

**Information submitted by the Government
of the Republic of Azerbaijan regarding the report
on “The nexus between forced displacement and
contemporary forms of slavery”**

1. 185 human trafficking victims were identified in 2019-2020.

There were no stateless persons or asylum seekers among the trafficking victims. Only 3 females were the citizens of the Russian Federation, Tajikistan and Uzbekistan, 2 of them were subjected to sexual exploitation and one female was subjected to forced labor.

f. A person who has been granted refugee status can be accommodated voluntarily in the detention centers for illegal migrants of the relevant executive authority until he/she get a job or a place of residence, but for a period not exceeding 3 months in accordance with the procedure established by the Migration Code of the Republic of Azerbaijan. According to the relevant paragraph of the Internal Disciplinary Rules of Detention Centers for Illegal Migrants, foreigners voluntarily placed in the Center have the right to temporarily leave and return to the Center, as well as to move freely in the Center (except for service areas), in addition, compulsorily detained persons are kept separately from voluntarily accommodated ones in the Center. Pursuant to the relevant paragraphs of the abovementioned Rules, the Commissioner for Human Rights (Ombudsman) or the members of the National Preventive Group have the rights to access at any time without hindrance and prior notification to the Center and to meet and to interview with the voluntarily and compulsorily placed foreigners and stateless persons and any other person who can provide necessary information in private or if necessary with the participation of the expert or an interpreter, to get familiar with all the documents confirming the legality of their accommodation and detention, as well as related to his/her detention conditions and treatment, and to obtain copies thereof, to prepare an act and to draft protocol regarding the visit and its results, as well as the chief of the Center is obliged to ensure the Commissioner for Human Rights (Ombudsman) or the members of the National Preventive Group to access, without delay, to the Center and to meet and to interview with the voluntarily and compulsorily placed foreigners and stateless persons and any other person who can provide necessary information, to get familiar with all the documents confirming the legality of his/her accommodation and detention, as well as related to their detention conditions and treatment, and to obtain copies thereof.

2. In accordance with Article 4 of the Law of the Republic of Azerbaijan on Combating Trafficking in Human Beings, prevention of discrimination of trafficking victims in the society is one of the main principles in combating trafficking in human beings in our country and all trafficking victims are provided with protection and aid on an equal basis.

Among 174 females or 94% of 185 trafficking victims identified in 2019-2020 there were 170 females subjected to sexual exploitation, and 4 females subjected to forced labor; 8 males and 3 children were subjected to forced labor.

3. Among trafficking victims identified in 2019-2020, no stateless persons, LGBT, persons with disabilities, children, elderly persons, persons subjected to various forms of slavery have been identified. Victims of this category were aged between 27 and 46.

4. Provisions on reducing IDPs vulnerability to exploitation have been enshrined in a number of statutory and regulatory enactments. Specifically, according to Order No.298 of the President of the Republic of Azerbaijan dated July 1, 2004, the eviction of IDPs from public buildings, apartments, land plots and other places of their temporary accommodation regardless of the form of property was suspended till their return to native lands or move to new settlements and houses for temporary residence; an appropriate order was given to the relevant authorities to take special measures for the employment of refugees and IDPs.

In accordance with the Presidential Orders of August 4, 2003 and September 14, 2011, IDPs have been exempted from the payment public institutions of higher and / or secondary vocational education.

In addition, it is enshrined in certain regulatory enactments that IDPs have the right to hold a position of employment during the staff reduction in offices, enterprises and organizations, to receive free medical examination and treatment, to be exempted from state duties for the issue of ID cards, filing a lawsuit in courts, as well as from notary fees when purchasing/selling an apartment and/or house.

5. In accordance with the labor legislation of the Republic of Azerbaijan, labor standards apply equally to all citizens. In addition, as stated above, IDPs have a preferential position in holding employment in case of staff reduction in offices, enterprises and organizations. Also, according to Article 66 of the Labor Code, performance evaluation is not carried out for employees with the status of IDP and refugees who hold a position for less than five years.

Thus in order to ensure the employment of IDPs, as well as their right to work, in safe and healthy conditions, a number of positive differentiation was made by

establishing relevant labor standards in the applicable statutory instruments of the Republic of Azerbaijan. As such, employees with the status of IDP working in one position for less than five years are not certified under Article 66 of the Labor Code of the Republic of Azerbaijan (that is they do not need to go through attestation). According to Article 78 of the same Code the IDPs are among the category of persons who have privileges during cutback of the personnel. According to Article 48 of the Code, an IDP does not need to provide an employment record book in order to conclude an employment contract.

Moreover, IDPs are among the privileged group of people whose monthly income tax is 100 AZN less versus other citizens in according to Article 102.4 of the Tax Code of the Republic of Azerbaijan.

As it may be seen, the benefits and privileges specified for IDPs in the legislation only serve to strengthen their social protection and prevent them from being exploited or exposed to any of the contemporary forms of slavery.

In addition, in order to increase the employment of IDPs, vocational training of IDPs is provided, self-employment activities are developed among them, necessary conditions are created for them to be engaged in the areas of agriculture such as farming, cattle breeding, etc., micro and small business and manufacturing fields.

During 2019, the Main Employment Office of the Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan provided a total of 1.615 IDPs with jobs, 155 people received unemployment status, 126 were sent to vocational training courses and 143 were assigned unemployment benefits

137 internally displaced families were allocated appropriate places for the construction of trade and service facilities in order to create jobs in the new settlements built for IDPs in 2020, and as a result, about 300 IDPs were provided with jobs. Over the year, the Entrepreneurship Development Fund of the Republic of Azerbaijan provided 368.000 AZN soft loans to finance the investment projects of 23 IDPs business and 27 jobs were created by those projects. During 2020, 5 new Limited Liability Companies were established in the settlements built by the Small and Medium Business Development Agency in the territory of Fuzuli.

6-7. The Government of Azerbaijan has taken important steps to improve legal framework and to establish necessary material and technical basis for realization of legal labor rights by refugees and asylum seekers as other citizens of the country, to facilitate their employment, as well as to improve their access to the legal labor market, and further works in this field are underway. According to Article 64.0.15 of the Migration Code, a work permit is not required for “persons who submitted application for obtaining refugee status, obtained refugee status or granted political

asylum” to engage in labor activity. As a result of the measures taken, refugees and persons under the protection of the UNHCR in Azerbaijan now have the right to work on the basis of relevant certificates issued by the State Migration Service. These persons can have their employment contracts registered on the basis of the personal identification numbers provided by the State Migration Service and are fully engaged in employment.

One of the important steps taken by our government was to make relevant changes in the legal framework of the country in the field of inclusion of refugees, asylum seekers, as well as people under the protection of the UNHCR, in the national health insurance system. Thus, as a result of the amendments made by the Law No. 1718-VQD of the Republic of Azerbaijan dated December 3, 2019 to the Law No. 725-IQ of the Republic of Azerbaijan dated October 28, 1999 "On Health Insurance", persons who obtained refugee status in the Republic of Azerbaijan and foreigners and stateless persons under the protection of the Office of the High Commissioner for Refugees in the Republic of Azerbaijan are included in the category of insured persons together with citizens of the Republic of Azerbaijan.

Information on foreigners and stateless persons who have received refugee status in the Republic of Azerbaijan has been included in the State Register of Population of the Republic of Azerbaijan through the amendment made to the Law No. 1423-VQD of the Republic of Azerbaijan “On the State Register of Population of the Republic of Azerbaijan” dated December 28, 2018.

8. Human trafficking crime victims have the status of trafficking victims. The issues related to the status of displaced persons and their staying in the country are regulated by the Law of the Republic of Azerbaijan “On the Status of Refugees and Internally Displaced Persons”.

In accordance with Article 20 of the Law of the Republic of Azerbaijan “On Combating Trafficking in Human Beings”, administrative expulsion from the country is not applied to foreigners and stateless persons who suffered from trafficking in human beings within one year. If such persons cooperate in investigation of crimes related to trafficking in human beings, administrative expulsion from the Republic of Azerbaijan is not applied to this group of persons until the investigation is completed.

9. In accordance with Article 15 of the Law of the Republic of Azerbaijan “On Combating Trafficking in Human Beings”, the social rehabilitation of human trafficking victims (whether they are displaced persons or not) is carried out to ensure their reintegration into society and resuming their normal life and measures taken to provide legal assistance to trafficking victims, continue their education,

psychological, medical and professional rehabilitation take into account the use of possibilities for provision of these persons with housing and employment. The right to file a suit with the court for compensation for pecuniary and non-pecuniary damage is guaranteed to every victim of trafficking in human beings.

In accordance with Article 22 of the Law, all the property that was obtained from trafficking in human beings (real estate, cash, securities, etc.) is subject to forfeiture by court order according to the procedures established by legislation and is transferred to the special Aid Fund for Victims of Trafficking in Human Beings. According to Article 17, every trafficking victim receives the allowance in the amount of AZN 700 (\$411) during the reintegration period.

According to the Law of the Republic of Azerbaijan on "Courts and judges" right to judicial protection of the rights and liberties of foreign citizens and stateless persons residing on the territory of the Republic of Azerbaijan envisaged by the Constitution of the Republic of Azerbaijan and other laws, as well as legal interests of legal persons from all kinds of infringements and violations is ensured at all stages of court proceedings. No one can be deprived of the right to judicial protection. The right to protection of the suspected, as well as accused person by the means envisaged by the legislation of the Republic of Azerbaijan, as well as the right to use assistance of defender from the moment he/she is detained, arrested, accused of committing a crime is guaranteed. In accordance with Part 2 of Article 61 of the Constitution of the Republic of Azerbaijan legal assistance is provided by the state free of charge in cases envisaged by the law.

At the same time, relevant information on foreigners and stateless persons placed in detention centers for illegal migrants is immediately reported to the diplomatic missions of the country of their citizenship in the Republic of Azerbaijan.

Despite the fact that the Republic of Azerbaijan has more than one million refugees and IDPs on its territory, it accepts asylum seekers from third countries and provides them with the necessary conditions for safe living in the country. Issues related to the integration, as well as social protection of persons seeking asylum and refugees, are one of the focus areas of activity of the Government of Azerbaijan. One of the important steps taken in this direction was the establishment of a working group consisting of representatives of relevant government agencies. The main purpose of the working group is to coordinate the activities of relevant government agencies in the implementation of tasks related to the rights, social security, medical care, adaptation to local conditions and employment of persons obtained refugee status in the Republic of Azerbaijan, and to ensure integration of refugees into society.

Over the past years, a number of additions and changes have been made to existing legislation to protect the rights of vulnerable migrants.

Thus, according to the amendments made to the Law of the Republic of Azerbaijan “On Citizenship of the Republic of Azerbaijan” on June 24, 2016, persons who obtained refugee status and have been residing uninterruptedly in the territory of the Republic of Azerbaijan for the last five years are granted a right to access to citizenship.

Furthermore, by the Decree No. 1257 of the President of the Republic of Azerbaijan dated February 23, 2017 amendments have been made to the “Rules of Consideration on Applications for Refugee Status” in connection with the procedure for applying for refugee status by unaccompanied children in order to organize the work to ensure and protect the rights and interests of the foreigners (or stateless persons) under 18, who arrived in the country without accompany or became unaccompanied after arrival and have an intention to obtain refugee status, by the state

According to the amendment, unaccompanied minors, on the territory of the country, are equal with children who lost their parents and deprived from parental care and government provide their social protection, protect their rights and interest in accordance with the legislation.

According to the amendments made to the Migration Code, foreigners and stateless persons who are considered to be victims of human trafficking have been granted a temporary residence permit in the territory of the Republic of Azerbaijan. Moreover, foreigners and stateless persons who are considered victims of human trafficking or who assist law enforcement agencies are not required to obtain a work permit to engage in paid labor activity according to the Migration Code.

According to the amendments made to the laws of the Republic of Azerbaijan “On the status of refugees and internally displaced persons (IDPs)” and “On the right of the child” on December 7, 2018, foreigners and stateless persons who obtained refugee status in the country are provided opportunities to study at all stages of education in the Republic of Azerbaijan.

In order to improve the legal framework and institutional structure in the field of child protection, a working group consisting of responsible representatives of relevant government agencies was established in 2021, and one of the main activities of the group is to take appropriate measures to ensure education, healthcare and social rights of refugees and asylum seekers in the country, as well as foreigners and stateless persons under 18 belonging to other vulnerable groups.

10. Penal measures applicable against human traffickers are determined in the penal clauses of Articles 144-1, 144-2 and 144-3 of the Criminal Code. Thus, trafficking in human beings (Article 144-1) is punishable by imprisonment for 5-10 years, and in case of aggravating circumstances – for up to 15 years; forced labor

(Article 144-2) is punishable by imprisonment for 4-8 years and in case of aggravating circumstances – for up to 12 years; illegal acts with documents for the purpose of trafficking in human beings (Article 144-3) are punishable by custodial restraint for up to 3 years or imprisonment for 1-3 years and in case of aggravating circumstances – by custodial restraint for up to 3 years or imprisonment for 1-4 years.

Although there are many forms of exploitation in human trafficking crimes, sexual and labor exploitation are the most common forms of exploitation in Azerbaijan.

11. In accordance with Article 17.7 of the Law of the Republic of Azerbaijan “On Combating Trafficking in Human Beings”, trafficking victims shall not be subjected to civil, administrative and criminal prosecution for any wrongdoing, which they were compelled to commit as a direct consequence of being a victim of human trafficking according to the procedure and in cases provided for by applicable legislation of the Republic of Azerbaijan.

The worst forms of child labor as affecting displaced children

Answer: Only 2.3% or 25 of 1070 victims identified in the period between 2005 (the period after the Law of the Republic of Azerbaijan “On Combating Trafficking in Human Beings” has been passed, until 2020 were children. 13 of them were subjected to trafficking) 7 to sexual exploitation, 5 to forced labor. Also, there were no children victims with the status of internally displaced persons identified in the period from 2019 to 2020.

As can be seen, the involvement of children in forced labor, their sexual exploitation as well as commercial sexual exploitation are not typical for Azerbaijan. Purposeful activities carried out in accordance with the national legislation in order to preclude the spread of this kind unlawful acts in the country.