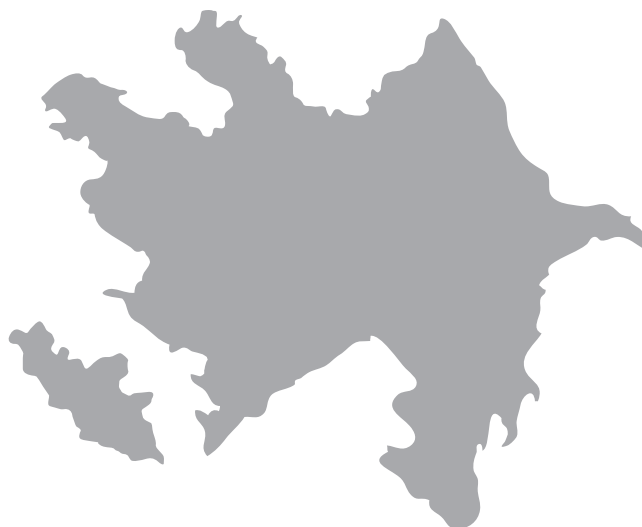


MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW THAT DELAYED ADVANCEMENT

In 2018, Azerbaijan made a minimal advancement in efforts to eliminate the worst forms of child labor. The government approved the State Program on developing official statistics, including on child labor, for 2018–2025 and drafted a new National Action Plan on Combating Trafficking in Persons for 2019–2023. However, despite new initiatives to address child labor, Azerbaijan is receiving an assessment of minimal advancement because it continued to implement a regression in law that delayed advancement in eliminating the worst forms of child labor. In 2017, the government extended a moratorium on all labor inspections through 2021, which will continue to leave potential violations of child labor laws undetected in workplaces. Children in Azerbaijan engage in the worst forms of child labor, including in commercial sexual exploitation. Children also perform dangerous tasks in street work. Legal protections only apply to workers with written employment contracts, leaving self-employed children and children working outside of formal employment relationships vulnerable to exploitation. In addition, research found limited evidence of government programs to address child labor in agriculture, the sector in which child labor is most prevalent.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Azerbaijan engage in the worst forms of child labor, including commercial sexual exploitation. (1-3) Children also perform dangerous tasks in street work. (1,2) In 2017–2018, the government, in collaboration with UNICEF, conducted a survey in two regions of the country, which determined that families use child labor in family businesses. (2,4,5) Table 1 provides key indicators on children's work and education in Azerbaijan.

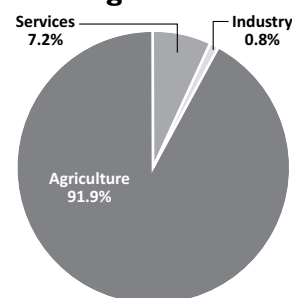
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5 to 14	4.5 (70,034)
Working children by sector	5 to 14	
Agriculture		91.9
Industry		0.8
Services		7.2
Attending School (%)	6 to 14	94.3
Combining Work and School (%)	7 to 14	4.9
Primary Completion Rate (%)		107.2

Source for primary completion rate: Data from 2017, published by UNESCO Institute for Statistics, 2019. (6)

Source for all other data: International Labor Organization's analysis of statistics from the Child Labor Survey, 2005. (7)

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	Farming, including production of cotton, tea, and tobacco† (2,8-12)
Industry	Construction, activities unknown (13)
Services	Street work, including begging and vending (1,2)
	Washing and repairing cars (9,10,13,14)

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MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW THAT DELAYED ADVANCEMENT

Table 2. Overview of Children’s Work by Sector and Activity (Cont.)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor†	Commercial sexual exploitation, sometimes as a result of human trafficking (1-3,6,7,10,16) Forced begging (1-3,6,7,10,14)

† 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.

Child labor in Azerbaijan occurs in the agriculture sector; however, there are limited data available to indicate how many children are currently engaged in child labor in this or other sectors. (2) To augment family incomes, children under age 15 voluntarily worked alongside their parents picking cotton; however, the prevalence of child labor, as well as the use of forced child labor, if any, is unknown. (23)

Cotton production in Azerbaijan is partially governed by a quota system, which holds regional and local government officials responsible for mobilizing sufficient labor to meet established production targets. (17-21) In 2018, the Azerbaijan State Agricultural University forcibly sent more than 100 students to fields to harvest cotton. (17-22,24-26) Azerbaijani students typically enter university at age 17; however, research did not indicate whether any of these students were children under age 18 at the time they picked cotton. (17-22)






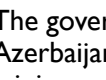
Children in Azerbaijan are subjected to sexual exploitation domestically. (2,3,27) Street children, many of whom become homeless after they are released from government-run orphanages and correctional facilities, and children from marginalized communities are particularly vulnerable to human trafficking. (1-3,27) Children living in border towns and economically depressed rural communities are also especially vulnerable to human trafficking. (2,3,28)

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 and children from the Roma ethnic community. (2,29) Only an estimated 10 to 17 percent of children with disabilities are able to attend school. The remaining children with disabilities are either educated at home or do not receive an education. (2,29) In addition, children in rural areas have low rates of school attendance. (2) Children not attending school are vulnerable to engaging in child labor.

II. LEGAL FRAMEWORK FOR 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 (Table 4). However, gaps exist in Azerbaijan’s legal framework to adequately protect children from the worst forms of child labor, including minimum age for work.

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW THAT DELAYED ADVANCEMENT

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	No	15	Article 42 of the Labor Code (30)
Minimum Age for Hazardous Work	Yes	18	Article 250 of the Labor Code (30)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 98 and 250–254 of the Labor Code; Decree 58 of the Cabinet of Ministers in 2000; Article 9 of the Law on the Rights of the Child (30-32)
Prohibition of Forced Labor	Yes		Article 35 of the Constitution; Article 144-2 of the Criminal Code (33,34)
Prohibition of Child Trafficking	Yes		The Law on Trafficking in Persons; Articles 106, 144-1, 144-3, and 173 of the Criminal Code (34,35)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 108, 151–152, 171, 171-1, and 242–244 of the Criminal Code (34)
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 (32,34)
Minimum Age for Voluntary State Military Recruitment	Yes	19	Article 36 of the Law on Military Obligation and Military Service (36)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Articles 2–3, and 12 of the Law on Military Obligation and Military Service (36)
Prohibition of Military Recruitment by Non-state Armed Groups	No		
Compulsory Education Age	Yes	15	Articles 5 and 19 of the Education Law (37)
Free Public Education	Yes		Article 5 of the Education Law; Article 22 of the Law on the Rights of the Child (32,37)

Azerbaijan's Labor Code applies only to workers with written employment contracts. (5,30) The government introduced both administrative and criminal penalties in 2014 for employing people without an employment agreement. (8) Although this strengthened protections for working children by attempting to ensure that all working children are employed under a contract, self-employed children and children working outside formal employment relationships, especially children performing work on the streets and child beggars, remain unprotected. (5,11,38)

Within the framework of the State Program for the Development of Inclusive Education for Children with Disabilities for 2018–2024, amendments to the Law on Education (Special Education) for Persons with Disabilities were introduced to the Cabinet of Ministers and await presidential signature. (27) The amendments include measures on inclusive education involving children with learning disabilities. (5)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, the absence of worksite inspections conducted at the national level in Azerbaijan may impede the enforcement of child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Social Protection of Population (MLSP)	Enforces labor laws related to the worst forms of child labor through the State Labor Inspection Service. (2,5)
Ministry of Internal Affairs (MOIA)	Functions as the central executive agency responsible for public security and the prevention of criminal offenses, including child trafficking and begging. (2,5) Through the Anti-Trafficking Division (ATD), enforces human trafficking laws, investigates human trafficking violations, and enforces criminal laws related to the use of children in illicit activities. (2) Refers children who are victims of human trafficking to social services for assistance with school enrollment, participation in recreational activities, and obtaining proper documentation. (2)
Commission on Juvenile Issues and Protection of Minors' Rights	Coordinates the enforcement of laws related to the worst forms of child labor. Located in the Cabinet of Ministers. (40)

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MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW THAT DELAYED ADVANCEMENT

Table 5. Agencies Responsible for Child Labor Law Enforcement (Cont.)

Organization/Agency	Role
Commissions on Guardianship and Custody	Coordinates the enforcement of child labor laws. Located within the Cabinet of Ministers. (27) The commissions operate locally as part of local executive offices, which are present in each city district. (27,39)
National Referral Mechanism for Trafficking in Persons (NRM)	Refers victims of human trafficking to the relevant authorities to ensure the protection of their rights. (41) Refers human trafficking cases to the ATD for prosecution. (2) Led by the National Coordinator and the Deputy Minister of MIA and counts a large number of government agencies as members, including MLSPP and the State Committee on Family, Women and Children's Affairs. (15)

During the reporting period, sources reported a lack of coordination between law enforcement agencies. (2,3) In addition, the Commissions on Guardianship and Custody did not meet in 2018. (2)

Labor Law Enforcement

In 2018, the absence of worksite inspections conducted at the national level in Azerbaijan may impede the enforcement of child labor laws (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2017	2018
Labor Inspectorate Funding	Unknown (9)	Unknown (2)
Number of Labor Inspectors	232 (9)	232 (2)
Inspectorate Authorized to Assess Penalties	Yes (9)	Yes (2,4)
Initial Training for New Labor Inspectors	Yes (9)	Yes (2)
Training on New Laws Related to Child Labor	N/A	Yes (2)
Refresher Courses Provided	Yes (9)	Yes (2)
Number of Labor Inspections Conducted	0 (9)	0 (2)
Number Conducted at Worksite	0 (9)	0 (2)
Number of Child Labor Violations Found	1 (9)	5 (2)
Number of Child Labor Violations for Which Penalties Were Imposed	1 (9)	0 (2)
Number of Child Labor Penalties Imposed that Were Collected	0 (9)	0 (2)
Routine Inspections Conducted	No (9)	No (2)
Routine Inspections Targeted	No (9)	No (2)
Unannounced Inspections Permitted	No (9)	No (2,4)
Unannounced Inspections Conducted	No (9)	No (2)
Complaint Mechanism Exists	Yes (9)	Yes (2,4)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (29)	Yes (5)

In 2016, as part of a broader anti-corruption drive, the government suspended all routine and unannounced labor inspections. In 2017, this moratorium was extended through 2021. (2) Although the labor inspectorate can sanction businesses for labor violations and inspections may still occur if a formal, written complaint is filed through its Electronic Information System on Notification of Labor Contract, or if a complaint is filed from the Ministry of Internal Affairs (MOIA) through the Prosecutor's Office, no child labor inspections were conducted in 2018. (2,4,5,29) In 2018, the labor inspectorate received five child labor complaints in the catering industry but failed to take further action on these cases. (2)

The number of labor inspectors is likely insufficient for the size of Azerbaijan's workforce, which includes more than 5 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 20,000 workers in transition economies, Azerbaijan would employ about 256 labor inspectors. (42,43) Government officials also assess the number of inspectors as insufficient to fully enforce child labor laws in Azerbaijan. (39)

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The MOIA provided workshops and trainings on child labor to its investigators, including on the definition of child labor and national legislation to combat child labor. (4,27) However, limited evidence suggests that the institutionalized training program on child labor issues, including hazardous child labor, may be inadequate, because prosecutions, convictions, and sentences of child labor are not robust. (27,39)

Criminal Law Enforcement

In 2018, criminal law enforcement agencies in Azerbaijan took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including in the referral of victims to appropriate services.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2017	2018
Initial Training for New Criminal Investigators	Yes (9)	Yes (2)
Training on New Laws Related to the Worst Forms of Child Labor	Yes (9)	Yes (2)
Refresher Courses Provided	Yes (44)	Unknown (2)
Number of Investigations	190 (9)	1,500 (2)
Number of Violations Found	165 (9)	450 (2)
Number of Prosecutions Initiated	124 (9)	0 (2)
Number of Convictions	124 (9)	0 (2)
Imposed Penalties for Violations Related to The Worst Forms of Child Labor	0 (27)	0 (27)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (9)	Yes (2)

Investigators receive training as new employees and when the laws change. (3) During 2018, criminal law enforcement officials, including investigators, prosecutors, and judges received training on anti-human trafficking and participated in workshops and conferences on the topic. (3,39) However, government agencies, the IOM, and NGOs reported that additional training is needed specifically on child labor and addressing stereotypes related to victims engaged in commercial sexual exploitation. (2,3)

In 2018, MOIA reported that 450 children were identified as being forced by their parents to beg in the streets; 207 parents were subjected to administrative punishment. (2) Some of the children were removed from the exploitative situations; however, parents forcing their children into begging is not treated as a criminal offense, but rather as a family issue. (2) During the reporting period, the Azerbaijani Children Union referred one case of commercial sexual exploitation to the MOIA for investigation; the status of this case is unknown. (2)

NGOs report that children identified in child labor were not referred to social services and resumed work almost immediately after being identified by law enforcement officials. (29,39) In addition, child labor law enforcement efforts are concentrated in Baku, with limited investigations being undertaken outside of the capital. (27)

In 2016, the government reported that it created a database to collect information on crimes against children, including child trafficking, street work, and begging. (29) In 2018, as in 2017, it did not release any information on the database or any data it has collected. (9,27)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

Research found no evidence that the government has established mechanisms to coordinate its efforts to address child labor. Although the State Committee on Family, Women and Children's Affairs coordinates child-related policies, the committee's success as a coordinating body is limited. (39) The Committee's staff members have reported that they lack the legal authority to give instructions to other government organizations about child labor and child welfare matters, which limits the Committee's ability to harmonize policies across the different agencies. (39)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 8). However, policy gaps exist that hinder efforts to address child labor, including mainstreaming child labor issues into relevant policies.

Table 8. Key Policies Related to Child Labor

Policy	Description
State Program on Azerbaijani Youth (2017–2021)	Guides government policy on youth development, and includes a provision on increasing awareness of trafficking in persons risks among youth. (44) In 2018, the Ministry of Youth and Sports organized 183 awareness-raising events for youth, including theater performances, as part of the program. (27,39)
National Action Plan on Combating Trafficking in Human Beings (NAP) (2014–2018)	Aimed to identify and combat the causes of vulnerability to human trafficking in Azerbaijan through improved coordination among government agencies, NGOs, and intergovernmental organizations. Also sought to improve the identification and provision of services to victims. (45) Placed special emphasis on protecting the rights of child victims and preventing child trafficking. (28,45) In 2018, continued to inform the public about human trafficking, especially at border crossings, through the Victim Assistance Center (VAC). (2,3,27) Drafted a new NAP for 2019–2023. (3)
State Program for the Development of Inclusive Education for Children with Disabilities (2018–2024)†	Aims to create inclusive education for children with disabilities. In 2018, made amendments to legislation, ensured participation of children with disabilities in exams, and trained professionals on providing appropriate equipment and education for children. (5) UNICEF monitored the pilot schools in early 2019 to assess the government's success, which yielded promising results. The government plans to expand the program to additional schools in 2019. (5)

† Policy was approved during the reporting period.

Although the Government of Azerbaijan has adopted the National Action Plan on Combating Trafficking in Human Beings (NAP) and the State Program on Azerbaijani Youth, research found no evidence of a policy on other worst forms of child labor, including forced begging or 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 to implement the plan's associated programs, resulting in a lack of funding necessary for full implementation. (39)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 9). However, gaps exist in these social programs, including with funding.

Table 9. Key Social Programs to Address Child Labor

Program	Description
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. (48) In 2018, seminars were conducted for government employees and youth, including on entrepreneurship training. (27)
Social Shelters and Rehabilitation Centers for Minors†	Government-funded program comprising 13 centers that provide social services to vulnerable children, including street children. (5,49) NGOs reported that the centers are successful in providing services and may contribute to a reduction in child labor. (8) In November 2017, MLSP opened an additional shelter and rehabilitation center to provide services to vulnerable children. (44) Active in 2018. (2,5)
Resources for Child Trafficking Victims†	The government maintains one shelter for human trafficking victims run by the MOIA. In 2018, the VAC organized 100 awareness-raising events in schools, municipalities, and at border crossings throughout the country. (2,27)
Targeted Social Assistance Program†	MLSP-run program that provides cash transfers to families. (2) Continued activities in 2018. (39)
MIA Identification Document Program†	Provides identification documents to undocumented minors who may be street children or victims of human trafficking. (8) Continued activities in 2018 by assisting 58 street children, teenagers, and adults with the issuance of ID cards. (27,39)

† Program is funded by the Government of Azerbaijan.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (3,5)

MINIMAL ADVANCEMENT – EFFORTS MADE BUT CONTINUED LAW THAT DELAYED ADVANCEMENT

In 2018, the Government of Azerbaijan approved the State Program for the Development of Official Statistics in the Republic of Azerbaijan in 2018–2025. (5,50) The program aims to improve and further develop the statistics system in the country, including statistics on child labor. (4,5,50)

Although the government has implemented programs to address child trafficking, research found little evidence to indicate that it has carried out programs to assist children working in agriculture.

NGO-run shelters that are tasked by the NAP with providing victim services do not receive consistent funding from the government. (3) Directors of these shelters note that the unpredictable nature of funding prevents long-term planning and capacity building of shelters. (3,44,51) Child victims have limited access to facilities that offer specialized care. (39) One shelter that provides such services does not receive consistent government funding, and 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 government restrictions. (3,44,51)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Azerbaijan (Table 10).

Table 10. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that all working 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 – 2018
	Criminally prohibit the recruitment of children under age 18 by non-state armed groups.	2016 – 2018
	Ensure that forcing children to beg is treated as a criminal offense.	2018
Enforcement	Resume routine, targeted, and unannounced labor inspections to ensure that child labor laws are enforced.	2016 – 2018
	Increase the number of labor inspectors to meet the ILO's technical advice.	2016 – 2018
	Publish information on the labor inspectorate's funding.	2015 – 2018
	Ensure that labor inspectors, criminal investigators, and prosecutors receive sufficient training on the enforcement of laws pertaining to child labor and commercial sexual exploitation.	2014 – 2018
	Ensure that children are sent to social centers or other services, as appropriate, so they do not return to child labor.	2018
	Ensure that labor law enforcement conducts sufficient child labor investigations outside Baku.	2018
	Publish complete data from the database on crimes against children.	2014 – 2018
Coordination	Increase coordination between law enforcement agencies and ensure that the Commission on Guardianship and Custody meets.	2018
	Establish coordinating mechanisms to combat child labor, including its worst forms.	2016 – 2018
Government Policies	Adopt a policy that addresses all relevant worst forms of child labor, such as forced begging and hazardous work in agriculture.	2016 – 2018
	Ensure the National Action Plan on Combating Trafficking in Human Beings receives the funding necessary for full implementation of associated programs.	2014 – 2018
	Ensure that neither adults, students, nor children are forced to harvest cotton or other crops during the 2019 harvest.	2018
Social Programs	Collect and publish data on the extent and nature of child labor to inform policies and programs.	2013 – 2018
	Ensure that children with disabilities have equal access to education.	2016 – 2018
	Institute programs to address child labor in agriculture and on the streets.	2009 – 2018
	Ensure that NGO-run shelters for victims of human trafficking are sufficiently and consistently funded to provide services to victims adequately, as dictated by the National Action Plan and National Referral Mechanism for Trafficking in Persons.	2015 – 2018

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