

*In 2016, Azerbaijan made a minimal advancement in efforts to eliminate the worst forms of child labor. Despite new initiatives to address child labor, Azerbaijan is receiving this assessment because it implemented a regression in practice that delayed advancement in eliminating the worst forms of child labor. In 2016, the Government suspended all labor inspections not based on a formal complaint, imposing a moratorium on inspections during the reporting period. Otherwise, the Government made efforts by providing training for labor inspectors and continuing a cash transfer program for vulnerable families. Children in Azerbaijan perform dangerous tasks in street work, and also engage 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. The labor inspectorate lacks sufficient personnel and resources to effectively enforce labor laws. 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 perform dangerous tasks in street work.(1-8) Children also engage in the worst forms of child labor, including in commercial sexual exploitation.(2, 9-13) Table 1 provides key indicators on children's work and education in Azerbaijan.

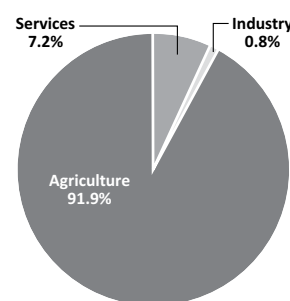
**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5 to 14	4.5 (70,034)
Attending School (%)	5 to 14	94.3
Combining Work and School (%)	7 to 14	4.9
Primary Completion Rate (%)		103.3

Source for primary completion rate: Data from 2015, published by UNESCO Institute for Statistics, 2016.(14)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Child Labor Survey (SIMPOC), 2005.(15)

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



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 <sup>†</sup> (1, 3-6, 11, 16)
Industry	Construction, activities unknown (3, 5, 17)
Services	Street work, including begging, washing cars, and vending (1-8) Washing cars at commercial car washes (17)
Categorical Worst Forms of Child Labor <sup>‡</sup>	Commercial sexual exploitation, sometimes as a result of human trafficking (2, 8, 9, 11-13) Forced begging (8, 12, 13)

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

<sup>‡</sup> Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

# Azerbaijan

## MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN PRACTICE DELAYED ADVANCEMENT




Children in Azerbaijan are trafficked for 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.<sup>(9)</sup> Children living in border towns and economically depressed rural communities are also particularly vulnerable to human trafficking.<sup>(18)</sup>

Although Article 5 of the Education Law guarantees free universal education, children with disabilities face difficulty accessing mainstream education. Barriers to education include inaccessibility of the physical infrastructure of schools, and a general social stigma against individuals with disabilities.<sup>(8, 13)</sup> As a result of these barriers, only an estimated 10 to 17 percent of children with disabilities are able to attend school. The remaining children are either educated at home or do not receive an education.<sup>(8, 13)</sup>

## 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). However, gaps exist in Azerbaijan's legal framework to adequately protect children from child labor.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	No	15	Article 42 of the Labor Code (19)
Minimum Age for Hazardous Work	Yes	18	Article 250 of the Labor Code (19)
Identification of Hazardous Occupations or Activities Prohibited 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 (24)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 108, 151, 152, 171, 171-1, and 242–244 of the Criminal Code (24)
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 (24)
Minimum Age for Military Recruitment			
State Compulsory	Yes	18	Articles 2, 3, and 12 of the Law on Military Obligation and Military Service (25)
State Voluntary	Yes	19	Article 36 of the Law on Military Obligation and Military Service (25, 26)
Non-state Compulsory	No		
Compulsory Education Age	Yes	15	Articles 5 and 19 of the Education Law (27, 28)

**Table 4. Laws and Regulations on Child Labor (cont)**

Standard	Meets International Standards: Yes/No	Age	Legislation
Free Public Education	Yes		Article 5 of the Education Law; Article 22 of the Law on the Rights of the Child (21, 27)

According to Articles 2 and 3 of the Labor Code, the Labor Code applies only to workers with written employment contracts.<sup>(19)</sup> 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.<sup>(29)</sup> The Government introduced both administrative and criminal penalties in 2014 for employing people without an effective employment agreement.<sup>(11)</sup> 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.

### 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). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Labor and Social Protection of Population (MLSP)	Enforce labor laws related to the worst forms of child labor through the State Labor Inspection Service (SLIS). <sup>(30)</sup>
Ministry of Internal Affairs (MIA)	Function as the central executive agency responsible for public security and prevention of criminal offences, including child trafficking and begging. <sup>(3)</sup> 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. <sup>(10)</sup>
Commission on Juvenile Issues and Protection of Minors' Rights	Coordinate the enforcement of laws related to the worst forms of child labor. Located in the Cabinet of Ministers. <sup>(30)</sup>
National Referral Mechanism for Trafficking in Persons (NRM)	Refer victims of human trafficking to the relevant authorities to ensure the protection of their rights. <sup>(31)</sup> 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 MLSP and the State Committee on Family, Women and Children's Affairs (SCFWCA). <sup>(12)</sup>

### *Labor Law Enforcement*

In 2016, 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	2015	2016
Labor Inspectorate Funding	Unknown (32)	Unknown (8)
Number of Labor Inspectors	214 (32)	267 (8)
Inspectorate Authorized to Assess Penalties	Yes (17)	Yes (8)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (18)	Yes (8)
Training on New Laws Related to Child Labor	Yes (32)	N/A
Refresher Courses Provided	Yes (32)	Yes (8)
Number of Labor Inspections	11,189 (32)	Unknown (8)
Number Conducted at Worksite	1,218 (32)	2 (8)
Number Conducted by Desk Reviews	9,971 (32)	Unknown (8)
Number of Child Labor Violations Found	5 (32)	2 (8, 33)
Number of Child Labor Violations for Which Penalties Were Imposed	4 (32)	2 (8)
Number of Penalties Imposed That Were Collected	4 (32)	2 (8)

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## MINIMAL ADVANCEMENT – EFFORTS MADE BUT REGRESSION IN PRACTICE DELAYED ADVANCEMENT

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

Overview of Labor Law Enforcement	2015	2016
Routine Inspections Conducted	Yes (32)	No (8)
Routine Inspections Targeted	No (32)	No (8)
Unannounced Inspections Permitted	Yes (32)	Yes (8)
Unannounced Inspections Conducted	Yes (32)	No (8)
Complaint Mechanism Exists	Yes (32)	Yes (8)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (32)	No (8)

The State Labor Inspection Service (SLIS) reports that all inspectors receive training on identification of trafficking victims and situations of labor exploitation.(18) The head of the SLIS reports that the number of inspectors was insufficient to fully enforce child labor laws in Azerbaijan.(8)

Under the National Action Plan on Combating Trafficking in Human Beings, regional representatives of the SLIS, along with criminal law enforcement professionals, received training on preventing and raising awareness about child labor issues, including information on national legislation and international conventions.(34) Limited evidence suggests that inspectors may not be adequately trained on child labor issues, including hazardous child labor.(11)

In 2016, the Government suspended all labor routine and unannounced inspections, although the inspectorate may still visit a workplace upon receipt of a formal, written complaint. This practice, which was instituted to reduce opportunities for rent-seeking among inspectors, is in effect through October 2017.(8) While inspections may still occur if a complaint is filed, no inspections appear to have been conducted in 2016. The SLIS learned of two child labor violation through written complaints and issued fines of approximately \$550.(8)

### *Criminal Law Enforcement*

In 2016, 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	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown (8)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Yes (32)	Yes (35)
Number of Investigations	Unknown	Unknown (8)
Number of Violations Found	1 (32)	240 (8)
Number of Prosecutions Initiated	Unknown	Unknown (8)
Number of Convictions	Unknown	Unknown (8)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (18)	Yes (8)

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 referring 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 consequently did not receive government services.(8, 32) Criminal law enforcement personnel identified more than 500 children being exploited in street work, including potential victims of forced begging, during the course of more than 2,000 operations conducted in 2016.(34) However, NGOs report that children were not referred to social services and resumed work almost immediately after being identified by law enforcement officials.(8)

In 2016, the Government reported that it had created a database to collect information on crimes against children, including child trafficking, street work, and begging, but did not make the data collected publicly available or provide further information on the database itself.(8)

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

Although the Government has established the State Committee on Family, Women and Children's Affairs, research found no evidence of mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

**Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor**

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.(3) Create and maintain an interagency case management database on child rights.(36)

Research found that both the National Steering Committee on Child Labor and the Control-Coordination Group, which previously tracked absenteeism among children, had ceased functioning prior to the start of the reporting period.(8)

### V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

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

**Table 9. Key Policies Related to Child Labor**

Policy	Description
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. Also seeks to improve the identification and provision of services to victims.(37) Places special emphasis on protecting the rights of child victims and preventing child trafficking.(18, 37) In 2016, conducted four trainings on preventing child labor for SLIS and MIA officials.(8)

Although the Government of Azerbaijan has adopted the National Action Plan on Combating Trafficking in Human Beings (NAP), research found no evidence of a policy on other worst forms of child labor, including forced begging and hazardous child labor in agriculture. In addition, the NAP addresses many prior international recommendations, but lacks clear indicators of the source and amount of funding. As a result, the NAP lacks the funding necessary for full implementation of associated programs.(18)

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

**Table 10. Key Social Programs to Address Child Labor**

Program	Description
USDOL-Funded Projects	USDOL-funded projects supporting the elimination of child labor in Azerbaijan include Global Action Program on Child Labor Issues (GAP), implemented in approximately 40 countries by the ILO; and Global Research on Child Labor Measurement and Policy Development (MAP), implemented by the ILO in 11 countries.(38, 39) For additional information about USDOL's work, please visit our Web site.
Decent Work Country Program (2016–2020)	Aims to promote decent employment opportunities and improve social protection and labor administration mechanisms. Includes a focus on youth employment.(40)
SCFWCA Child Labor Research	In 2016, conducted research in four regions of Azerbaijan on child labor, with a focus on markets, car repair shops, cafes, and restaurants. Children found in child labor situations were removed from work.(34)
Centers for Vulnerable Children†	Government-funded program comprising 13 centers that provide social services to vulnerable children, including street children.(41) NGOs reported that the centers are effective in providing services and may contribute to a reduction in child labor.(11)
Resources for Child Trafficking Victims†	The Government maintains several shelters for human trafficking victims, including the MLSPP-run Victim Assistance Center, the MIA-run Baku Shelter, and the State Migration Service-run Reception center.(42) In addition, the Government maintains the Program of Social Rehabilitation and Social Reintegration of Child Victims of Trafficking to assist with the social reintegration of child trafficking victims.(43, 44)
Targeted Social Assistance Program†	MLSPP-run program that provides cash transfers to low-income families.(42, 45)
MIA Identification Document Program†	Provides identification documents to undocumented minors who may be street children or victims of human trafficking.(11)

† Program is funded by the Government of Azerbaijan.

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Although the Government 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.(32, 35) Child victims are usually referred to the Azerbaijan Children's Union shelter, where they have access to specialized care.(35) This shelter does not receive consistent government funding and noted that most of its staff worked on a voluntary basis due to the lack of government funding and an inability to receive foreign assistance caused by the restrictions imposed on NGOs over the last 2 years.(32)

## 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 – 2016
	Ensure that the law criminally prohibits the recruitment of children under 18 by non-state armed groups.	2016
Enforcement	Resume regular labor inspections to ensure child labor laws are enforced.	2016
	Increase the number of labor inspectors to facilitate effective enforcement of child labor laws.	2016
	Ensure that labor inspectors receive sufficient training on the enforcement of laws pertaining to child labor.	2014 – 2016
	Make complete data on the funding of the inspectorate publicly available.	2015 – 2016
	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 – 2016
	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 – 2016
Coordination	Establish coordinating mechanisms to combat child labor, including its worst forms.	2016
Government Policies	Adopt a policy that addresses all relevant worst forms of child labor, such as forced begging and hazardous work in agriculture.	2016
	Ensure the National Action Plan on Combating Trafficking in Human Beings receives the funding necessary for full implementation of associated programs.	2014 – 2016
Social Programs	Ensure that children with disabilities have equal access to education.	2016
	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 – 2016
	Institute programs to address child labor in agriculture and on the streets.	2009 – 2016
	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 – 2016

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