

Azerbaijan

Trafficking Routes

Azerbaijan is primarily a country of origin and transit for trafficking in persons; however, available evidence suggests that Azerbaijan may also be considered a country of destination. Women from Azerbaijan are trafficked to Bosnia and Herzegovina, Bulgaria, Germany, Greece, Israel, Italy, Kosovo, Macedonia, Norway, Pakistan, Poland, Russia, Turkey, and Turkmenistan and the United Arab Emirates.¹

Women trafficked through and to Azerbaijan come mainly from Russia and Central Asia, particularly Uzbekistan. Internal trafficking is also a significant problem in Azerbaijan; trafficking routes originate in various regions of the country and lead to Baku (the capital). Additionally, trafficking takes place locally around smaller urban centers such as Mingechaur and Gendje.² One study revealed that young women and girls are trafficked internally for commercial sexual exploitation in Azerbaijan.³ Young boys and girls are also trafficked internally for begging. A significant number of these children have been trafficked from local orphanages, frequently by or in collusion with orphanage personnel.⁴

Factors That Contribute to the Trafficking Infrastructure

Poor social and economic conditions for women and children make them vulnerable to trafficking. Women's lower social status and lack of decently paid work opportunities compel them to seek employment outside of Azerbaijan.⁵ Furthermore, with the collapse of the Soviet Union, the social welfare system ceased to function effectively in Azerbaijan, thereby forcing many children onto the streets, where they are vulnerable to exploitation.⁶

There are strong links between trafficking in persons in Azerbaijan and worldwide organized crime. Corruption of public officials is also a problem in Azerbaijan,⁷ especially among border guards and law enforcement officials.⁸

¹ Interviews with government officials and local nongovernmental organizations, Protection Project Fact-Finding Mission, Baku, Azerbaijan, 4–6 February 2004.

² Interviews with government officials and local nongovernmental organizations, Protection Project Fact-Finding Mission, Baku, Azerbaijan, 4–6 February 2004.

³ Study conducted by the Union of Children of Azerbaijan in December 2001. See International Organization for Migration, *Shattered Dreams: A Report on Trafficking in Persons in Azerbaijan* (Geneva: International Organization for Migration, August 2002).

⁴ Interviews with government officials and local nongovernmental organizations, Protection Project Fact-Finding Mission, Baku, Azerbaijan, 4–6 February 2004.

⁵ International Organization for Migration, *Shattered Dreams: A Report on Trafficking in Persons in Azerbaijan* (Geneva: International Organization for Migration, August 2002).

⁶ "Azerbaijan Probes Child-Organ Traffickers," *BBC News*, 23 February 2004.

⁷ Transparency International, "Transparency International Corruption Perceptions Index 2002," 28 August 2002, <http://www.transparency.org>.

⁸ Interviews with government officials and local nongovernmental organizations, Protection Project Fact-Finding Mission, Baku, Azerbaijan, 4–6 February 2004.

Forms of Trafficking

Women are frequently trafficked abroad for the commercial sex industry. Although the largest proportion of female trafficking victims comes from Baku, Azeri women are trafficked abroad from all regions of the country. They are offered jobs as cleaning women, dancers, masseuses, nurses, servants, shop girls, waitresses, and weavers.⁹ Some are trafficked abroad under the guise of marriage.¹⁰

The majority of female trafficking victims from Azerbaijan are age 19 to 35, have a primary or secondary school education, and come from rural areas of the country.¹¹ They are mostly unemployed or poor. Although cases of abduction of Azeri girls for forced prostitution have been documented,¹² most women and girls are trafficked by friends, acquaintances, neighbors, or relatives. Private travel and recruitment agencies also traffic Azeri women abroad. Few seek assistance from authorities upon their return to Azerbaijan, mostly because they do not trust law enforcement agencies. Moreover, because their standard of living does not improve upon their return to Azerbaijan, these women often fall victim to trafficking again, become involved in prostitution, or become traffickers themselves.¹³

Authorities in Azerbaijan recently investigated reports that ill children who were purportedly being sent abroad for medical treatment and adoption instead were used for organ transplants. An anonymous nongovernmental organization (NGO) representative claimed that in 2003 more than 100 children had disappeared in transit between orphanages and hospitals. The representative blamed official corruption.¹⁴ An investigation into the case of illegal child trafficking launched at the Grave Crimes Court of the Prosecutor General's Office revealed that more than 150 children were illegally sold to foreigners in 2002 and 2003. Reportedly, heads of nurseries and maternity hospitals, among others, were involved in trafficking in children, who may have been sold in Israel and the United States.¹⁵ In February 2004, the minister of national security of Azerbaijan announced that Azeri law enforcement officers had broken up an organized

⁹ International Organization for Migration, *Shattered Dreams: A Report on Trafficking in Persons in Azerbaijan* (Geneva: International Organization for Migration, August 2002).

¹⁰ "Human Trafficking Still 'High' in Azerbaijan," *BBC Monitoring International Reports*, 28 December 2003.

¹¹ The majority come from rural areas, and the largest proportion come from Baku.

¹² Interviews with government officials and local nongovernmental organizations, Protection Project Fact-Finding Mission, Baku, Azerbaijan, 4–6 February 2004.

¹³ International Organization for Migration, *Shattered Dreams: A Report on Trafficking in Persons in Azerbaijan* (Geneva: International Organization for Migration, August 2002).

¹⁴ "Azerbaijan Probes Child-Organ Traffickers," *BBC News*, 23 February 2004.

¹⁵ "Child Trafficking from Azerbaijan and Unsuitable Adoption Destinations—Paper," *BBC Monitoring International Reports*, 27 May 2004.

criminal group that had been engaged in trafficking babies abroad for the sale of organs.¹⁶

Men and boys have been trafficked to Turkey for forced labor. There they have been subjected to human rights violations, labor exploitation, and health risks.¹⁷

Government Responses

The Criminal Code of Azerbaijan criminalizes slavery. Punishment is imprisonment from 5 to 10 years.¹⁸ If a subject of slavery is a child, or if this crime was committed with the intent to trade, punishment is imprisonment from 7 to 10 years.¹⁹ Slave trading or any act related to slave trading or trafficking is punishable by imprisonment from 5 to 10 years.²⁰

Forced prostitution is a crime punishable by imprisonment from 5 to 10 years or life imprisonment.²¹ An act of sexual violence that is committed by force or threat of force or that results in the disability of a victim is punishable by imprisonment from 3 to 5 years.²² Punishment increases to imprisonment from 5 to 8 years when this offense is committed under aggravated circumstances.²³ When the crime results in inadvertent death of a victim or inadvertent HIV infection of a victim, or when the crime was committed knowingly against a child younger than 14 years of age, punishment is imprisonment from 8 to 15 years.²⁴

Anyone who forces another person to engage in sexual intercourse, pedophilia, or other sexual action by benefiting from the victim's dependence is subject to punishment by a fine, 2 years of correctional work, or imprisonment for up to 3 years.²⁵

Sexual intercourse with a minor younger than 16 is punishable by movement restriction or by imprisonment for up to 3 years.²⁶ Involvement of minors in prostitution is a crime punishable by imprisonment for 3 to 6 years.²⁷ When this crime is committed by an organized group, or by using force or threat of force, punishment is imprisonment for 3 to 8 years.²⁸

¹⁶ N. Ismailov, "Torgovtsi Detskimi Organami" ["The Traffickers of Children's Organs"], *Zerkalo.az*, 18 February 2004.

¹⁷ International Organization for Migration, *Shattered Dreams: A Report on Trafficking in Persons in Azerbaijan* (Geneva: International Organization for Migration, August 2002).

¹⁸ Article 106.1.

¹⁹ Article 106.2.

²⁰ Article 106.3.

²¹ Article 108.

²² Article 150(1).

²³ Article 150(2). According to the article, aggravated circumstances are a crime committed by an organized group, a crime of violence as a result of which the victim was infected, or a crime committed knowingly against a minor, with utmost atrocity, or repeatedly.

²⁴ Article 150(3).

²⁵ Article 151.

²⁶ Article 152.

²⁷ Article 171(1).

²⁸ Article 171(2).

Involvement in prostitution by force or threat of force and with a view to profit or benefit is punishable by a fine, by correctional work, or by imprisonment for up to 3 years.²⁹ When the crime is committed by an organized group, punishment is imprisonment for 3 to 6 years.³⁰

The Criminal Code prohibits organizing brothels, keeping brothels, or leasing premises for brothels. Punishment is 200 to 400 hours of social work, correctional work for up to 2 years, or imprisonment for up to 3 years.³¹ If this crime is committed repeatedly or by an organized group, punishment is imprisonment for 3 to 6 years.³²

The Criminal Code outlaws trade in minors. Punishment is imprisonment for up to 3 years.³³ Under aggravated circumstances, punishment is imprisonment for 3 to 8 years.³⁴

The Criminal Code punishes the manufacture, dissemination, and advertising of pornographic materials by corrective work for up to 2 years or a fine.³⁵

Article 12 of the Immigration Law of Azerbaijan forbids the entry of foreigners into the Azerbaijan Republic if they are suffering from a contagious disease that constitutes a threat to public health.³⁶

In 2003, about 100 prostitution-related court hearings were held in Azerbaijan. About 75 percent of those convicted were women directly involved in prostitution; the rest included sauna and restaurant owners.³⁷

According to local NGOs, crimes of trafficking in persons are rarely accounted for during investigations and trials because of the lack of specific anti-trafficking legislation. Although interviews with victims revealed cases of trafficking, the courts did not treat them as such but rather prosecuted the victims as prostitutes and criminals. The pimps or traffickers, who were defendants in these cases, were rarely convicted or received light sentences, often because of corruption within the judicial system.³⁸

In May 2004, the government of Azerbaijan adopted a national action plan to coordinate all efforts in the fight against human trafficking.³⁹ The plan contains

²⁹ Article 243(1).

³⁰ Article 243(2).

³¹ Article 244(1).

³² Article 244(2).

³³ Article 173(1). According to the article, aggravated circumstances are when the crime was committed repeatedly, against two minors, by an organized group, or by a person abusing a position of authority; when the minor is smuggled to or from Azerbaijan; or when the offense is committed to use the minor's organs or spermatozoa.

³⁴ Article 173(2).

³⁵ Article 242.

³⁶ Article 12(5), titled "Entry into the Azerbaijan Republic and Exit from the Azerbaijan Republic for Foreigners."

³⁷ "Loopholes in Azeri Laws to Blame for Human Trafficking," *BBC Monitoring International Reports*, 1 March 2004.

³⁸ Interviews with government officials and local nongovernmental organizations, Protection Project Fact-Finding Mission, Baku, Azerbaijan, 4–6 February 2004.

³⁹ Organization for Security and Cooperation in Europe, "OSCE Office Welcomes Azerbaijan's Anti-trafficking Efforts," 18 May 2004.

provisions of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.⁴⁰ In July 2004, the Azeri interior minister met with the deputy head of the Organization for Security and Cooperation in Europe (OSCE) Mission to Baku, the head of the Azerbaijan office of the International Organization for Migration (IOM), and an adviser at the U.S. embassy to discuss the National Action Plan. A structure to combat trafficking has been set up at the Interior Ministry within the Department to Combat Organized Crime,⁴¹ and the creation of specific antitrafficking legislation is envisioned in accordance with accepted international standards.⁴²

According to the Azeri prosecutor general, as of July 2004, six investigations into child trafficking have been completed and were to be submitted to court in the near future. Three children were allegedly trafficked from maternity hospitals, and three others were sold to foreign citizens. The Prosecutor General's Office further alleges that even employees of numerous foreign embassies, the State Railway Department, and some police officers serving at Heydar Aliyev airport have been involved in child trafficking.⁴³

In February 2004, one Russian woman and one Azeri woman were arrested on the Russian-Azeri border for child trafficking. They allegedly attempted to smuggle two Georgian-born children out of Russia on forged documents.⁴⁴

Nongovernmental and International Organization Responses

In 2002, there were an estimated 350 active NGOs in Azerbaijan. Although none of them dealt exclusively with trafficking in persons, 15 were active in the fields of gender and migration issues. These include the Azerbaijan Gender Association "Symmetry," which has worked on gender and reproductive health issues and has provided training on women's rights; the Institute of Peace and Democracy, which set up the first women's crisis center in Azerbaijan; the Humanitarian Information Analytical Agency "Saniya," which researches humanitarian aspects of development and conducted a survey of irregular migration in Azerbaijan in 2001; the Center for Legal Assistance to Migrants, which specializes in providing legal assistance to potential and actual migrants, as well as to victims of trafficking, and which engages in research relating to issues of migration and trafficking in persons; the Society for Defense of Women's Rights, which protects and promotes the civil rights of women and has been involved in the search for missing girls in Dubai; Clean World, which

⁴⁰ "Azeri Leader Signs National Plan to Combat Human Trafficking," *BBC Monitoring International Reports*, 25 May 2004.

⁴¹ "Azeri Interior Chief, Foreign Officials Discuss Human Trafficking," *BBC Monitoring International Reports*, 14 July 2004.

⁴² Interviews with government officials and local nongovernmental organizations, Protection Project Fact-Finding Mission, Baku, Azerbaijan, 4–6 February 2004.

⁴³ "Foreign Embassy Employees Involved in Child Trafficking—Azeri Prosecutor," *BBC Monitoring International Reports*, 3 July 2004.

⁴⁴ "Russia: 2 Women Arrested over Child Smuggling," *InfoProd*, 17 February 2004.

engages in research, media collaboration and outreach, as well as public awareness work on the topics of human rights protection, gender issues, citizen's constitutional rights, and trafficking; the Women's Consultation and Prevention Center, a member of the Angel countertrafficking coalition; and the Union of Children of Azerbaijan, which conducted a study on irregular migration from Azerbaijan in 2001.⁴⁵

A training seminar for journalists who cover trafficking was held in Baku in March 2004. The event was organized and supported by the U.S. International Reporters Center and the U.S. Bureau of Education and Culture.⁴⁶ A 2-day conference titled "Say No to Present-Day Slavery" was held in Baku in April 2004. The conference was organized by the American embassy in Azerbaijan in cooperation with the President's Palace and the OSCE.⁴⁷

The IOM conducted a major survey of trafficking in persons in Azerbaijan from November 2001 to July 2002. The agency has held roundtable discussions with government officials, NGOs, the media, and other international organizations; has produced publications to raise awareness of the trafficking problem in Azerbaijan; and has designed a national countertrafficking strategy.⁴⁸

Multilateral Initiatives

A 2-day conference of the interior ministers of the Council of Commonwealth of Independent States (CIS) took place in Moldova in June 2004. Representatives of Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Ukraine, and Uzbekistan participated. The council was to discuss the criminal situation in the CIS of methods to combat drug trafficking and international terrorism, with special attention to trafficking in persons and illegal migration.⁴⁹

In May 2005, the Council of Europe adopted the Convention on Action against Trafficking in Human Beings. The Convention goes beyond the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and enhances the capacity of member states to prevent and combat trafficking in persons and protect the human rights of victims of trafficking. The 46 member states of the Council of Europe represent countries of origin, transit, and destination for victims of trafficking.⁵⁰

⁴⁵ International Organization for Migration, *Shattered Dreams: A Report on Trafficking in Persons in Azerbaijan* (Geneva: International Organization for Migration, August 2002).

⁴⁶ "Seminar on Human Trafficking to Be Held," *AssA-Irada*, 4 March 2004.

⁴⁷ "Conference on Trafficking in Persons Held," *AssA-Irada*, 8 April 2004.

⁴⁸ International Organization for Migration, *Shattered Dreams: A Report on Trafficking in Persons in Azerbaijan* (Geneva: International Organization for Migration, August 2002).

⁴⁹ "Moldova to Host Conference of CIS Interior Ministers," *Arminfo*, 15 June 2004.

⁵⁰ Council of Europe, *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report*, Warsaw, 16 May 2005, http://www.coe.int/T/E/Human_Rights/Equality/PDF_Conv_197_Trafficking_E.pdf.