During the reporting period, a dedicated staff person was assigned to focus on trafficking issues in each relevant agency.²⁹⁹

The Ministry of Internal Affairs is responsible for enforcing trafficking laws and investigating trafficking violations.³⁰⁰ According to the Ministry of Internal Affairs, there were 80 trafficking investigations

and four cases of child trafficking in 2009.³⁰¹ The Government prosecuted 76 trafficking cases in 2009 and convicted 62 trafficking offenders as of February 2010.³⁰² There is no information on the prosecution and conviction of the child-specific trafficking cases.

In March 2008, Azerbaijan government officials, judges, prosecutors, law enforcement, and NGOs were trained on human trafficking issues including prosecution, protection, and prevention.³⁰³ In May 2008, the OSCE, in cooperation with the Azerbaijan Ministry of Justice, ILO, and the International Centre for Migration Policy Development provided training to judges and prosecutors on trafficking issues.³⁰⁴

Government Policies on the Worst Forms of Child Labor

In February 2009, the Government adopted the second phase of the National Action Plan for Combating Human Trafficking (2009-2013). The plan aims to improve the effectiveness of the prosecution of human trafficking, improve the protection and rehabilitation services offered to victims and improve the coordination of activities.³⁰⁵

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 signatory to the UN Convention on the Rights of the Child and includes efforts to combat trafficking.³⁰⁶

The UNDAF (2011-2015) includes efforts to improve the identification, referral, and legal support for victims of trafficking and capacity building for judiciary and law enforcement personnel; however, unlike the previous UNDAF, it does not address other worst forms of child labor.³⁰⁷

In the Poverty Reduction Strategy (PRS) adopted in September 2008, child labor issues are included in efforts focused on improving social protection services for the most vulnerable populations. The strategy calls for research to be conducted and a relevant national action plan on child labor to be prepared and implemented. The strategy also calls for the development of a national action plan on abandoned and street children.³⁰⁸ In addition, the PRS includes

education efforts to improve access to and the quality of education.³⁰⁹

The Decent Work Country Program (2006-2009) developed by the Government of Azerbaijan in cooperation with ILO also called for the development of a national action plan on child labor. The program included efforts to build the capacity of the Government and key stakeholders to implement interventions focused on the prevention of children in child labor and the provision of services aimed at the withdrawal and rehabilitation of children in child labor.³¹⁰

However, the impact of these efforts on reducing the worst forms of child labor has not been addressed.

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

Programs to prevent the worst forms of child labor primarily address human trafficking. Following from the National Action Plan on Combating Human Trafficking, a number of programs have been undertaken by government authorities, sometimes in cooperation with international organizations. These programs investigate, prosecute, and prevent trafficking, including the conduct of public awareness campaigns in 58 cities and regions throughout the country. They also make provisions for protection and rehabilitation of trafficking victims, including shelters for victims of trafficking.³¹¹

The OSCE has called on the Government to improve victim identification particularly through strengthened coordination with NGOs; to increase their efforts to raise public awareness of the problem; and to provide relevant training to law enforcement, labor inspectors, and health workers.³¹²

With the ILO, the Government has implemented other child labor programs. These programs included awareness-raising activities, training programs for relevant government officials and civil society, and interventions focused on prevention, withdrawal and rehabilitation of children at risk of or engaged in the worst forms of child labor.³¹³ Few such programs remain active.

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 over 80,000 families.³¹⁴

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:

- Develop monitoring mechanisms and target inspections to improve the identification of child labor violations in sectors in which children commonly work.
- Establish coordination and monitoring mechanisms to combat the worst forms of child labor.

IN THE AREA OF GOVERNMENT POLICIES:

- Develop, adopt, and implement a national action plan on all worst forms of child labor.
- 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.

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.
- Address OSCE and UNDAF recommendations concerning anti-trafficking activities.
- Assess the impact that social protection and education programs may have on addressing the worst forms of child labor.

²⁷³ 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 school attendance are from 1999. 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.

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²⁷⁶ U.S. Embassy- Baku official, E-mail communication to USDOL official, November 15, 2010.

²⁷⁷ Mr. Alakbar Mammadov and Ms. Sadagat Gambarova, "Country Presentation on Combatting Child Labour - Azerbaijan" (paper presented at the Employers in the Fight Against Child Labor "Sharing Experiences and Lessons Learnt on Child Labour", Istanbul, September 27-28, 2007); available from http://www.tisk.org.tr/yayinlar_en.asp?dil=en&sbj=ic&id=2970. See also U.S. Embassy- Baku, *reporting*, March 28, 2010. See also Internal Displacement Monitoring Centre (IDMC), *Azerbaijan: IDPs still trapped in poverty and dependence*, [online] July 14, 2008 [cited September 16, 2010]; available from <http://www.unhcr.org/refworld/docid/487b6dfb2.html>.

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- ²⁸³ Ibid.
- ²⁸⁴ Radio Free Europe, *Child Labor Law Passes in Azerbaijan*, pursuant to RFERL, February 10, 2010 2009; available from http://www.rferl.org/content/Azerbaijani_Parliament_Passes_Child_Labor_Law/1896514.html. See also U.S. Embassy- Baku, *reporting, March 28, 2010*.
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